

[REDACTED]

From: [REDACTED]
Sent: Monday, 19 July 2021 11:22 AM
To: Leanne Khan
Cc: Strategic Planning; Edwin Irvine; Jack Wiltshire
Subject: Re: Draft Rural Land Use Strategy (RLUS) open for consultation.

CAUTION: This email originated from outside of Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Leanne,

Thank you for your email.

My feedback is that Council needs to seriously address the issue of rezoning areas that are clearly not Farm Zone in conjunction with whatever the final outcome is. For example; [REDACTED] is surrounded by houses on 5 acre and 20 acre blocks in Farm Zone and is clearly Rural Living Zone in reality. Would you please advise whether council would actually undertake a zoning review.

For the record, [REDACTED] I put in for a permit for a house to support a planned premium [REDACTED] which was knocked back because this was seen as a 'non bode fide agricultural pursuit' despite Council approving a [REDACTED] just a few months before. Given council officer and some councillor behaviour, my experience in relation to my Farm Zone application was that the council values in your signature block of *Working Together / Honesty / Accountability / Innovation / Respect* were completely absent and blatantly ignored. I am also aware that there are many others feel the same way.

Unfortunately, it is hard to genuinely trust anything put forward by council as looking in from the outside, it would appear that council/councillor Farm Zone ideology tends to override reason, fairness and common sense.

Regards

[REDACTED]

On Mon, 19 Jul 2021 at 10:38, Leanne Khan <lkhan@mrsc.vic.gov.au> wrote:

To whom it may concern/resident/submitter

Thank you for registering your interest and/or providing input to past consultation relating to the Shire's rural areas.

Council has prepared the draft Rural Land Use Strategy to guide rural land use planning. The draft Strategy seeks to update the policy direction for rural land in the Macedon Ranges Shire to account for the changing nature of rural land use, and to account for a range of Council and State Government strategies and changes to regulation made since the previous 2002 Macedon Ranges Rural Land Use Strategy.

The aim of the Strategy is to:

- develop a vision for land currently in the Farming Zone and Rural Conservation Zone
- identify important values and features of rural land to be protected and enhanced
- respond to changes in land use that have occurred over the last 20 years
- identify mechanisms to foster best practice land management
- make recommendations for changes to the Planning Scheme that implement the strategy's recommendations.

Visit mrsc.vic.gov.au/yoursay for all the details on the project, how to get involved and how to make a submission.

Submissions close Monday 30 August 2021.

Feedback can be provided via the following:

- Website: www.mrsc.vic.gov.au/yoursay
- Email: strategicplanning@mrsc.vic.gov.au
- Mail: PO Box 151 Kyneton Victoria 3444

We look forward to hearing from you.

Strategic Planning

Macedon Ranges Shire Council

T 03 5422 0333 | E strategicplanning@mrsc.vic.gov.au | W www.mrsc.vic.gov.au

Working Together | Honesty | Accountability | Innovation | Respect

Macedon Ranges Shire Council acknowledges the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, present and emerging.

Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.



From: [REDACTED]
To: [Strategic Planning](#)
Subject: Re: Draft Rural Land Use Strategy (RLUS) open for consultation.
Date: Saturday, 28 August 2021 11:41:39 AM
Attachments: [image001.jpg](#)

Hi Leanne,

Could you please update my submission as there is a typo it should read [REDACTED] ago, not [REDACTED]

Regards

[REDACTED]

On Fri, 27 Aug 2021 at 15:40, Strategic Planning <strategicplanning@mrsc.vic.gov.au> wrote:

Dear [REDACTED]

Thank you for your submission on the draft Rural Land Use Strategy (RLUS), it has been registered and you have been allocated Submission No. 1.

The content of your submission has been noted and will be presented to Councillors for their consideration, along with all other submissions, prior to any decision being made on what to do next with the RLUS.

We will keep you updated regarding progress of the RLUS project. Please be aware that copies of objections, letters of support, or submissions received by Council in relation to the RLUS will be made publicly available with any identifying information removed.

Yours faithfully,

Strategic Planning

Macedon Ranges Shire Council

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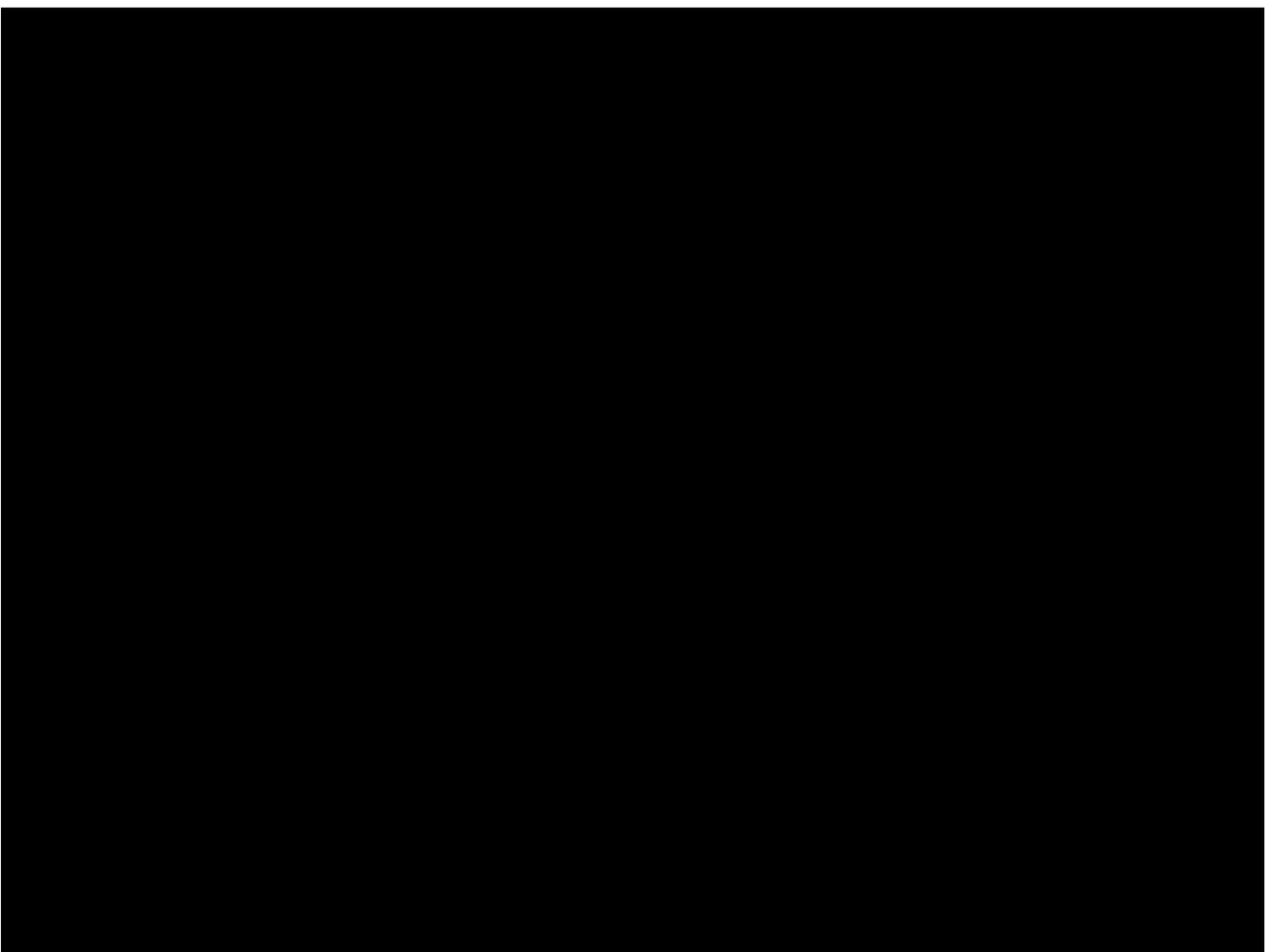
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MRSC eSig logo 96 DPI



From: [REDACTED]
Sent: Monday, 19 July 2021 11:22 AM
To: Leanne Khan <lkhan@mrsc.vic.gov.au>
Cc: Strategic Planning <strategicplanning@mrsc.vic.gov.au>; Edwin Irvine <Elrvine@mrsc.vic.gov.au>; Jack Wiltshire <jwiltshire@mrsc.vic.gov.au>
Subject: Re: Draft Rural Land Use Strategy (RLUS) open for consultation.

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From: Strategic Planning
Sent: Thursday, 22 July 2021 8:49 AM
To: Jack Wiltshire; Edwin Irvine
Subject: FW: DRAFT RURAL LAND USE

From: [REDACTED]
Sent: Wednesday, 21 July 2021 5:32 PM
To: Strategic Planning <strategicplanning@mrsc.vic.gov.au>
Subject: DRAFT RURAL LAND USE

STRATEGIC PLANNING: RURAL LAND USE

Being involved as a [REDACTED] I am constantly approached to get asked to get involved with [REDACTED] Blocks of land under 100 acres, within the Farm Zone. Unfortunately I have to tell that it won't happen for sites under 100 acres, unless they can produce a convincing Farm Management Plan.

Obviously these people bought the property when it was Rural Residential and unfortunately didn't act on it before the change to Farm Zone.

I have a [REDACTED], within the past 5 years.

I have had this discussion, with Council, before and my thoughts and recommendations are:

- **Small Blocks** that had previously been subdivided under the **past** Rural Residential Zoning **should** be allowed to be Built on.

To avoid concern on Waterway contamination the use of a "Rhizo-pod" sewerage Treatment system to be a **conditional** implementation.

These systems are **Non Discharge**, thus meaning **No** Effluent discharge into or upon the ground. "Rhizo-Pod" systems have been requested to be installed where similar contamination concerns exist.

MRSC Environmental Health supports such systems.

- **No further subdivision** of land, under the **current** Farming Zone, to be allowed.

This should maintain the integrity of the Current Farming Zone, whilst allowing use of idle land that basically sits unused and unkept.

Many of these sites have become an eyesore, being a dumping ground for various items, buy the current owners, or have illegal structures placed upon them for weekend habitation, etc.,

Planning have control over what can be development will be acceptable. Limits on House sizes can also be implemented.

Under the current economic and world circumstances, numerous people are seeking a tree change away from the metropolis. Revenue brought into the Shire from this implementation would be an enormous boost to Shire coffers.

At the moment these smaller blocks are of no value to anybody and can easily be turned into a revenue source without any detriment to Council Policy.

NB: The above comments only relate to those sites that were "initially" subdivide as Rural Residential.

Should you seek further clarification or desire further discussion, please do not hesitate to make contact.

Cheers



[REDACTED]

From: Strategic Planning
Sent: Thursday, 22 July 2021 8:50 AM
To: Edwin Irvine; Jack Wiltshire
Subject: FW: draft rural land use strategy

From: [REDACTED]
Sent: Wednesday, 21 July 2021 10:26 PM
To: Strategic Planning <strategicplanning@mrsc.vic.gov.au>
Subject: draft rural land use strategy

I am involved in [REDACTED].

I have a few concerns about the fragmentation of farming land in the shire, which has been occurring for many years. One reason we love the Macedon Ranges is the open spaces and rural landscape. This is slowly being eroded by small hobby farm development which creates a semi urban landscape with houses every few hundred meters along many once rural roads. [REDACTED]

My observations are that in general small acreage landowners have a very casual approach to land management when it comes to things like weed control. Failure to control roadside Gorse infestations are an example. Lack of control of feral/pest animals is another area where small landowners do not show the same degree of application to the task that commercial farmers show. Eg. Kangaroo and fox control is non existent on most small acre hobby farms.

I want council to develop strategy to protect existing agriculture and commercial farming land throughout the Shire, not just relegate larger scale agriculture to a few corners of the Shire. Minimum subdivision rules need to be adhered to. Too often I read of appeals to VCAT for houses to be built on small acreage, under the 40 Ha subdivision rule, with dubious claims that the house is necessary to pursue an agricultural business. The reality these days is that farming on such a small area is not financially viable and so these are really just hobby farms in disguise.

Unless Council takes strong action to preserve large scale farmland and protect the right to farm this land, the Shire will slowly take on a peri-urban appearance and degrade the reason so many people enjoy the Macedon Ranges.

[REDACTED]

[REDACTED]

From: Strategic Planning
Sent: Saturday, 24 July 2021 4:24 PM
To: Jack Wiltshire; Edwin Irvine
Subject: FW: Rural Land Use Strategy

[Register as a submission](#)

From: [REDACTED]
Sent: Saturday, 24 July 2021 4:02 PM
To: Strategic Planning <strategicplanning@mrsc.vic.gov.au>
Subject: Rural Land Use Strategy

Dear Sir/ Madam,

I am writing to put forward my views on the Rural Land Use Strategy draft proposed by the MRSC.

My concern lie with the urban sprawl due to the increase in population that is making its way to areas such as the Macedon Ranges. One of the most critical issues is that if Victoria is to have such a large increase in population then that population needs to be fed. Macedon Ranges holds some of the richest farming areas in Australia and therefore it needs to be protected so that this can continue. Australia has a large percentage of inarable land and if we continue to build on our source of food production how can this growing population be sustained.

I would also like to state that we must also ensure that this land is environmentally protected with the very best of natural and organic regenerative farming practices to ensure that it can remain a rich source of production.

Therefore I would like propose that MRSC seek to protect the farming and environmental needs of this beautiful area and not allow the urban sprawl to swallow it up.

Yours sincerely,
[REDACTED]

[REDACTED]

From: Strategic Planning
Sent: Saturday, 24 July 2021 4:25 PM
To: Jack Wiltshire; Edwin Irvine
Subject: FW: Planning

[Register as a submission](#)

From: [REDACTED]
Sent: Saturday, 24 July 2021 2:03 PM
To: [REDACTED] Strategic Planning <strategicplanning@mrsc.vic.gov.au>
Subject: Planning

Hi

We own [REDACTED] and the conversion of this land holding to a farming zone is fantastic. As it will enable us to confidently invest in more farming activities and also enable us to facilitate education sessions (currently unable due to assembly rule) for the public and farm gate thus helping tourism and employment.

Hopefully we could also invest in infrastructure to allow weddings to be preformed and more Band B facilities.

I commend you on your study as you have outlined a lot of the issues that most people that run agricultural ventures in the area have complained about for ages .

I would also like the study to maybe get vic roads/TAC to extend slower speed limits (say 60kmhr) to the area immediately around all of hanging rock to facilitate bike riders and lessen (maybe) accidents especially involving kangaroos. The road is currently 100km hr and is quite narrow and hazardous esp with mists / wet roads .

Also if tourism is to be encouraged with more farm gate etc then tourists will be able to more safely travel and turn off .

Also if trucks are deterred from travelling down romsey road then would be an added bonus as well as reducing hoon behaviour .

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Monday, 26 July 2021 2:07 PM
To: Strategic Planning
Subject: Draft Rural Land Use Policy

Hi there

I have looked at the documentation online and I do not see any emphasis on land management, in particular weed control, fire prevention maintenance, and overgrazing.

I own rural land in [REDACTED] and are surrounded by neighbours who do not control weeds, maintain short grass on property boundaries in summer, and overgraze, with no protection of waterways.

Much (but not all) of this harm stems from ignorance as people buy 'lifestyle' properties with no knowledge or experience of land management. If and when they become aware of the challenges they may not have the skills or funds to deal with them. This does not remove their responsibility to address them however.

At point of sale this information must be made clear and easy to understand, by all parties involved, including real estate agents and council provided information. The challenges particular to the area, and ideally to the specific parcel of land offered for sale, simply must be highlighted, along with the estimated costs outlined to manage those challenges on an ongoing basis. The penalties for not addressing those challenges: fines or environmental harm or associated risk, or otherwise, should be highlighted to the prospective purchaser.

Of course existing landowners should also be made aware of all this information as a longer-term project.

Only by providing clear information up-front can this all-pervasive issue of ignorance and land mismanagement start to be addressed. Land banking and tree changers are hot issues for right now,

Council also has a duty of care to manage council owned land, especially as roadsides create the conduit for weed invasion onto private land, and standing long dry, grass creates corridors of fire hazard.

[REDACTED]

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Rural Land Use Strategy
Date: Saturday, 4 September 2021 3:09:09 PM

Hello there

I have already commented on this strategy (submission number 6) but would like to comment on the references throughout the document to council implementing education and capacity building programmes, and incentive programmes to deal with the land management issues highlighted (including by me again in my original submission).

I have owned land in the shire since [REDACTED] and am yet to identify a shire incentive programme?

Melbourne Water have supported my revegetation and weed control projects to some extent through their stream frontage programme. Unless I am mistaken, I gain no benefit from the shire for being a responsible land manager but spend thousands more annually than my neighbours who are not responsible land managers. Probably I am penalised in the long run as my much-improved land may well end up rated more highly than the weed infested overgrazed land I am surrounded by.

I have also been a member of [REDACTED] since then and know from that experience that we are few in number, aging, and likeminded. I was also a member of an [REDACTED], which folded due to lack of support (ie no-one taking on required committee roles). It's hard for me to see that education and capacity building programmes will actually work to deliver the objective of good land management. It seems to me that we are already educated and working at capacity. We have been unable to attract a broader/younger demographic to support continuity of community effort. How will the shire council do this, practically?

I do not disagree with the objectives and the steps outlined, but I believe they must be supported with financial reward or penalty in order to actually influence outcomes, on an annual basis. Relying on the ratepayers/community, as evidenced, is not sustainable. And just how sustainable is it really for me to continue to invest in weed control when my neighbours do nothing, as I will never get ahead of reinfestation and my resources are finite. Establishing vegetation barriers along [REDACTED] will help in the long term but I know of no grants to revegetate other than [REDACTED] and I have [REDACTED] of [REDACTED] to defend.

[REDACTED]



From: [Redacted]
Sent: Thursday, 29 July 2021 12:22 PM
To: Strategic Planning
Subject: Protect Rural farmland

Dear Councillors,

I wd like stronger laws to protect arable farmland from housing estates and subdivision. Arable farmland and its produce proximity to Melbourne must be protected.

Not only in our shire, sadly we are seeing prime agricultural land subdivided into 1 - 5 acre blocks in regional towns across the country.

We also need better conservation of native forests. Not everywhere needs to be turned into a tourist attraction.

I wd prefer encouraging more subdivision within our local towns jurisdictions, with a progressive council to enforce sustainable building practices, orientation, and more outdoor community spaces.



[REDACTED]

From: [REDACTED]
Sent: Thursday, 29 July 2021 9:46 AM
To: Strategic Planning
Subject: Rural land use strategy

Hello here is my submission.

[REDACTED]

It would be nice if the new strategy would help horse owners to use their land more effectively. Currently the minimum acreage required for a dwelling is 100. Horses require less land for them to be used for business than other animals such as cows or sheep but require more supervision. It would be great if the minimum acreage was dropped to 50acres but only for horses. There is a huge demand for horse properties in the area and this would make things easier for people to establish horse businesses and grow the local economy [REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Saturday, 31 July 2021 7:16 PM
To: Strategic Planning
Subject: Rural Land Strategy

Hi Council,

People live in the Macedon Ranges for the space and country feel. I truly believe that when developing new housing estates that the block size should be 800m² minimum. I understand more money is generated when block sizes are smaller but we do not want to be Sunbury with back to back housing. Its truly ruining what the Macedon Ranges is all about.

I also believe you should be working on land near the new sports precinct in New Gisborne and use that to develop a new aquatic centre. The Gisborne Aquatic Centre is struggling to cope with the demand of the growing MRSC population.

Thanks for listening.

[REDACTED]

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From: [Redacted]
Sent: Tuesday, 3 August 2021 11:43 AM
To: Strategic Planning
Subject: Rural Land Use Strategy Submission
Attachments: rural planning submission.docx

Clearly I have too much time on my hands....

Anyway my thoughts...



Rural Land Use Strategy Submission

As a resident of the Macedon Ranges, I support a strategy that protects the natural environment but are also accepting of appropriate development across the entire shire. The shire council needs to be more pragmatic and accept there will be the pressure of population growth, and this will be both in the major development zones, in smaller towns and in environmentally sensitive areas. As council knows developments not approved by the council will often succeed in VCAT, undermining the overall planning objectives of protecting rural zones.

To support the above approach, council should adopt a high-level philosophy that accepts the population will grow across all towns of the shire and accept that the concept of “zero growth” in some locales is unrealistic and will just encourage applications to VCAT.

In areas outside of the major development zones, i.e in the smaller regional towns, the following strategies could be considered:

1. Within existing town boundaries, council should make zoning as consistent as possible to allow for easy infill development and where applicable rezoning to allow subdivision of larger blocks to support low density residential. Density could in some cases be higher close to activity centres and graduated out towards the outer town boundaries. The idea being the shire would encourage contained developments within towns.
2. In areas abutting townships that are already substantially developed, town boundaries should be expanded to include these areas, so they are covered by the same consistent zoning and development rules.
3. Immediately outside of the town boundaries, essentially an “outer town ring” development should still be supported, but with lower densities and with tighter environmental controls.
4. Beyond the outer ring, development should still be possible but again with aggressive controls, encouraging environmental uses, farming activities, etc.

The benefits of the above town structure are numerous, here are a few that are easily recognisable.

1. It will encourage development in already developed areas, reducing inappropriate sprawl and containing most of the development to areas that already have lower environmental value
2. With the town clearly defined, it will create a focal point for council investment which in turn will encourage people to want to live in the town boundaries as well as encourage tourism activity to the towns
3. It is a conceptually easy approach for people to understand and it will therefore encourage them to want to live within the inner/outer ring “to protect” the more environmentally sensitive areas outside of the town that encouraged them to relocate to the ranges in the first place
4. Developed land generally has less fuel load for bush fires, and with assets more contained they are easier to protect. Making town living more attractive.
5. It will reduce appeals to VCAT as people will want to live closer to the town with its facilities, knowing that they are surrounded by native bush, which is being protected by keeping the town contained. (it allows people to do the right thing for the environment)
6. Increase supply of land & homes in the smaller Macedon ranges townships which are popular for tree changers looking to move to the Macedon ranges.

As much as we want to preserve the natural environment of the ranges, and protect the charm of the townships, development is inevitable. It's true much of the development is going to be in large subdivisions like South Gisborne to support major population growth, but there is significant pressure on the smaller townships and rural areas, and this is ever increasing. Council needs to rethink zero or near zero growth strategies in the smaller towns because all this is doing is causing "leakage" of inappropriate developments through encouraging VCAT appeals.

Council needs to adopt a strategy that doesn't force people to challenge the development rules, a strategy that clearly shows the benefits to the environment of living in contained town, and of course a strategy that makes land available through appropriate re-zoning and planning rules.

Cheers



From: [REDACTED]
To: [Strategic Planning](#)
Subject: Rural Land Use Strategy
Date: Tuesday, 3 August 2021 12:41:03 PM

3rd August 2021

strategicplanning@mrsc.vic.gov.au

To the strategic planning team

RE: Submission regarding Rural Land Use Strategy

Whilst accepting the wisdom in formulating a strategy to protect farming activity in the shire, I must question Council's proposal to rezone my property from Rural Conservation to Farming to further this objective. The documentation on your website would lead me to believe that doing so may place unnecessary restrictions on my property without any likelihood of your aims being achieved.

Council's stated aims to separate residential and farming areas and to prevent the quantity of viable agricultural land being eroded by subdivision for residential purposes may be achieved by rezoning some properties in close proximity to substantial farm holdings. It may also in the future assist in increasing the quantity of productive land by allowing for "consolidation of other land to enhance agricultural production".

However this is not the case for my property and similar small properties that are not in close proximity to farming land and which have been used as residential land for decades.

My property was purchased many years ago ([REDACTED]) as a "hobby farm" property with a residence in existence. It was purchased to provide my family with a peaceful, rural lifestyle with no intention of the land generating a farming income.

The property is in ([REDACTED]) and surrounded by similar properties of (mostly) 5 – 10 acres. Most of these properties have residences and have been purchased in good faith at a premium price to ensure a peaceful home environment. Most of these properties are on land that was subdivided approximately [REDACTED] years ago and my understanding is that they cannot be subdivided further. The purchasers may perhaps have envisioned some horses for the children, a few sheep for home spinning, home grown vegetables or perhaps a few animals or plantings that may generate a small income. However these ideas would have been ancillary to the main reason for purchasing which was to live on the property. The properties are unlikely to generate sufficient income to regard them as genuine farming properties.

So rezoning small properties like mine will not achieve the aim "*of preventing farming land being used for residential purposes*". They are not farming land, and have already been used as residential land for decades.

It would be unrealistic to think that any farming enterprise would wish to purchase these

properties to increase its holdings. Among other disincentives, the cost would be prohibitive. So rezoning such properties would not achieve the aim of *“residential land being restored to farming.”*

Moreover, the current situation as I understand it is that under Council regulations the properties under discussion in the [REDACTED] area cannot be subdivided any further. So again rezoning these properties will do nothing to achieve the aim *“of preventing farming land from being subdivided”*.

In hindsight we may debate whether it was wise to create such subdivisions in the past. *Even if the original decision was unwise*, it is not viable to try to rectify it now by rezoning to farming – it would still not achieve the stated aims.

Residents and potential residents have purchased these properties in good faith as residential properties and may be substantially financially disadvantaged if more onerous conditions that are applicable to the farming zone were imposed on the use of the land now. In particular this is true of owners who have not as yet built on the land, as farming zones require land minimums and proposed agricultural usages that the purchasers who wish to build in the future will be unable to meet. If so the properties purchased would be virtually worthless causing the owners extensive financial hardship. This would mean that Council would have acted in an unconscionable way and no doubt would be held to account for the financial loss suffered.

Even for existing residences the current or future regulation on farming zones may be more onerous on residents than those for rural conservation zones which means that the change in zoning would involve losses for no gains.

In short, I have lived on a small acreage “lifestyle” property for decades without, to my knowledge, any complaint made about my use of the land. I enjoy living here and wish to continue living here in peace and quiet without undertaking any farming pursuits. I would also like to avoid the distress caused when Council frequently make proposals to change regulations that have an effect on the enjoyment of my property.

In this instance, the proposed changes may potentially disadvantage me or other land owners while being extremely unlikely to succeed in achieving Council’s stated objectives.

So I respectfully request that Council reconsider its proposal to rezone my property and similar ones from rural conservation zone to farming zone.

Thank you for the opportunity to respond to your proposal. I await your response.

[REDACTED]

From: [REDACTED]
To: [Macedon Ranges Shire Council; Strategic Planning](#)
Subject: Rural Land Use Strategy - [REDACTED]
Date: Monday, 9 August 2021 12:13:40 PM

Hi. I hope you are all managing during these testing times.

My Name is [REDACTED]. It has no house, no town water supply, no gas supply, no sealed road and no bin collection service.

My Father bought the land in the 1970's. He wanted to escape from the city. He improved the land, cleared gorse bush, built new fences, planted native trees, improved pastures and planned to build a house there. (Before it was rezoned to farming and our rights stripped from us). He was going to relocate our family and he could then retire there. He probably would have brought his successful accounting business to [REDACTED] and my mum probably would have also brought her hairdressing business to the local community and sent me and my brother to the local schools. We probably would have played footy for [REDACTED] and worked in the area. I always wanted an excavator and bulldozer business...

Unfortunately my dad passed away from cancer aged 42 so none of this happened.

We remained in [REDACTED]. After his death a opportunistic fraudulent business associate of my dads tried to fleece my widowed mum of the property by giving her dodgy advice and also stealing my fathers life savings.

The only thing she was left with was the farm. - a solicitor helped her put it in a family trust to protect it from the fraudster who later was convicted and sent to jail. Mum got not one cent back.

The farm sat idle for many years until my older brother [REDACTED] started caring for the farm when he was old enough to drive there.

He also cared for the land, but unfortunately died in a motorcycle accident in 2000.

Around 2006 we received notification of re-zoning to "farming" so we were slapped in the face with knowing we could not then ever build on the land. This slashed the value of the farm overnight - however the rates kept going up and up and up.

Land that can't be built on and only [REDACTED] Acres in size.... Exactly what could we farm on only [REDACTED] acres? We tried cows but they are hard to care for when you have to do the 2 hour round trip just to check the water troughs are ok, they have not got through a fence or there is not a calf hanging out of one. The distance is just too hard to maintain a viable farming business.

So we tried crops. Leasing the land to a farmer. But when its not their land do they fix fences?- no. Do they remove gorse?-no. Do they care about sustainability and improving pastures and resting paddocks and not using residual poisons?-no.

This did not sit well with my morals and my families plan of preserving and protecting our family farm. So we stopped that.

Now as a [REDACTED] kids - [REDACTED] I take them to the farm every week to enjoy the fresh country air. We walk on our land, go on nature hunts, drive the tractor, they learn how to steer a car like i did as a 5 year old boy on my dads lap in the middle of a paddock (such a vivid memory), we walk to the dam and count the ducks, we look for frogs, try to catch a yabby, learn to shoot a bow and arrow into a hay bale, chop wood, learn to start a camp fire, cook marshmallows on the fire. We learn about native trees - local to this area and go to the nurseries and pick them to plant them at the farm. They love getting their hands dirty in our beautiful fertile soil on our property. We hear kookaburras that you never ever hear in [REDACTED] and we even saw an echidna last year!

I enjoy Getting some chocolate porter beers on the way up when I stop at [REDACTED], We take a picnic blanket with us to sit and enjoy a takeaway [REDACTED].

how amazing. I always laugh every time I walk past one of the many Coffee shops - because as a small boy I remember when my dad took me up there for the day - there was only one shop in woodend that you could get a cappuccino!
We are so spoilt for choice now.

Its a shame I can't build a house there.

Imagine having the option of building a beautiful ranch and relocating from the rat race in Imagine having the option to raise my kids in Imagine the experiences they would have and different path they would follow by being an established member of the Community. It still has a wonderful sense of community. People know each other, they look each other in the eye. They wave, they say hello. They help their neighbours. They pop over with the big tractor to move some hay. They lend you a trailer. They show up with a few beers after work. They respect local business and buy local produce to support their mates and their local community.

None of that happens down here in People are scared. People are too busy. People only care about themselves. People could not care less where their produce comes from. Our supermarkets have fruit and veg that is produce of the USA - what a joke. People drink wine from NZ.... I buy local wines when I am in from surrounding areas. People don't get it... but I do.

My rates still get paid. In fact my last rates notice MRSC valued the farm at Exactly who would spend on a block of grass that you cant build on? With no water, no gas, a dirt road full of potholes that stone-chips your car every time you drive on it, and no bin collection service. Who?

I disputed this value after i had an independent value of The council dropped it by to straight away. They admitted fault. So I guess we were drastically overcharged since 2006 when the guts were ripped out of the family farms worth. 15 years of being drastically overcharged on our rates notice and not even a sorry. - definitely no mention of retrospective pro rata refund or credit..

But that's another issue right?

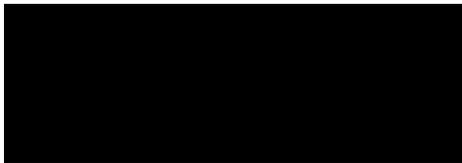
I hope I can build on my land one day. What a wonderful opportunity for my family. Imagine the time I can devote to improving the land when I could wake up and step out my front door and get stuck into it.

Imagine the kids playing local sport. Imagine dinners out in or Imagine having family and friends up to our house on the most beautiful block overlooking Imagine Christmas lunch at the farm.

Imagine driving in the gate, arriving home on the land that my dad bought over 40 years ago.

Imagine.

Stay safe,



From: [REDACTED]
To: [Strategic Planning](#)
Subject: [Sender Unverified] Draft Rural Land Used - submission
Date: Wednesday, 11 August 2021 11:34:51 AM

Dear Shire

Thanks for the opportunity to make a submission on the Draft Rural Land Use Strategy.

First some background:

My wife and I have been living in the Shire on rural land now zoned Rural Conservation for more than [REDACTED] years. We have managed our [REDACTED] hectares as an example of Sustainable Land Management. We have planted for biodiversity, carbon sequestration, water quality and timber/biofuel. There is also a need to manage the native timber and regrowth on our property to improve its biodiversity and to manage fire risk. We are long term members of [REDACTED] and have had a number of visits to our property focused on improving the land and to review/discuss sustainable land management and farm forestry.

With respect to Climate Change it is important to understand that the Intergovernmental Panel on Climate Change has on a number of occasions stressed the importance of sustainable forest management.

- “In the long term, a sustainable forest management strategy aimed at maintaining or increasing forest carbon stocks, while producing an annual yield of timber, fibre, or energy from the forest, will generate the largest sustained mitigation benefit.” (IPCC, 2007)
- “Sustainable forest management aimed at providing timber, fibre, biomass, non-timber resources and other ecosystem functions and services, can lower GHG emissions and can contribute to adaptation” (IPCC, 2019).

The activities on our property have included an appreciation of the importance of sustainable forest management as recommended by the IPCC.

On another matter we have recently encountered a surprising restraint under the Rural Conservation Zone which prohibits a “Place of assembly”. A strict interpretation has been applied to say that a meeting in the lounge/conference room adjacent to our house is not permitted. There needs to be more flexibility around a “Place of assembly” to allow occasional meetings – especially for example in our case where our meetings are focused on environmental improvement. A strict interpretation could also imply that Landcare/community groups could not visit a property to review and discuss how to improve the land. This would be contrary to the objectives of the Rural Conservation Zone which includes “To encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality.”

Our recommendations for the Rural Conservation Zone are therefore:

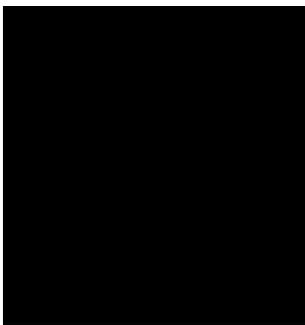
1. “Farm forestry” to be explicitly permitted and encouraged – such as shelter belts and small plantations consistent with forestry codes of practice.

2. Environmental and commercial thinnings of native forests to be permitted where it improves the biodiversity and mitigates fires risk.
3. "Place of assembly" to be clarified to permit meetings while other uses can remain prohibited.

The above changes would be a significant improvement in encouraging development of the land consistent with the objectives of the Rural Conservation Zone.

Thanks again for the opportunity to comment and I hope our recommendations can be acted upon.

Regards



From: [Strategic Planning](#)
To: [Strategic Planning; Jack Wiltshire](#)
Cc: [REDACTED]
Subject: RE: Macedon Ranges Shire Council - Draft Rural Land Use Strategy (RLUS) open for consultation.
Date: Friday, 20 August 2021 4:48:38 PM
Attachments: [image001.png](#)
[image002.gif](#)
[image003.gif](#)
[image004.png](#)
[image005.png](#)
[image007.png](#)
[EPA Signed esponse - Macedon Ranges draft RLUS-20210819.pdf](#)

Dear Jack,

Please see attached EPA's response to the draft RLUS for Macedon Ranges.

Should you have any queries in relation to this matter, please contact me.

Kind regards,



From: Jack Wiltshire <jwiltshire@mrsc.vic.gov.au>
Sent: Tuesday, 20 July 2021 2:23 PM
To: Strategic Planning <Stratplan@epa.vic.gov.au>
Subject: Macedon Ranges Shire Council - Draft Rural Land Use Strategy (RLUS) open for consultation.

Dear Environmental Protection Agency,

Council has prepared the draft Rural Land Use Strategy (the strategy) to guide rural land use planning in the Macedon Ranges Shire. The draft strategy seeks to update the policy direction for rural land to account for the changing nature of rural land use, and the

changes that have occurred to government regulation made since the previous 2002 Macedon Ranges Rural Land Use Strategy.

The strategy seeks to:

- develop a vision for land currently in the Farming Zone and Rural Conservation Zone.
- identify important values and features of rural land to be protected and enhanced.
- respond to changes in land use that have occurred over the last 20 years.
- identify mechanisms to foster best practice land management.
- make recommendations for changes to the Macedon Ranges Planning Scheme that implement the points above.

Council wants to hear from residents, landowners, businesses, and all other interested stakeholders. Your expertise and knowledge of the shire's rural areas will help us ensure that the strategy is an up to date and contemporary document to guide the future use and development of land.

Visit mrsc.vic.gov.au/yoursay for all the details on the project, how to get involved and how to make a submission.

Submissions close Monday 30 August 2021.

Feedback can be provided via the following:

- Website: www.mrsc.vic.gov.au/yoursay
- Email: strategicplanning@mrsc.vic.gov.au
- Mail: PO Box 151 Kyneton Victoria 3444

We look forward to hearing from you.

Strategic Planning

Macedon Ranges Shire Council

T 03 5422 0333 | E strategicplanning@mrsc.vic.gov.au | W www.mrsc.vic.gov.au

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19 August 2021

Jack Wiltshire
Strategic Planner
Macedon Ranges Shire Council
strategicplanning@mrsc.vic.gov.au

Our Ref: REQ001077

Dear Jack,

RE: MACEDON RANGES RURAL LAND USE STRATEGY – DRAFT FOR CONSULTATION

Thank you for the opportunity to provide a response in relation to the Macedon Ranges draft Rural Land Use Strategy, referred to the Environment Protection Authority (EPA) via email on 22 July 2021.

Ministerial Direction 19

Ministerial Direction 19 (MD19) requires planning authorities to seek early advice from EPA when undertaking strategic planning processes and preparing planning scheme amendments that may significantly impact Victoria's environment, amenity and/or human health due to pollution and waste.

EPA's consideration and advice on relevant planning matters is intended to support decisions made by planning authorities in the early stages of the planning process.

It is in this context that EPA provides the comments below.

Our Understanding of the Proposal

EPA understands that Council has prepared the draft Rural Land Use Strategy (the draft Strategy) to guide rural land use planning in the Macedon Ranges Shire. The draft Strategy seeks to update the policy direction for rural land to account for the changing nature of rural land use, and the changes that have occurred to government regulation made since the previous 2002 Macedon Ranges Rural Land Use Strategy.

The Strategy seeks to:

- Develop a vision for land currently in the Farming Zone and Rural Conservation Zone.
- Identify important values and features of rural land to be protected and enhanced.
- Respond to changes in land use that have occurred over the last 20 years.
- Identify mechanisms to foster best practice land management.
- Make recommendations for changes to the Macedon Ranges Planning Scheme that implement the points above.

The draft Strategy incorporates all private land currently in the Farming Zone (FZ) and the Rural Conservation Zone (RCZ). Land use on public, urban and rural living zoned land is considered where it impacts use and development of land within the scope of this study.

The Strategy includes the proposal to rezone some areas within the shire as follows:

- from FZ to RCZ; and
- from RCZ to FZ.

EPA supports Council undertaking this Strategy but has the following information and advice for Council's consideration.

Planning Scheme Amendment VC203

Planning scheme Amendment VC203 (gazetted on 1 July 2021) updated the Victoria Planning Provisions (VPP) to integrate the planning system with the new environment protection framework which commenced on 1 July 2021.

These changes updated the VPP to align with the *Environment Protection Act 2017* and associated subordinate legislation to enable greater prevention and mitigation of risks to human health and the environment.

Potentially Contaminated Land

The updated framework for the management of potentially contaminated land was also introduced under Amendment VC 203, including the updated Environmental Audit Overlay (EAO) as referred to in the *Planning Practice Note 30 – Potentially Contaminated Land* (DELWP, 2021) (PPN30).

EPA takes this opportunity to remind Council of the requirements of Ministerial Direction No. 1 (MD1) and PPN30 in considering land to be used for future sensitive uses. It is important that Council is aware of their obligations to satisfy itself that the environmental conditions of land proposed to be used for a sensitive use are, or will be, suitable for that use, in accordance with MD1.

Potentially contaminated land is defined in MD1 as 'land used or known to have been used for industry, mining or the storage of chemicals, gas, wastes or liquid fuel (if not ancillary to another use of land)'. Potentially contaminated land is also land that may have been contaminated by other means such as by ancillary activities, contamination from surrounding land, fill using contaminated soil or agricultural uses.

Please also note that the current version of MD1 will be replaced by an updated direction that incorporates changes in the Environment Protection legislation.

In addition, EPA highlights the following policy in the updated VPP, relevant to potentially contaminated land:

13.04-1S Contaminated and potentially contaminated land

Ensure that potentially contaminated land is suitable for a use which is proposed to be allowed under the permit application or amendment.

Encroachment and Land Use Compatibility

Strategic Objective 1 – *Agriculture* in the draft Strategy seeks to support and promote agriculture and protect productive agricultural land.

The draft Strategy states that in areas that are still relatively unfragmented, planning policy should support agriculture by protecting productive agricultural land from further fragmentation and uses that would introduce land use conflict with agriculture.

This is further supported by the following statement that *“dwelling development needs to be carefully planned to (amongst other things), minimise risk of land use conflict with farming and other agribusiness”,* and that *“Housing, rural living and employment will be accommodated in established towns within clearly defined settlement boundaries...”*. This position is further strengthened via the changes proposed to the FZ which proposes that the minimum lot size for a dwelling without a permit requirement be set at 0ha, and through the preparation of local policies or MSS to provide further guidance on assessment of planning permit applications in the FZ and Rural Activity Zone, including:

“Ensure the siting of a dwelling does not compromise the operation of nearby agricultural enterprises, including an assessment on how impacts can be managed and will not encroach on existing industry buffer and separation distances.

Discourage a dwelling within 100 metres of agricultural production infrastructure, activity nodes (such as effluent ponds, stock yards etc), or intensive animal production, or within the buffer distances for any as-of-right animal production land uses”.

EPA supports this approach, which will assist in addressing encroachment issues on existing agricultural activities and minimise land use conflicts that may arise from locating future sensitive land uses within proximity to agricultural land.

Separation Distances

The purpose of separation distances is to protect sensitive land uses from adverse amenity and health impacts from air emissions such as odour, dust, and noise. They also protect industry and farming from encroachment where the impacts from activities such as industrial facilities or intensive animal industries on nearby sensitive uses can constrain the full operation and sometimes ongoing viability of those industries.

EPA's *Recommended Separation Distances for Industrial Residual Air Emissions* (Publication 1518, March 2013) includes recommended separation distances for specified industry types. These apply to off-site odour and dust emissions that have the potential to impacts on human health and welling. The separation distances do not consider noise, vibration, ambient and hazardous air pollutants.

The draft Strategy does not refer to any specific agricultural/industrial uses that have a recommended separation distance in Publication 1518, however the document does include the following suggested policies to guide the assessment of applications for the development of a dwelling in the Farming Zone, Rural Activity Zone and Rural Conservation Zone:

“Ensure the siting of a dwelling does not compromise the operation of nearby agricultural enterprises, including an assessment on how impacts can be managed and will not encroach on existing industry buffer and separation distances.

Ensure that the siting of all buildings, including dwellings and associated development, does not compromise the operation of nearby commercial agricultural enterprises by encroaching on existing industry buffer and separation distances”.

In determining relevant separation distances for any existing or proposed industry, EPA recommends Council refer to EPA Publication 1518 and Clause 53.10 of the Victorian Planning Provisions - Uses and activities with potential adverse impacts in the planning scheme. Council should include any existing agricultural/industrial uses with buffers or separation distances in the draft Strategy.

The draft Strategy also highlights the pressure being experienced by the Shire for new and increased residential development. The document states that the Shire’s proximity to the Urban Growth Boundary and increased accessibility to metropolitan Melbourne is having significant flow-on impacts on land use in Macedon Ranges and further escalating competing demand for rural land.

EPA recommends the draft Strategy could be further strengthened by referencing the ‘agent of change’ principle where industry exists, and surrounding areas may feel pressure from urban or population growth. The expansion of the use of the ‘agent of change’ principle is also supported by ‘Planning for Melbourne’s Green Wedges and Agricultural Land Consultation Paper’ being developed by the Department of Environment, Land, Water and Planning (DELWP), as it will assist to providing consistency between EPA’s guidance and the Victorian Planning Provisions (VPPs).

Landfills

Landfills have the potential to impact the surrounding environment and community by discharging landfill gas for more than 30 years after they last accept waste. In the context of landfill gas, any building or structure is considered sensitive, because of the risk of explosion or asphyxiation. Consequently, use or development near landfills require specific consideration due to the potential for landfill gas risk as well as contamination of land and groundwater which can be present for many years after their closure.

EPA recommends Council give consideration to the location of former landfills in the shire, and that the draft Strategy should include any former landfills, specifically addressing the risks associated with development near landfills.

Protecting Extractive Industries and Waste Facilities

EPA notes the location of the Fulton Hogan quarry within proximity of the Tylden township (EPA Licence 3494).

Council may wish to consider whether a buffer around the quarry could be incorporated into the Strategy, and via a BAO introduced into the Macedon Ranges Planning Scheme, to manage development in this area due to the potential for this industry to generate dust, as well as noise offsite.

The Buffer Area Overlay (BAO) can be used in certain circumstances to prevent future encroachment and intensification of incompatible use and development within the buffer areas of industry, warehouse, infrastructure, or other uses with potential off-site impacts. Council may wish to consider whether the BAO is an appropriate planning tool in this instance. Planning Practice Note 92 provides further information on the BAO, and EPA can provide assistance if there are any specific questions.

Environment Protection Act 2017 and the General Environmental Duty (GED)

The *Environment Protection Act 2017* came into effect on 1 July 2021. The GED is a centrepiece of the new laws. It applies to all Victorians. If you engage in activities that may give rise to a risk to human health or the environment from pollution or waste, you must understand those risks and take reasonably practicable steps to eliminate or minimise them. EPA will continue to work with industry and the community to help them understand how to fulfil their obligations, by providing guidance, advice, and other support.

For further information on what the new laws will mean for Victorian businesses go to <https://www.epa.vic.gov.au/for-business/new-laws-and-your-business>

For further information on what the new laws will mean for individuals and the community go to <https://www.epa.vic.gov.au/about-epa/laws/new-laws/the-new-act-for-the-community>

Other Matters

It appears that some of the content in the draft RLUS may be outdated. For example, the draft RLUS references a recommendation to remove the Environmental Significance Overlay Schedule 2 – from the Monegetta Piggery; however, upon review of the VicPlan website, the ESO has already been removed from this site.

Summary

EPA supports Council in preparing the Macedon Ranges Rural Land Use Strategy. We have taken this opportunity to provide some comments which aim to strengthen the Strategy. EPA's recommendations can be summarised as:

- Recognise the importance of maintaining separation distances to all agricultural/industrial activities with adverse amenity potential;
- Include the 'agent of change' principle where industry exists, and surrounding areas may feel pressure from urban or population growth;
- Give consideration to the incorporation of a buffer around the existing quarry;
- Specifically address the risks associated with development near landfills; and
- Have regard to the updated MD1 and PPN30.

We would be happy to engage in a discussion with you regarding the comments above.

If our assessment is not aligned with your view of the environmental risk, or if the proposal is subsequently amended, please contact [REDACTED]

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Draft Rural Land Use Strategy - Submission
Date: Thursday, 26 August 2021 12:05:50 PM
Attachments: [REDACTED] [from the Review of New Format PS.doc](#)

Submission to the Macedon Ranges Draft Rural Land Use Strategy
26 August 2021

"The greatest threat to continuing agriculture is the threat of rural residential". Not my words but those of Helen Gibson who chaired a review of all 78 Planning Panels that each Shire in the State conducted, at the amalgamation of the Shires in 1994. Her panel distilled all the common themes from the 1000s of submissions and expert evidence tended at each of the Planning Panels.

It's still 100% on the mark, today. (Report and excerpts attached)

Long consultation, and widespread alarm about the loss of productive land in Victoria, led to the Farming Zone (FZ) and the Green Wedge Zone (GWZ) replacing the old Rural Zone (in which everything was permitted except brothel, shop and cinema-based entertainment!)

Rural residential

- displaces agriculture because the value of residential amenity outbids the agricultural productivity
- makes it harder therefore for the farmer to expand their operation
- increases the level of rates paid by farmers because of the higher land prices
- makes it even harder for young couples to afford to get into agriculture.
- frequently causes more pest plants and animals to be introduced
- facilitates isolated people, in the path of Climate Change induced bushfires and drought.

Weekenders are the principal cause of the problem. The Green Wedge Zone addressed this problem upon its introduction to "Metropolitan Melbourne" * in 2003.

With the expansion of freeways out of Melbourne, rural residential has leap-frogged this zone, hence the urgent need to similarly restrict dwellings in the "Peri-urban" areas of Melbourne.

Contrary to some false claims, there is no financial impost or compliance impact on genuine farmers, caused by these proposals. For the reasons given above, they potentially relieve farmers of some of the cost burden.

Contrary to the assertions of one of your local Real Estate agents (who seeks disproportionate press coverage, but fails to declare his pecuniary conflict of interest), it's quite untrue that fragmented landholdings are better managed and more productive - quite the opposite. Adjacent farmers have to sometimes beg the absentee landowners to consent to the use of otherwise neglected land.

The Green Wedge is more protective of farming than the Farming Zone, because many urban uses that displace agriculture are prohibited in the Green Wedge.

It is to be hoped that the proposals in Protecting Melbourne's Green Wedges and Agricultural Land (PMGWAL), shortly to be released, will offer similar protections to Shires like Macedon Ranges.

There is no evidence that the controls that currently exist in GWZ have an impact on prices. On the contrary, a 25/11/20 Weekly Times article demonstrated that rural

property prices in Morn Peninsula, Macedon Ranges and Whittlesea are the highest \$ per Ha, in the State.

If you need a dwelling for agriculture, the permit is granted by the Shire. Note that in Europe, you can only live on the land if you are farming it. Indeed, in France it's not unusual to reside in town and drive your tractor and implements out to the farm each day. Living 'out in the country' is a cultural phenomenon, damaging to productive agriculture, that needs to be ameliorated.

The Farming Zone provides three key values:

- productive agriculture
- landscapes that both residents and visitors value
- habitat and biodiversity for native flora and fauna - with remnant vegetation and the shade/shelter belts planted on farm.

So in summary, I strongly support:

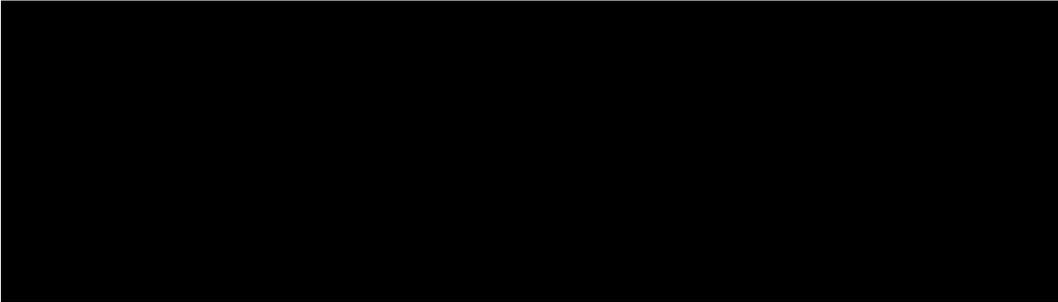
- A permit be required for dwellings on any size lot. Note that FZ is not a Residential Zone.
- A permit only be issued for a dwelling where it can be demonstrated that a dwelling is required for the farming operation. Note that horse riding is not agriculture.
- A mandatory farm management (FMP) plan be attached to planning permit applications for dwellings. This should be vetted by an agricultural specialist employed by Council, to eliminate flimsy and specious FMPs. Note that many farm operations are performed by contractors who reside off-farm, further undermining the claim by applicants that they need a dwelling on the farm.
- Lifting the minimum lot subdivision to 40 Ha in most of the Shire and 80 – 120 Ha in selected areas of the Shire. Yes, some land is already fragmented, but by establishing this benchmark, it can fortify other parts of the Planning Scheme that seek to protect and enhance agriculture.
- Providing a significant Differential Farm Rate, to “foster and encourage” agriculture.
- Introduce Farmhouse and Curtilage rating, at the same rate as the General Rate, but then for the pasture or agricultural balance of the land, have a significant Farm Differential Rate of 35% (65% off the General Rate) for properties that meet the criteria in the Valuation of Land Act. Farmhouse and Curtilage rating is the policy in Morn Pen Shire (and also all of the UK, where the pasture is zero rated)
- Aligning the Rating Strategy with the Rural Land Use Strategy by designating properties in FZ that are not receiving the Farm Rate or contributing to conservation values, to receive a significantly higher rate in the dollar. Farming Zone is not a Residential Zone. If you choose to reside outside the designated residential zones, thereby displacing the 3 key values of agriculture/landscape and biodiversity, then it's appropriate to contribute to the community in this manner. This policy would be “Grandfathered” i.e. Only come into effect when the current landowner sells to a new owner. This would refute (but not silence) the whinging from the aforementioned real estate agent.

“Farming land in Victoria is a far too valuable a resource to be allowed to be used for ‘retirement’. (That’s what places like Point Lonsdale are for.)”

“If you are a farmer and agriculture has been good to you, wouldn't you want to see a

young farmer get a chance in life, and not be priced out of the market?"

***Note** that "Metropolitan Melbourne " in the Green Wedges contributes significant agricultural output for Victoria. Morn Pen alone generates \$820 million pa agricultural output (>\$1Billion if you include the chicken processing plant at Somerville)



**FINAL REPORT
NEW FORMAT
PLANNING SCHEMES**

New Format Planning Scheme

Panel Report

**FINAL REPORT
NEW FORMAT
PLANNING SCHEMES**

COMPILED BY

**HELEN GIBSON
CHIEF PANEL MEMBER**

PLANNING PANELS VICTORIA

APRIL 1999

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FINAL REPORT

NEW FORMAT PLANNING SCHEMES

SECTION 1 INTRODUCTION

1.1 PURPOSE OF REPORT

Panels have now considered 79 new format planning schemes in accordance with the terms of reference set out in Appendix A.¹ Seven ‘teams’ of panel members, comprising a total of 28 people [Appendix B], have travelled to each municipality to conduct panel hearings, consider submissions and review each exhibited new format planning scheme in detail .

The result is that these panels have developed an in-depth insight into the way in which the planning reform program is unfolding. They have developed an overview of the way in which the VPPS² are being used and where improvements may be made. They have observed trends in a range of matters impacting on planning in Victoria, which are evident across the State. (In this respect, possibly none are so clear as the structural changes occurring within rural Victoria in association with the agricultural economy.) Their panel reports contain observations on a wide range of issues having relevance beyond the boundaries of single municipalities.

Panel involvement in the aspect of the planning reform program concerning the introduction of the new format planning schemes is now drawing to a close. It is therefore appropriate to gather together into a final report some of these observations on issues and trends, which are likely to influence the success of the planning reform program and to be of interest to the wider planning industry.

The purpose of this report is to address the following issues:

- **Background to Planning Reform Program**
Record the context of the planning reform program and its key objectives.

¹ The 79 new format planning schemes considered represent all municipalities except Surf Coast, plus French Island and Alpine Resorts. At this stage, no dates have been set for a panel hearing in respect of Surf Coast Planning Scheme. A new format planning scheme has not yet been prepared for Melbourne Ports.

² Victoria Planning Provisions

- **Where Are We Now?**

Draw together the experience of panels assessing 80 new format planning schemes to present an overview of where we currently stand with respect to the implementation of the planning reform program and critical issues that will need to be addressed in the future.
- **Key Issues**

Identify common key issues emerging from the panel reports.
- **Major Changes**

Identify where significant changes to the VPPS and the philosophy underlying their application need to be considered.
- **Record of Panel Views**

Collect the observations and recommendations of panels on a variety of subjects, which may be of interest to other municipalities and the wider planning industry.
- **Messages for the Future**

Make observations about key facets of the new format planning schemes and the planning reform program, which will be important for their effective future functioning and achieving the objectives of the reform program.

It has not been possible to address every aspect of the VPPS or the new format planning schemes. Nor have numerous site specific or issue specific matters been able to be addressed. There is a wealth of detail in most panel reports, which may have relevance elsewhere. This report has only concentrated on the most significant issues.

In the interests of expedition, many extracts from panel reports have been used verbatim or been adapted. As a result, the editing and style may not be entirely consistent.

The report concludes with a reasonably lengthy section on the LPPF,³ which concentrates on issues associated with the use of language. It includes sections on writing good objectives and good local policies.

Language will be one of the keys to the success of the planning reform program. The new format planning schemes are intended to represent a shift away from the notions of *'black letter law'* where schemes and terms within them must be interpreted according to a frame of reference divorced from the intended outcomes of Council. Instead, it is intended that schemes will be interpreted according to the objectives or desired outcomes that the planning authority wishes to see achieved. The key to this will be to ensure that the outcomes or objectives are identified with sufficient clarity to ensure there is no dispute about what they mean.

³ Local Planning Policy Framework

This was a lesson brought home to many Councils during the panel hearings when they found statements in their municipal strategic statement being quoted back to them in support of propositions diametrically opposed to their intended outcomes.

On the other hand, it will not be open to Councils to argue that their LPPF means something that is not evident on the face of the planning scheme. Part of the intent of the planning reform program is to introduce transparency into planning schemes in terms of the policies and other considerations a Council will rely upon when exercising its discretion. Therefore, although VCAT⁴ has so far indicated it will give the necessary weight to policy at a state and local level when applying and interpreting planning schemes, the language used must still support the objectives and outcomes contended for. It should not require an explanation outside the planning scheme to make clear what is really intended.

1.2 NOTE ON RECOMMENDATIONS

The report includes a number of recommendations. Many of these have already been included in individual panel reports. DOI is acting on many of the suggestions and recommendations already made. They are repeated for the sake of coherence and as general information about the origins of what may be future amendments to the VPPS.

From the outset of the planning reform program, the Minister has made it clear that it will involve a process of continual improvement. It is impossible, with the quantum of change that the introduction of the new planning system has involved, to get it entirely right from the outset. What has been particularly gratifying to the panels has been the willingness of DOI to heed their advice and recommendations on a wide range of matters in terms of changes to the VPPS and the preparation of practice notes. The panels believe this willingness is a strong counter to critics of the new system who wish to concentrate on its shortcomings. It demonstrates that any shortcomings will be overcome.

However, the real test of the system will depend on the way it is implemented and the shift in cultural thinking that will be required to make it work. The shift from a prescriptive based planning system to a performance-based system is as much about a shift in thinking as it is about new words and maps.

Finally, whilst this report highlights a number of improvements the panels believe could be usefully made to the new planning system and there have been many changes required to exhibited planning schemes as a result of their consideration by panels, it would be wrong to focus on these as negative aspects. The planning reform program has

⁴ Victorian Civil and Administrative Tribunal

progressed rapidly in a relatively short period of time. This has included the introduction of a comprehensive set of common planning provisions, the development by every municipality of a new planning scheme based on these, and an extensive public participation program in the form of community consultation, exhibition, panel hearings and the consideration of submissions.

Whilst the quality of the new format planning schemes has varied, in overall terms the panels have been impressed by the way in which Councils have grasped the challenges which the planning reform program has offered. What they have achieved in an environment of tight timelines, economic constraints and dramatic change generated by local government amalgamations, not to mention the continually evolving concepts of the whole reform package, is remarkable. The panels believe that the Councils and DOI should be congratulated on this achievement.

The panels also wish to take the opportunity to thank the officers of DOI and all the Councils throughout Victoria for the assistance they have given as the panels have undertaken their tasks.

SECTION 2 BACKGROUND TO THE PLANNING REFORM PROGRAM⁵

2.1 PHILOSOPHY OF PLANNING REFORM

Planning reform is a continuous process. The planning reform program over the past six years builds on past reforms.

The past reforms include the work of the Building and Development Approvals Committee (BADAC) in the 1970's, which aimed to improve approval processes; and, the legislative and administrative reform through the 1980's.

Legislative reform through the 1980's included consolidating legislation (e.g. Subdivision Act); removing obsolete legislation; and introducing new legislation (e.g. Planning and Environment Act). There was also significant reform to the organisation of government through this period, including the abolition of many quasi-government organisations (quangos).

The planning reform, in the 1980's, essentially concentrated on legislation and did not fundamentally review sub-ordinate legislation, such as planning schemes.

The introduction of the Planning and Environment Act in 1988 offered tremendous potential for innovation in planning schemes. This potential was not realised, largely

⁵ Prepared by Peter Bettess of PRB Consulting Pty Ltd, formerly Executive Director Planning and Development, DOI

because the existing schemes were ‘rolled-over’ to become new planning schemes under the Act. In fact, the system became more complex through actions, such as the splitting of the Melbourne Metropolitan Planning Scheme (MMPS) into around 50 individual municipal schemes. This resulted in a massive increase in the number of zones in the metropolitan area, with little thought as to whether differences in control were indeed necessary.

An underlying theme of all the reforms has been the achievement of micro-economic reform by reducing administrative costs and increasing efficiency. This is not a policy of any one government but sensible public administration.

With the election of the Kennett Government in 1992, the Government had a clear policy to create jobs and prosperity through:

- Facilitating investment by substantially simplifying and clarifying the development approvals system; and
- Improving the organisation for planning to help decision-making processes produce positive outcomes.

The Government did not change the objectives of planning set out in Section 4 of the Planning and Environment Act but looked to how these objectives could be better achieved.

Shortly after the Government was elected, the Perrott Committee commissioned a series of projects to produce recommendations on reform of various aspects of the state’s planning system, over six months from late 1992. These project teams reported directly to the committee rather than through the department structure and brought together staff and people from outside the department. This mix brought new ideas and a fresh look at the system.

Some of the findings of the Perrott Committee were that:

1. The system was increasing in complexity both in the proliferation of zones and development approval instruments. There were 206 separate planning schemes and over 26,000 pages of ordinance. In the Melbourne metropolitan area alone there were over 150 residential zones and over 250 commercial and industrial zones.
2. Administration of the planning system was getting out of control. There were 4,871 separate amendments to planning schemes from 1988 to 1993 and over 42,000 development approval applications a year.
3. There was a lot of input for little output.
4. The focus was on running the system for its own sake rather than focussing on what the system was to achieve.

The outcome of the Perrott Committee's work was a series of recommendations to the Minister for Planning who announced details of the government's reform program in August 1993.

There were two key planning reform objectives:

- 1. Better planning schemes**
 - a. facilitation and certainty
 - b. simplicity and consistency
 - c. fewer, more consistent, performance based zones

2. Better approvals procedures

- a. permits as the usual form of planning approval
- b. streamlined notice requirements for applications
- c. new arrangements for objections
- d. certainty for permitted development
- e. better service by authorities
- f. government facilitation of approvals
- g. more efficient appeals system
- h. changes to legislation

This would be achieved by having:

- a policy basis for planning schemes and decision making;
- consistent statewide controls and provisions, with the ability for local discretion within an explicit policy context; and
- monitoring of system effectiveness.

This system aimed to achieve the potential of the objectives of the Planning and Environment Act by concentrating on the outcomes the planning system is seeking to achieve, expressed through policy statements, rather than layers of control with unclear purposes.

The planning reform program therefore aims to achieve better processes through the introduction of better planning schemes. The emphasis on policy as the basis for controls should lead to thinking about the outcome rather than merely administering a control.

SECTION 3 WHERE ARE WE NOW?

3.1 OBJECTIVES, STRATEGIES AND MEANS OF IMPLEMENTATION

Following the consideration of the first five new format planning schemes,⁶ a Report on Trends and Issues Emerging from Consideration of First Five New Format Planning Schemes (March 1998) was prepared. The panels are pleased to see that many of the

⁶ Ballarat, Campaspe, Glenelg, Mitchell and Port Phillip

issues raised in this report have been addressed by DOI with the publication of a number of Practice Notes.

One of the most influential outcomes of this report was the emphasis to be placed in the MSS on the need for Councils to distinguish much more clearly between objectives, strategies and means of implementation. These were identified as being:

- **Objectives** — the general aims or ambitions for the future use and development of an area responding to key issues identified in the MSS.
- **Strategies** — the ways in which the current situation will be moved towards its desired future to meet the objectives.
- **Implementation** — the means by which the strategies will be implemented.

A much more sophisticated understanding of the distinctions between these matters has developed as the panel hearing process has progressed. The result has been that the majority of Councils will need to rewrite their LPPF with these distinctions in mind to better respond to the requirements of Section 12A(3) of the *Planning and Environment Act 1987*, which states:

12A (3) A municipal strategic statement must contain –

- a) the strategic planning, land use and development objectives of the planning authority; and*
- b) the strategies for achieving the objectives; and*
- c) a general explanation of the relationship between those objectives and strategies and the controls on the use and development of land in the planning scheme; and*
- d) any other provision or matter which the Minister directs to be included in the municipal strategic statement.*

The panels believe the need to keep these distinctions at the forefront of thinking by Councils and other planning decision makers, will be critical to the overall success of the planning reform objective to base planning controls on a strategic focus at both State and local levels.

3.2 KEY ISSUES EMERGING FROM REVIEW OF NEW FORMAT PLANNING SCHEMES

3.2.1 CHANGES IN RURAL AREAS AND TO AGRICULTURE

Significant and far-reaching changes to the nature of agriculture and the structure of the rural sector are evident throughout Victoria. Maintaining agricultural land in productive

use is one of the major challenges facing both government and the community if agriculture is to remain a thriving and dominant economic activity.

The changing nature of agriculture, together with specific Government policies to promote certain agriculture, such as timber production, require a more sophisticated approach to promoting environmentally sustainable agriculture in appropriate locations and avoiding, or at least minimising, potential conflicts between agriculture and residential use.

This raises issues of how residential use in the Rural Zone should be managed and whether greater emphasis should be given in certain locations to the primacy of agriculture over residential uses. The establishment of a new rural zone in the form of an Agriculture Zone is one option.

Catchment management will be of equal significance.

3.2.2 USE OF SCHEDULES

Schedules are a critical feature in customising new format planning schemes to reflect the needs and circumstances of individual municipalities.

As yet, their full potential has not been realised. Much greater education is required as to how schedules are intended to be used, particularly with respect to the 'scheduling-out' provisions as a means of facilitating development and land management practices encouraged by the Council. Greater improvement is required in framing objectives and statements of significance.

This is a key area where assistance by DOI in developing models and practice notes to guide their use will be valuable.

3.2.3 KEEPING POLICIES UNDER CONTROL

The municipal strategic statement is intended to provide the broad brush strategic direction of planning schemes and justify the application of zones and overlays. Local policies are important in providing guidance to Councils and applicants in day-to-day decision making. With the broad discretions provided by zones, local policies provide a means of refinement to achieve identified objectives in the MSS, to address key issues and to avoid inconsistency in decision-making. The critical issue will be to what extent they can legitimately constrain the exercise of discretion.

Panels believe that unless policies are carefully monitored, they have the potential to undermine the intent of the planning reform program by becoming de facto zone controls. The emphasis will shift from what is permitted in the VPP zone to what is permitted under the local policy. They will be used as a prescriptive measure rather than as a means to establish a performance base. There will be the temptation to rely on local policies as proscribing the exercise of discretion, in the interests of 'certainty', rather

than always measuring a proposal against objectives. Alternatively, there will be the temptation to couch objectives themselves as prescriptions.

On the other hand, unless local policies are ascribed a legitimate role in guiding the exercise of discretion over use or development, there is little point in having them. Establishing the appropriate balance will be of critical importance during the initial stages of operating the new format planning schemes.

3.2.4 TRANSPARENCY

Associated with the need to avoid the proliferation of local policies, which reintroduce the type of prescriptive measures the planning reform program was intended to overcome, will be the need to maintain the transparency of planning scheme. The purpose of requiring all local policies to be included in the planning scheme, and for making the municipal strategic statement its focus, was intended to ensure transparency in decision-making. The practice of ‘under-the-counter’ or ‘unofficial’ policies was supposed to be abolished.

Particular attention should be paid to ensuring that these practices do not re-emerge.

3.2.5 ROLE OF DOI AS GATEKEEPER OF STANDARDS

Section 12A of the *Planning and Environment Act 1987*, the VPPS, the Ministerial Direction on the Form and Content of Planning Schemes, the *Manual for the Victoria Planning Provisions* and the Practice Notes issued by DOI are all directed at ensuring that the new format planning schemes that are adopted by Councils and approved will respond to the objectives of the planning reform program and reflect a certain standard. Maintaining that standard and consistency with principle as schemes are amended will require constant monitoring.

Panels considering amendments will have a role to play in this respect. However, DOI will need to adopt a monitoring role with respect to standards also. It will be very easy for the new format planning schemes to unravel if the quality of amendments, including additional local policies and schedules to overlays, is not maintained and they fail to remain consistent with the principles of the planning reform program.

One particular aspect of the new format planning schemes that the panels consider requires particular monitoring is the use of reference or incorporated documents, which have been prepared for other purposes. There are cases where these documents are being used in planning schemes or relied on in a way that does not reflect their original purpose. In some instances, much of the material is irrelevant and it would be better to extract the relevant bits and include them in the scheme proper, rather than having to refer to a voluminous external document. In other instances, their use may prove problematic because it is difficult to reconcile the purpose for which they were prepared with the purposes of the planning scheme.

Another issue associated with reference or incorporated documents is their availability. For example, in the course of considering the Greater Geelong Planning Scheme, the Panel discovered that the Avalon Airport Strategy (Department of Business and Employment/AeroSpace Technologies of Australia 1993), referred to in Clause 18.04–3 of the SPPF as something planning and responsible authorities should have regard to, is not a publicly available document.

This is one of the reasons for requiring documents to be incorporated in planning schemes, rather than simply referenced. It ensures their availability. It may be appropriate for a Ministerial Direction to require a copy of all reference documents to be kept by a responsible authority. This is an area where the possibilities of information technology may be able to be exploited.

3.2.6 ADVICE AND GUIDANCE BY DOI

Throughout this report, and the reports of panels on individual planning schemes, the need for advice and guidance by DOI on the use and application of the VPPS has been emphasised. The need for this is likely to wane, as Councils become more familiar with the system and more adept at drafting provisions. However, in the short-term, it will remain vital, even after all the new format planning schemes are gazetted.

The introduction of the Practice Notes is a valuable response to this need. It may also be appropriate now to consider replacing the *Manual for the Victoria Planning Provisions* by a series of Practice Notes, which incorporate remaining relevant material. The Manual was prepared to guide Councils in the initial preparation of their new format planning schemes. Now that this task is complete, the ongoing relevance of the Manual will relate to the use and implementation of the schemes, together with subsequent amendments. It may therefore benefit from revision with this new task in mind.

3.2.7 USE OF TECHNOLOGY

The Victorian Government is committed to the use of information technology in connection with the provision of government services and information, and to its widespread introduction within the community. The effective use of the tools developed as part of the planning reform program will depend on maximising its use. It is therefore ironic that these principles have not been applied to the operation of the principle tool of the new planning system – the VPPS.

In Section 8.4 of this Report, the use of data and technology is discussed, with particular reference to the use of mapping and information. However, the issue is broader than just this. It relates to the availability of the new format planning schemes and their means of amendment.

When the new planning system was developed, there were two concepts underlying the VPPS:

- They would provide a complete set of standard planning provisions for Victoria and provide the standard format (including clause numbering) for a planning scheme. All planning schemes would be constructed by taking the VPPS as a basic template, inserting the MSS and local policies, selecting the zones and overlays needed to implement these, writing appropriate local provisions to support the zones and overlays (the schedules) and discarding the zones and overlays which are not required in the scheme.
- When the VPPS were amended, all planning schemes incorporating those elements of the VPPS would be automatically amended as a consequence, because they would all be the same.

Unfortunately, this second aspect has not been implemented. Instead, whenever the VPPS are amended, a separate amendment must be done for every planning scheme repeating the same detail.

The panels consider this practice is administratively cumbersome, costly, time-consuming and inefficient. The opportunities for error or omission are rife. More importantly, it is unnecessary. It ignores the design concepts underlying the VPPS and the fundamental reliance on information technology they incorporated.

As a matter of urgency, the panels recommend that the *Planning and Environment Act 1987* should be amended to implement this original concept so that an amendment to the VPPS will result in the automatic amendment of all planning schemes using that particular provision of the VPPS.

The panels also consider it should be made clear that electronic versions of the VPPS and planning schemes are the ‘official’ versions, rather than paper copies. Whilst DOI is approving schemes electronically, the panels are not aware that the position is formalised in writing anywhere. It would be appropriate to address this before it becomes an issue of legal challenge in some case.

3.2.8 PROMOTING DECISION MAKING THAT IS STRATEGIC AND RECOGNISING DIVERSITY

It has been consistently emphasised by panels throughout their consideration of the new format planning schemes that for Councils to use the new schemes effectively, there will need to be a shift in cultural thinking. All decision-makers — responsible authorities and VCAT — will need to think strategically by assessing every proposal against relevant objectives. The application of performance standards will likewise always need to be tied to the achievement of objectives if they are not to become simple prescriptive standards.

However, as part of this process, it will always be important to remember that every municipality is part of a wider context. The SPPF is part of every planning scheme. The provisions respond at a State level to the objectives of planning in Victoria as set out in Section 4 of the *Planning and Environment Act 1987* (see Clause 12). In this respect, Clauses 11, 12 and 13 of the SPPF are just as important to bear in mind as the detailed provisions of Clauses 14–18. It is not for Councils to pick and choose between the bits of the SPPF they wish to apply. They must seek a balance between all relevant parts of the SPPF.

On the other hand, it is equally important to bear in mind that the significance of the resources or attributes of a particular municipality may have a wider significance than just their local importance. Likewise, the balance achieved in municipalities between aspects of the SPPF will be different from place to place because their roles are different.

The objectives in the *Planning and Environment Act 1987* and the principles in the SPPF apply across the State. There is no indication that one objective or principle has more weight than another does. (Although it is interesting to note that the ‘*Settlement*’ principles include the protection of environmentally sensitive areas and natural resources, yet there is no corresponding qualification in relation to economic objectives under the ‘*Environment*’ heading.)

The objectives are State-wide objectives, which recognise diversity across the State. Although all schemes must be consistent with all objectives, there is no expectation that all objectives will be met to an equal extent within any single municipality. For example, it is to be expected that the planning scheme of a suburb with an extensive industrial base will lean towards commercial and employment objectives, although environmental objectives such as air quality will also play a role. A country scheme will

emphasise agricultural and tourism objectives, with a lesser role for urban growth objectives. A 'growth' suburb will emphasise planning for urban expansion and the provision of infrastructure and community facilities. The emphasis in the scheme is dependent on the nature of the municipality. In other words, horses for courses.

If Councils have prepared their municipal strategic statements based on a thorough and realistic investigation and evaluation of the major characteristics, strengths and weaknesses of the whole of the municipality, leading to the development of a comprehensive new planning strategy, they should have no trouble in defending their objectives. Because in developing their strategy, they will have addressed their responsibility to implement the SPPF, whilst at the same time acknowledging the role that their municipality plays in contributing to the diversity of the State.

Understanding the need for balance will be the critical factor in strategic and justifiable decision-making.

3.2.9 OWNERSHIP OF PLANNING SCHEMES

There is no denying that the planning reform process has presented all municipalities in Victoria with some wonderful opportunities as well as some daunting problems. No overall evaluation of the schemes reviewed by panels to date could fail to acknowledge the enormous demands that both the scope and the timing of this exercise have placed on Councils — brand-new Councils, which have had to cope with all the post-amalgamation pressures and imperatives of economic constraints, rate caps, compulsory competitive tendering, and significant staff reductions.

The exercise of preparing a new format planning scheme has also been undertaken to a timetable that allowed only a limited opportunity to undertake all the necessary tasks in a truly logical progression from broad vision to specific local planning controls. And while the Councils were tackling these tasks, the whole reform process itself was evolving. Departmental staff who were trying to provide Councils with advice and support were often themselves barely a step ahead of the game. New information from other departments kept emerging, new mapping programs were under way, and new state and regional strategies and plans came into force that had to be accommodated in local planning schemes. (eg Regional Catchment Management Plans, Regional Tourism Strategies and the Biodiversity Strategy.)

Last but not least, Councils had to explain themselves at panel hearings, and comply with the panels' own complex set of requirements for documentation and presentation.

In this context, it is remarkable how much has been achieved.

However, the key incentive for Councils was the tremendous opportunity the planning reform program was offering. The most successful new schemes are those where Councils recognised that opportunity and embraced it with gusto. Most Councils had

already decided to develop a new, single scheme rather than just consolidate the schemes inherited from their predecessors. This decision signalled the Councils' willingness to see themselves as a complete new entity, rather than as the sum of their former parts. What the planning reforms gave Councils was the ideal vehicle to express this new identity, to state its goals, to describe the shape and flavour of the community they wish to foster, and to make very clear the most important issues they must tackle to achieve their goals. It also enabled them, for the first time, to set these things down in an enforceable statutory document that has the backing of the community.

The range of approaches by Councils varied from total commitment to grudging compliance. Those Councils that have taken ownership of their planning schemes are best placed to reap the benefits of a strategic approach to planning. Interestingly, it is the rural municipalities which seem to have used their planning schemes most proactively to implement strategies for achieving objectives.

It will undoubtedly take time for lingering perceptions to dissipate that the new format planning schemes have been foisted onto Councils and that the VPPS are a 'one-size fits all' version of planning, allowing no room for response to local needs. This attitude is ill-conceived and ignores the first purpose of every zone and overlay, which is:

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

The VPPS are only tools. In themselves, apart from the SPPF, they are not a policy document. The quality of the outcome of their application will depend, like any craftsman using a set of tools, on the vision, skill and commitment of the individual Council.

SECTION 4 AGRICULTURE AND THE RURAL ZONES

4.1 ECONOMIC SIGNIFICANCE OF AGRICULTURE

Agriculture is of prime economic significance to Victoria. Where Councils have critically evaluated their economic base, most rural municipalities have recognised the significance of agriculture to their own and regional economies. Those that have formulated economic development plans realise the extent to which their future depends on continued agricultural productivity.

Many rural areas see themselves as being in decline. Populations are falling and aging; services and facilities in towns are closing; unemployment is high.

However, the panels believe that a distinction needs to be drawn between what is happening in rural towns and what is happening to agriculture. Throughout Victoria, the panels saw evidence of an industry reinventing itself and substantial levels of investment in agriculture. Because of the changing nature of agriculture, the growth in investment will not necessarily remedy the ills of the towns or reverse the trends in population decline, although growth in downstream processing may bring more benefits in this respect. Nevertheless, growth in agriculture is important for the overall economy of Victoria. The Government's Timber Industry Strategy, which aims to treble the amount of land planted with timber by 2020 in Victoria, is an example of the objectives for one particular agricultural activity.

The two most vital ingredients in maintaining sustainable growth in agriculture are productive land and adequate supplies of water. There is not an inexhaustible supply of either commodity.

The panels' experience in dealing with the new format planning schemes leads to the conclusion that, in rural areas, the greatest challenges, which will face planning in the new millennium, will be to:

- maintain agricultural land in productive use;
- ensure an ongoing supply of water for irrigation and stock purposes; and
- manage water supply catchments to ensure an adequate supply of high quality water for domestic consumption.

The greatest threat in this respect is the growth of residential use and the conflicts this creates. This is a difficult issue to manage when many people see a solution to the problems of rural towns in terms of increasing subdivision and hence population.

The importance of good catchment management is recognised in terms of protecting water resources. The issue will be how to achieve it. Managing the proliferation of farm dams associated with the growth in certain types of agriculture, such as viticulture, is a problem that requires immediate attention.

4.2 CHANGING NATURE OF AGRICULTURE

The nature of agriculture is changing in ways that will have important implications for planning in Victoria.

- It is broadening in scope. This is illustrated by the nesting diagram for agriculture included in Clause 75 of the VPPS [see Appendix C]. No longer is agriculture concerned primarily with grazing (extensive animal husbandry) and traditional crop growing, although these uses still dominate in terms of area devoted to them. Growth in agriculture is occurring in industries associated with horticulture, viticulture, timber production and intensive animal husbandry.

- It is becoming increasingly industrialised. Productive modern agriculture involves the use of heavy machinery, equipment operating at all hours, the application of agricultural chemicals and fertilisers, frequent heavy vehicle traffic and the construction of large industrial type buildings.
- It is intensifying. There is a growth in intensive animal husbandry (poultry farms are a particular example) and intensive horticulture. Other traditional extensive animal husbandry, such as dairying, is also intensifying. This trend is closely associated with that of increasing industrialisation.
- Investors are operating more enterprises. Farms operated by individuals and their families are still numerically significant and many are adopting a more businesslike approach. However, much major new investment in agriculture is coming from big business. This is frequently linked to downstream processing.
- The average farm size is increasing. This is a product of the need for economies of scale to achieve economic returns and the investment in agriculture by big business. Clearly, different agricultural activities will require different land areas. Some specialised horticulture, for instance, may only require a few hectares compared to broadacre crop raising. Nevertheless, the trend remains apparent irrespective of the activity or base farm size.

The result is that agriculture cannot be regarded as a benign activity, but is one with potential to cause substantial detriment to surrounding uses, particularly residential, through noise, traffic, odour, spray drift, runoff and visual impact. Conversely, agriculture is also being adversely impacted by surrounding uses through the spread of plant and animal pests and erosion resulting from poor land management, reduced water quality and quantity, and complaints about agricultural practices.

Throughout rural Victoria the panels found growing recognition of conflicts at the rural/residential interface. In the past, this interface has been frequently identified by small-scale rural residential development. However, residential use giving rise to these conflicts is not confined to these locations. It is spreading throughout productive farming areas as a result of:

- house lot excisions from properties;
- the small size of rural lots in some locations, particularly old gold mining areas;
- encouragement of subdivision by some Councils who see economic benefits resulting.

These land holdings are being fragmented in ownership, with new owners frequently purchasing them for residential purposes, notwithstanding the lots may be substantially larger than a typical rural residential lot of 2-8 hectares. They move in with quite

different expectations about what constitutes rural amenity and what farming means in practice compared to farmers themselves.

The panels consider that unresolved conflicts between residential use and agriculture have the potential to inhibit the growth of agriculture and the contribution it can make to the economy, or create ongoing dissension and dissatisfaction within communities. In this context, a parallel may be drawn with the conflict in urban areas between existing residents and medium density development. A complicating factor in achieving balanced outcomes in both situations is the propensity for councillors to respond according to the strength of voter numbers. In rural areas where there is a highly fragmented land ownership pattern, this may result in the protection of residential interests at the expense of new or expanded agricultural investment. Where the number of residents is few and the council is keen to promote investment, it may result in the legitimate interests of residents being overlooked.

The panels believe that the changing nature of agriculture, together with specific Government policies to promote certain agriculture, such as timber production, require a more sophisticated approach to promoting environmentally sustainable agriculture in appropriate locations and avoiding, or at least minimising, potential conflicts between agriculture and residential use.

This raises issues of how residential use in the Rural Zone should be managed and whether greater emphasis should be given in certain locations to the primacy of agriculture over residential uses.

4.3 HOUSES/SMALL LOT SUBDIVISION IN THE RURAL ZONE

Many previous planning schemes have controlled the proliferation of residential uses in rural areas by including tenement provisions, which have limited the fragmentation of lots in the one ownership by limiting the number of potential houses, or by excluding the ability for small lot excisions. Neither of these mechanisms is possible under the provisions of the Rural Zone in the VPPS. As a result, many Councils now face strong pressure to allow additional houses and small lot subdivision in the Rural Zone due to the higher value that land has for residential purposes compared to agricultural purposes. The aging of the farming population compounds this, with farmers seeking to capitalise on their property as a means of superannuation.

Panels have consistently emphasised the need for Councils to consider the implications of allowing residential use in the Rural Zone and to develop strong policies to guide their discretion and to assist potential applicants. Councils must be clear about the objectives they wish to achieve, so that decisions can be made on a consistent, strategic

basis. Otherwise there will be a constant temptation to make decisions based on the individual needs and circumstances of applicants.⁷

Of particular importance will be the need for Councils to develop a clear strategy about how they will deal with applications for houses in the Rural Zone and small lot subdivisions in the Rural Zone. It will be important for Councils to link their policies with respect to these two issues because of the changes made to the Rural Zone in this regard as a result of Amendment V3.

The relevant provisions of Clause 35.01–4 of the Rural Zone in the original VPPS stated:

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in the Schedule to this zone. ...

A permit may be granted to create smaller lots if any of the following apply: ...

- the subdivision is to excise an existing dwelling or excise a lot for a dwelling. Only two lots may be created and each lot must be at least 0.4 hectares. An agreement under Section 173 of the Act must be entered into with the owner of each lot created which ensures that the land may not be further subdivided under this provision. The agreement must be registered on the title. If the land contains more than one dwelling, each dwelling may be excised under this provision.

⁷ The most frequent reasons presented to panels to justify a change in zoning from Rural Zone to Rural Living Zone was lack of economic viability or lack of capacity, due to age, to manage the land any more.

Amendment V3 changed this. The relevant provision under Clause 35.01–4 of the Rural Zone in the VPPS now states:

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in the Schedule to this zone. ...

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. Only one additional lot may be created in the subdivision and each lot must be at least 0.4 hectares.

This now means that a small lot cannot be excised without a house, but it does open the opportunity for serial excisions provided they are done one at a time.

The panels are uncertain whether this was the intended consequence of Amendment V3. Certainly the outcome is different to the recommendation in the Report of the Advisory Committee on the Victoria Planning Provisions (VPPs) — August 1997, which was to amend Clause 35.01–4 by deleting the last dot point and replacing it as follows:

- *The subdivision is to create a lot for either:*
 - *an existing dwelling;*
 - *a dwelling which is allowed by the scheme or for which a permit has been granted.*

Only one additional lot may ever be created using this provision. Each lot must be at least 0.4 hectare and one lot must be at least any area specified for the land in the schedule to this zone or, if no area is specified, at least 40 hectares. An agreement under Section 173 of the Act must be entered into with the owner of each lot created which ensures that the land may not be further subdivided under this provision. The agreement must be registered on title. If the land contains more than one dwelling, each dwelling may be excised under this provision.

Whether intended or not, the provision now means that Councils will need a very clear idea of the outcomes they wish to see in their Rural Zones. These views should be expressed in the form of a local policy.

There are two options that Councils will face. They can succumb to pressure to allow a proliferation of additional dwellings and small lot subdivisions. This will add to the growing conflict between farmers on the one hand and, on the other hand, residents who move in and have a set of expectations about rural amenity that is often based on ignorance of agricultural practices. Alternatively, Councils can identify that houses and small lot excisions will not be encouraged where there is no demonstrable link with an agricultural enterprise. Councils will then need to identify how that link must be demonstrated.

An extract from the Report of the Advisory Committee on the Victoria Planning Provisions (VPPS) — August 1997, which deals with the issue of rural small lot excisions is included in Appendix D. Several points from this extract are worth emphasising.

First, the planning problems associated with small lot rural subdivision are of an incremental nature, much like development in flood plains or demands upon infrastructure. It is the cumulative effect that is the problem, rather than any individual subdivision.

Second, the Report of the Advisory Committee on the Victoria Planning Provisions (VPPS) — August 1997 acknowledged that traditionally, many planning schemes have permitted small lot rural excisions where they have been ‘*needed*’ by a member of the farmer’s family or for the running of the property. Experience has demonstrated however, that this requirement is frequently merely a device and excised lots are not used by the subdividing farmer but more often sold as a tradeable commodity on the open market. Even if they are ‘*needed*’ in the short term by the farmer or his family, there is no requirement that they remain within their ownership or control, nor ability to ensure this. The panels believe that, in this era of motor vehicle ownership and non-contiguous farm ownership, old arguments of farm workers and family members ‘*needing*’ to live on the farm no longer hold true.

The pressures to excise lots are more pronounced at the fringe of the metropolitan area and large rural centres where there is a demand for small lots so that a non-urban, yet essentially residential, lifestyle can be pursued. However, there is no lack of availability in most of these locations of existing allotments in a non-urban environment. Most country towns have at least 20 years supply, with up to 70 years or more in some locations. Consequently, any demand as a result of this pressure does not need to be met by the excision of further small lots in the Rural Zone.

In conclusion, the Advisory Committee on the VPPS noted that although it did not recommend deleting the small lot excision provision from the Rural Zone, it should not be assumed that the provision creates a **right** to a small lot excision. The point was made that councils should prepare policies to guide their decision making on this subject in order to:

- minimise the adverse effects of dispersed small lot subdivision;
- ensure that the provisions are only used in the case of the genuine farmer where:
- they will support the primary use of the zone; and
- all other decision guidelines are satisfactorily complied with.

The panels believe that this warning is even more relevant now in light of the changes to this provision that Amendment V3 made.

4.4 RURAL RESIDENTIAL SUBDIVISION

Many of the same issues relating to loss of productive agricultural land and conflict between agricultural and residential uses are raised by the subdivision of rural land for rural living purposes.

On the other hand, a recent study of rural living development prepared for DOI⁸ identified demand for rural living lots as a consistent and significant component of new residential development in many areas of the State, representing an important component of Victoria's economy. Rural living can be expected to be a continuing component of residential development in many areas of the State. It found that:

*Market forces together with State and local planning policies are likely, in the short term at least, to significantly limit the loss of highly productive agricultural land to rural living demand. However, the continuing demand for rural living development will see a continuing loss of highly productive land to non-productive uses unless a firm policy is put in place to prevent it from occurring.*⁹

The majority of urban fringe and rural Councils are constantly plagued by a continuing stream of planning scheme amendment applications for rezoning of rural land for rural residential subdivision. This can lead to a perception that the Council has a weak stance in relation to the issue, which only adds to the pressure for change.

The dilemma surrounding the delineation of where urban style residential living stops and rural activities commence is replayed constantly around the fringe of metropolitan Melbourne and large rural towns. Councils need to take a strong stand to provide certainty about the point at which this change occurs. The more the Council bends to the requests of individual landowners to subdivide, the greater the uncertainty that is created, and speculation follows. Expectations are raised and land prices increase. The possibility of capitalising on the speculation becomes a ray of hope to some, and then a 'right' denied when refused by the Council. The Council is thereby under constant pressure to alter and revise its policies.

Requests to rezone rural land to allow some form of rural residential subdivision were the most prolific sort of submissions that panels dealt with. In very few instances were these requests supported by either Councils or panels. The planning reform program required Councils, many for the first time, to assess their supplies of land. In many municipalities, in excess of 20 years supply of land already zoned for rural residential purposes was common. In some cases there was up to 70 or even 100 years supply. There was therefore little basis to justify further zoning. Some Councils took the opportunity offered by the new schemes to backzone some of this excessive oversupply.

⁸ A Study of Rural Living Development (October 1997), prepared for the Department of Infrastructure by TBA Planners in association with Spiller Gibbins Swan, Centre for Land Protection Research and Neil Clark and Associates

⁹ *ibid*, p 9

Nevertheless, the pressures on Councils remain. For this reason, the MSS should contain information about rural residential supply and demand, identify the locations where it is concentrated and establish clearly whether further rural residential development is to be encouraged.

A Council has the opportunity in its MSS to establish what realistic expectations should be with respect to the issue of further rezonings for rural residential purposes. If the Council makes it clear that, within the planning timeframe contemplated by the Scheme of 10–15 years, there is no need to provide additional land for either residential or rural residential purposes, it will establish a clear set of expectations that should reduce pressure from individual applicants on Council (and councillors). It will make it much easier for Council to deal with proposals when it is able to point to objectives, strategies and policies on the point. It can then decide matters on issues of principle rather than being drawn into the personal circumstances and aspirations of each applicant or proponent. For example, assessment criteria that a Council could require proponents seeking a rezoning to respond to, and by which Council would assess requests for rezonings, may include the following:

- What support is found in the SPPF and MSS?
- Does it require a change to the MSS?
- What other changes have been made to the MSS in this respect?
- Are constant changes to the MSS undermining its integrity and overall direction?
- Have the requirements of Ministerial Direction No. 6 been complied with?

Councils which recognise that management of landowner development expectations is a key issue and who develop strategies to deal with this, are in a much stronger position to deal with pressures for rural residential development than those who respond on an ad hoc basis. It is also important to recognise that other strategies are needed to resolve the long-term issues of ‘viability’ and rural land management. Panels are strongly supportive of a holistic approach to rural issues, as they believe that land use strategies and zoning alone cannot achieve the desired outcomes for the whole community. If planning controls are combined with active encouragement of the rural sector, much better long-term outcomes are likely to result.

4.5 BASIS FOR MINIMUM SUBDIVISION SIZE IN THE RURAL ZONE

4.5.1 LAND CAPABILITY

The capability of land is measured through applying land systems analysis. This is a procedure which integrates environmental features such as rainfall, geology, topography, soils and indigenous vegetation into a single mapping unit. It was first conducted by the

then Soil Conservation Authority in 1953. Most of Victoria has been mapped in this way, although not always at a level which is detailed enough for planning purposes.

Agricultural quality is usually based on a five class system commonly used throughout Victoria, namely:

- | | |
|----------------|--|
| Class 1 | Agriculturally versatile land, with high inherent productive potential through possessing deep permeable and fertile soils, a flat to gently undulating land form, and a growing season of 11-12 months either under natural rainfall or with the availability of irrigation. |
| Class 2 | Agriculturally versatile, but requiring higher level of inputs to achieve the same productivity as Class 1. Slope is greater, soils more variable, and the growing season is limited to 8-9 months. |
| Class 3 | Sound grazing land but limited in versatility. Generally unsuited to cropping wither because of contour, lack of topsoil depth, or presence of rock. Fertility levels are moderate to low, growing season limited to 8-9 months. With high inputs, high productivity levels may be achieved. |
| Class 4 | Capable of grazing under moderate to low stocking rates where clearing has occurred. Slopes are moderate to steep, with shallow infertile soils which need care in their mag. Erosion hazard is high. Forest is often the best and most stable form of land use. |
| Class 5 | Land unsuited to agriculture. Constraints may be steepness of slope, shallow, sandy or rocky soils, high erosion susceptibility. Environmental stability may be best achieved through isolating areas and strictly controlling, or eliminating agricultural land uses. |

Clause 17.05–2 of the SPPF states:

Land capability is a fundamental factor for consideration in rural land use planning.

The *Manual for the Victoria Planning Provisions* allows for more than one minimum lot size to be specified in the Rural Zone, but states that:

...any lot size specified must be justified on the basis of land capability, maintenance of rural productivity and other relevant considerations.

Relatively few municipalities took the opportunity to specify more than one minimum lot size in the Rural Zone or to directly employ land capability studies as the basis for their Rural Zone. When this did occur, there was often a failure to adequately describe the link between the two.

In most cases, where there was a single subdivision size only, the basis for the minimum lot size was seldom clearly articulated. The usual reasons given to panels for their selection were that:

- they reflected the previous minimum size;
- they were designed to discourage further rural subdivision given the prevailing range of lot sizes.

Rarely were they related in any way to land capability.

The panels believe that the issue of land capability as a basis for rural land planning, particularly subdivision, needs greater emphasis. It needs to be clearly distinguished from concepts such as economic viability and viable farming units.

Where other concepts are used, they need to be clearly articulated in the MSS. For example, Greater Geelong adopted a different approach to determining minimum subdivision size by establishing *“the minimum subdivision size to guarantee the environmental stability of the farming system practised.”*¹⁰

4.5.2 ECONOMIC VIABILITY

The most frequently used basis to support the rezoning of rural land to a residential or rural residential based zone is that *“it is no longer economically viable to farm”*. Minimum subdivision sizes in rural zones are also frequently criticised on the basis that they do not represent an *“economically viable farming unit”*.

However, rarely will the minimum subdivision size reflect any particular concept of an ‘economically viable’ farming unit. Economic viability is not a matter that a planning scheme can influence, nor should it be used as justification for either rezoning or subdivision. None of the purposes in the Rural Zone refer to viability. Viability will always be a product of size of total land holdings, markets, prices, products, efficiency, land management practices etc. It will vary from time to time, place to place and person to person. Throughout rural Australia, off farm income is increasingly being relied upon to maintain farming families. Farmers have always tended to farm multiple pieces of land, sometimes contiguous, sometimes separated. Individual lots have always been traded between farmers. All of these factors mean that there is no such thing as a universal economically viable farming unit. It is therefore unrealistic to equate a minimum subdivision size with what can be conceived as a ‘viable farming unit’.

What is far more important than economic viability when considering rural land and agriculture, is productive use. Agricultural land can still be used productively and can make a contribution to the overall economy of the State even though returns from it may be supplemented by other off-farm income in order to sustain the landowner.

4.5.3 AGRICULTURAL LAND PRODUCTIVITY

¹⁰ Draft City of Greater Geelong Rural Land Use Strategy (February 1997) Perrott Lyon Mathieson Pty Ltd and Phillips Agribusiness, p 54

Clause 17.05–1 of the SPPF states that the objective with respect to agriculture is:

To ensure that the State's agricultural base is protected from the unplanned loss of high quality agriculture land due to permanent changes of land use and to enable protection of productive farmland which is of high quality and strategic significance in the local or regional context.

The panels believe that the emphasis given to '*high quality productive agricultural land*' in the SPPF does not go far enough and should be altered to focus on '*productive agricultural land*'.

In various panel hearings it has been commented that there is no definition in the VPPS of what constitutes high quality productive agricultural land. The panels don't believe that this is a valid criticism because Clause 71 states that:

A term used in this planning scheme has its ordinary meaning unless that term is defined...

It is not difficult to determine what is high quality agricultural land. In any event, the panels believe that this criticism misses the real issue.

It is not disputed that high quality agricultural land is a limited resource of particular value to the State. However, if agriculture is to be properly recognised and promoted as a major contributor to the economy of the State and individual municipalities, it needs to be appreciated that valuable productive land is not limited to high quality agricultural land.

Some of the most productive land in Victoria, for example the irrigation districts at Mildura and Swan Hill or the river flats at Bacchus Marsh, is not classified as high quality (Class 1), but derives its productivity from access to water. With other forms of agriculture, for example timber production, high quality agriculture land is not suitable. Lower quality soils combined with a certain rainfall are preferred. Certain types of intensive agriculture, which are not soil dependent, such as poultry farms or cattle feedlots, have different sets of locational requirements relating to matters such as capacity for waste disposal, drainage, proximity to feed sources and access to processing plants etc.

The greatest threat to agriculture is to take productive land out of production by converting it to residential use. The pressure for this arises from two primary sources. One is the increased cost of land when its value for residential purposes exceeds its value for agricultural purposes. This can be managed to a certain extent by strong policies limiting the size of allotments on which houses can be built and by not allowing further subdivision. The second is by a failure to manage conflicts between agricultural use and residential use, so it simply becomes too hard to continue farming.

The solution to the broad problem of the loss of productive agricultural land is to limit, where possible, the proliferation of residential use within agricultural areas, and to state clearly within the MSS the priorities the Council sees as applying in different areas. In this respect, it needs to be remembered that the objectives of the Rural Zone make no mention of residential use. It is the purpose of the Rural Living Zone to provide for residential use in a rural environment. Even though the 'default' minimum subdivision size is eight hectares in the Rural Living Zone, there is no reason why it may not be much higher. The Rural Living Zone doesn't need to be applied only to traditional hobby farm/rural residential land. It is the correct VPP tool to use in areas where residential use is a primary use. The Rural Zone should be used where the primary purpose is for extensive animal husbandry and crop raising (ie farming). The Environmental Rural Zone is the zone to be used when it is the environmental characteristics of the land that should take precedence, even though it may be used for a range of other uses in accordance with sound management and land capability practices, which take into account the environmental sensitivity and biodiversity of the land.

In Section 4.5 the shortcomings of the rural zones, as they presently stand, are discussed. Recommendations are made about the need for a further rural zone. However, until changes of this nature are made to the VPPS, the above represents the basis of the rural zones.

It is therefore recommended that the SPPF should be reviewed to better recognise the role that all forms of productive agricultural land play in maintaining and expanding the State's agricultural base, not just high quality agricultural land.

DOI should encourage Councils to develop mechanisms in the form of policies and other initiatives by which to deal with pressures, which may result in the loss of productive agricultural land from production.

The panels also believe that recognition should be given to the contribution that all forms of agricultural production make to the overall economy, as distinct from the returns to individual landowners.

It has long been a central tenet of our planning system that planning is not intended to protect individuals from the effects of competition.¹¹ The purpose of the planning system should be to protect resources, in this case productive agricultural land, to enable it to be used in a sustainable way. The system should also recognise that agriculture, in common with most activities, is susceptible to change. Just because one activity ceases to be attractive because of low returns or management problems (for example, grazing), does not mean that the land ceases to be suitable for all forms of agriculture and should therefore be subdivided for rural residential purposes.

These were the sort of pressures faced by the Yarra Valley 20 years ago. Fortunately the pressures were resisted. A different form of agriculture in the form of viticulture gradually took over, resulting in a thriving wine industry, which today brings far more economic benefit to the region and Victoria than residential use of the land was ever likely to do.

It was frequently asserted at panel hearings, but nowhere demonstrated, that there is a 'need' for further subdivision in rural areas to facilitate the establishment of new niche agricultural enterprises. Observation of subdivision patterns in most rural areas indicates a broad range of lot sizes, which would be available to anyone seriously contemplating a new enterprise and needing only a small area of land. The fact remains that pressure for subdivision within rural areas comes almost exclusively from demand for residential opportunities. Recognising this will help Councils better manage the needs of agriculture and the need for residential use.

4.6 RURAL ZONES

There are three rural zones in the VPPS whose purposes differ in the following respects:

Rural Zone

To provide for the sustainable use of land for Extensive animal husbandry (including dairying and grazing) and Crop raising (including Horticulture and Timber production).

To encourage:

¹¹ See High Court of Australia decision in *Kentucky Fried Chicken Pty Ltd v Gantidis* 40 LGRA 132 at 141:

"However, the mere threat of competition to existing businesses, if not accompanied by a prospect of resultant overall adverse effect upon the extent and adequacy of facilities available to the local community if the development be proceeded with, will not be a relevant town planning consideration."

See also Planning Appeals Board decision in *Shell Company Ltd v City of Frankston and Amoco Ltd* 8 APAD 126:

"Town planning is not concerned with general economic regulation or the rationalisation of product markets; rather it is concerned with promoting consistency between various uses of land. Town planning provides a fetter on our free enterprise market system, but it is not designed to replace that system with a form of centralised economic decision making. Moreover, competition is an essential ingredient of the market system."

- An integrated approach to land management.
- Protection and creation of an effective rural infrastructure and land resources.
- Improvement of existing agricultural techniques.
- Protection and enhancement of the bio-diversity of the area.
- Value adding to agricultural products at source.
- Promotion of economic development compatible with rural activities.
- Development of new sustainable rural enterprises.

Environmental Rural Zone

To give effect to the environmental outcome specified in the schedule to this zone.

To conserve and permanently maintain flora and fauna species, soil and water quality and areas of historic, archaeological and scientific interest and areas of natural scenic beauty or importance so that the viability of natural eco-systems and the natural and historic environment is enhanced.

To encourage development and the use of the land which is in accordance with sound management and land capability practices, and which takes into account the environmental sensitivity and bio-diversity of the locality.

Rural Living Zone

To provide for residential use in a rural environment.

To encourage:

- An integrated approach to land management.
- Protection and creation of an effective rural infrastructure and land resources.
- Improvement of existing agricultural techniques.
- Protection and enhancement of the bio-diversity of the area.
- Value adding to agricultural products at source.
- Promotion of economic development compatible with rural living activities.
- Development of new sustainable rural living enterprises.

In the Report of the Advisory Committee on the Victoria Planning Provisions (VPPS) — August 1997, the need for additional rural zones was considered [see Appendix E]. At that stage, the Advisory Committee considered there was no convincing justification for a further zone. It stated:

Three broad categories of zones are provided for — agricultural, environmental and living – which describe the primary characteristics of each zone. It does not mean that elements of each characteristic may not be found within other zones, nor that the zones will not reflect other qualities and values, but no submission has convinced the Committee that there is any

policy outcome or objective which could not be provided for within the ambit of the rural zones as they presently stand.¹²

¹² Report of the Advisory Committee on the Victoria Planning Provisions (VPPS) - August 1997, page 69

Since then panels have had the opportunity of observing how Councils have applied the rural zones and how they have used local policies and the MSS to identify outcomes in respect of their rural areas. Understanding about the way in which rural zones can be used has also evolved since then.

The Rural Living Zone has been applied largely to existing rural residential zones and subdivisions.

The Environmental Rural Zone was initially used very little and certainly with no consistency. Some Councils refused to use it, even in suitable locations, because of a prejudice against the name, preferring instead to use the Rural Zone with an overlay. However, its application has expanded due to the much tighter controls over use compared to the Rural Zone and because the same degree of control cannot be achieved by the use of overlays. It has been recommended where Councils wish to control agricultural uses, particularly timber production, in areas of high quality agriculture land or of high landscape quality, or in water catchments. Likewise it has been recommended for application over cleared agricultural land which is surrounded by forested, steeply sloping land in an area of high fire risk. Maroondah and Manningham sought to use the Environmental Rural Zone to achieve environmental outcomes in areas characterised by housing. Although the panels in those cases found that this was an inappropriate use of the zone, it is a good example of trying to use the zone as a 'catch all' when other zones appear to be less meaningful or less well suited to a particular situation.

The Rural Zone has been the most widely applied of the rural zones. It has been applied almost exclusively to all rural land other than recognised rural residential areas, with little regard to whether the land is used primarily for agriculture or residential purposes, or to the amount of vegetation cover or other physical or environmental constraints.

The panels believe that experience with the rural zones demonstrates a number of shortcomings with the zones and overlays as they presently stand. **It is recommended that the principles underlying the rural zones and the environmental overlays should be reviewed and modifications made to the VPPS to ensure that important objectives in respect of agriculture and rural land can be met effectively.**

These shortcomings can be characterised as follows.

The ambit of the Rural Zone is too wide. Its distinguishing purpose is to provide for the sustainable use of land for extensive animal husbandry and crop raising. There is no mention among its purposes of residential use. Presumably when residential is a significant use, it was intended that the Rural Living Zone should be used. However, this is not the case in practice. There are large areas of rural Victoria included in the Rural Zone where residential use is a primary purpose of land, even though it may be being used for agricultural purposes as well. It is in these circumstances that there is

greatest potential for conflict between residential and agricultural uses, particularly when the changing trends in agriculture outlined above are considered.

The issue is whether greater emphasis needs to be given in certain locations to the primacy of agriculture over residential uses. This could be achieved by the creation of an Agriculture Zone. The primary purpose of the zone would be the same as the current Rural Zone, but the name of the zone would better reflect this purpose. Dwellings would be more strictly controlled and become Section 2 uses. In some way the nexus between subdivision and the expectation this gives rise to in terms of the right to construct a dwelling would need to be broken.

Clearly the Agriculture Zone would only be suitable for application to areas where productive agriculture was seen to be the primary purpose of the land.

The Rural Living Zone has tended to be applied to small acreage areas where there is an expectation that subdivision will occur (if it hasn't already) and that any productive use of the land will be ancillary to its residential use. There has been little thought given to its application to areas of larger lot size where residential use is nevertheless likely in conjunction with an ongoing use for agriculture. Little use has been made of the potential to broaden the range of minimum subdivision lot sizes or to take them much beyond the 8 hectares default specified in the VPPS.

It is probably too late to alter the nature and common perceptions of the purpose of the Rural Living Zone. Rural residential use is a strongly established and recognisable form of development in rural Victoria. It is appropriate to retain a zone whose primary purpose is to provide for residential use in a rural environment.

The principle that overlays should only control development, not use, has led to the Environmental Rural Zone being used as a catch-all when there is a perceived need to control use more closely than the Rural Zone allows.

The panels believe it needs to be acknowledged that there are circumstances where it is more important to control use than development in order to achieve identified environmental or other land use outcomes. Water catchments is one example, which is discussed in Section 5 where a new Water Catchment Overlay is recommended. The control of timber production in areas of landscape significance is another.

The panels believe that the Environmental Rural Zone is being misused in circumstances beyond its original intended purpose, which was akin to a conservation zone. The panels do not consider it is fundamentally suited for application to productive agricultural land, where agriculture is the primary purpose, simply because some of the controls it offers are more suited to the circumstances or status of the land than any other mechanism. Other mechanisms should be devised or modified to best meet their required objectives (even if this involves overlays controlling some uses) than continuing to distort the Environmental Rural Zone. The Environmental Rural Zone should remain as the zone to be applied where all uses should be subordinate to the environmental qualities or context of the land.

However, this approach leaves the need for a zone of general application where it is recognised that there is a need to balance the competing interests of residential use, agriculture and environmental qualities depending on the circumstances. The panels consider that this is an appropriate role for the Rural Zone, although the purpose of the zone would need to be modified to reflect this.

It is therefore recommended that consideration should be given to expanding the suite of rural zones in the VPPS to encompass the following:

- **Agriculture Zone**
 - **apply to land where the primary purpose is productive agriculture and primacy is to be given to agriculture over residential use**
 - **purpose same as current purpose of Rural Zone**
 - **residential use would be strictly controlled and limited**
 - **no expectation of a dwelling on every lot**
 - **no nexus between subdivision and the right to construct a dwelling**
 - **minimum subdivision size would be based on land capability**
- **Rural Living Zone**
 - **same provisions as currently in VPPS**
 - **continue to apply as presently used**
 - **encourage larger minimum lot sizes where appropriate and where residential use is the primary purpose of the land**
- **Environmental Rural Zone**
 - **same provisions as currently in VPPS**
 - **restrict application to land where all uses should be subordinate to the environmental qualities or context of the land**
 - **limit its use as a catch-all by modifying overlays to fulfil the purposes that the Environmental Rural Zone is currently meeting by reason of its control over certain uses**
- **Rural Zone**
 - **use as a zone of general application where the competing interests of residential use, agriculture and environmental qualities will need to be balanced depending on the circumstances**
 - **modify the purpose of the zone in the VPPS to reflect this role**
 - **apply to all rural land that does not fit within one of the other rural zones**

4.7 SUSTAINABLE AGRICULTURE

Sustainable agriculture, like any sustainable development, seeks to ensure that the operation will not have any adverse environmental or other impacts that will prevent it from continuing to operate at the same level into the future.

Agriculture is not a use that lends itself well to being controlled by permit. Permits are good at setting conditions for development (buildings and works) or spatial parameters (eg establishing setbacks from features such as roads, watercourses etc) but are not so good in governing the ongoing way in which certain activities will be carried out. This is because the nature of agricultural activities are constantly changing, in response to either price fluctuations, weather, new machinery, processes, methods or products, or different animals or crops being used.

Requiring permits for agriculture activities is unpopular with farmers and potentially stifling to their capacity to respond to changing circumstances because of the need to seek constant modifications. Frequently, council officers issuing permits lack the experience to frame conditions in a workable manner. However, this is not to say that there should be no control over the way in which farmers carry out agricultural activities. Unfortunately, agricultural practices have been a major contributor to land degradation, and the pollution of watercourses from fertilisers remains one of the biggest headaches for catchment management.

Appropriate land management, which results in sustainable agriculture and improved catchment management, is unlikely to result from a planning regime that requires permits for all sorts of agriculture. Rather, it will come from the development of codes of practice, which have widespread industry support and which are incorporated into the day-to-day land management practices of all farmers, irrespective of when they initially commenced their particular agricultural use.

The planning system that the new format planning schemes have introduced is well placed to facilitate this approach in a number of respects.

4.7.1 CODES OF PRACTICE

Good land management aimed at environmentally sustainable agriculture will be based on implementing certain performance standards, which will result in identified objectives or outcomes being achieved. A key component of the new planning system is its strategic focus. New format planning schemes are intended to facilitate appropriate development and the use of performance based provisions is encouraged. The techniques employed in the VPPS are designed to accommodate performance-based provisions.

A good example of this approach is timber production. Clause 52.18–2 of the VPPS requires that all timber production must comply with the Code of Forest Practices for Timber Production whether the use commenced before or after the coming into effect of

this requirement. Timber production is a Section 1 use in the Rural Zone provided certain requirements are met, including the requirements of Clause 52.18. Changes have been recently made to Clause 52.18 to address particular issues relating to the repair of roads used for cartage during timber harvesting operations, which were identified during the course of panel hearings in respect of the new format planning schemes. Timber production not meeting the Section 1 conditions is a Section 2 use in the Rural Zone, but must still meet the requirements of Clause 52.18.

The Code of Forest Practices for Timber Production has been developed in conjunction with the timber industry and embodies best practice management for timber production to:

... ensure that commercial timber growing and timber harvesting operations are carried out on both public land and private land in such a way that:

- (a) promotes an internationally competitive forest industry;
- (b) is compatible with the conservation of the wide range of environmental values associated with the forests; and
- (c) promotes the ecologically sustainable management of native forests proposed for continuous timber production.

The intent of the VPP provisions is to establish a performance basis for carrying out the use of timber production. Some of the standards are non-negotiable, such as compliance with the Code of Forest Practices for Timber Production. Other standards set out in the conditions to Section 1 can be departed from if a permit is granted. The conditions of any permit should relate only to the reason why a permit is required.

Another example of this performance-based approach to agricultural activities is the use of cattle feedlot. All cattle feedlots must comply with Clause 52.26, which requires compliance with the Victorian Code for Cattle Feedlots – August 1995. Clause 17.06–2 of the SPPF requires reference to the Code of Practice: Piggeries 1992 in respect of piggeries, although this does not have the same status as the codes for timber production or cattle feedlots.

Information supplied to panels during the course of their hearings indicates a growing need to establish codes of practice for the establishment and ongoing management of various forms of agricultural activity.¹³ Poultry farming is a perennial source of conflict. The growth in dairying and viticulture is resulting in new concerns being raised about them. Traditionally, these two activities have fallen within the ambit of extensive animal husbandry and crop raising and have not needed permits within the Rural Zone or former equivalents. The trends in intensification and mechanisation within these industries are creating a range of problems which need to be addressed. The panels do not believe that simply requiring permits for them is the answer. Rather, industry

¹³ See also Report of the Advisory Committee on the Victoria Planning Provisions (VPPS) - August 1997, Section 16.9, planning permit 255-258

standards relating to the establishment and ongoing management of these uses need to be developed and then applied across the board. The full range of impacts needs to be addressed, including traffic impact on roads, catchment issues, spray drift etc.

With respect to spray drift, this is an issue not confined to viticulture. It is a major source of conflict between agricultural and residential use. It has potential health impacts, as well as possibly contaminating land, which may affect its future suitability for residential subdivision.¹⁴ It may also have impacts for other agricultural uses, particularly those aimed at the growing 'clean and green' market. It may therefore be appropriate for DOI to work in conjunction with DNRE to develop a code of practice relating to chemical spraying.

The panels recommend that DOI should take the lead in coordinating, in conjunction with industry groups, local government, catchment management and water authorities, and relevant government departments:

- **The development of codes of practice relating to various agricultural uses, which establish standards and a performance based approach to the management of land for these purposes. They should be designed for inclusion in the VPPS as the basis on which these activities will be conducted. Consideration should be given to whether they should apply to all existing uses, as well as new uses, in a similar fashion to the Code of Forest Practices for Timber Production.**
- **The ongoing review of the VPPS to:**
 - **incorporate particular provisions relating to specific agricultural uses, including codes of practice;**
 - **include conditions that, if met, result in no permit being required for specific agricultural uses in appropriate locations or zones.**

4.7.2 LAND MANAGEMENT PLANS AND USE OF SCHEDULES

Codes of practice and the particular provisions of Clause 52 are applicable to specific activities or forms of development. However, in some locations, there may be land management practices, which are common to a range of uses, that should be carried out in certain ways in order to avoid detrimental impacts or to achieve other outcomes. Salinity management plans are one example: vegetation management plans are another.

¹⁴ This was a particular problem identified by the panel considering the Mildura New Format Planning Scheme, where considerable spraying of vineyards and market gardens occurs and where spray drift was a concern to neighbouring uses such as schools and residences. Given the extent and quantity of spraying, it also raised the possibility of chemical contamination of large areas designated for long-term urban growth.

Various provisions of the rural zones require a permit for certain things specified in schedules (earthworks and dams above a certain size) and overlays require permits for things unless it is stated in the schedule that **no** permit is required.

The provisions are intended to give Councils the opportunity to customise zones and overlays to respond to the particular needs of their municipalities or areas within them. Thus, if earthworks of a particular sort cause concern in a particular area, they can be identified in the schedule to the Rural Zone and a permit can be required.¹⁵

The ability to schedule out certain buildings or works from the need for a permit in a range of overlays is intended to encourage Councils, referral authorities and other organisations to develop performance standards, conditions or management plans, so that if development complies with them no permit is required.

At this stage, relatively few Councils have taken advantage of these provisions in overlays to schedule out development from the need for a permit. In some cases, where exemptions had been made, they were not performance based and little justification was provided. It appeared that many Councils had not fully appreciated the opportunities offered by these provisions to develop management plans or the like.

As stated previously, there are important distinctions between use and development of land, which planning schemes and planning permits can control but which are subject to existing use rights, and land management. The panels believe that a commitment to **proper land management** by land owners and managers is the only effective, long-term way in which good catchment management will be achieved and problems of land degradation, such as salinity and erosion, will be properly managed or reversed. The challenge will be to ensure that the distinctions are addressed in a way that overcomes issues and arguments relating to existing use rights, and avoids the need for excessive permits or referrals. An important mechanism in achieving this will be to encourage land managers to assume responsibility for the impacts that their activities may have and to manage their land according to identified standards or in line with agreed management plans.

The panels believe that DOI should be offering guidance in how to achieve this in practical terms. For instance, at present, there is a large gap between the general principles embodied in most catchment management plans and the sort of details needed to guide individual land owners in the day-to-day management of their land. An important role for DOI, DNRE, catchment management authorities and the like will be to identify in terms of practical detail what constitutes good land management in particular circumstances. The development of suitable models will be of great assistance to Councils to enable them to make appropriate use of the overlay provisions.

¹⁵ This provision was modified in the VPPS in particular response to the needs of the Municipalities Against Salinity for Northern Victoria: see Report of the Advisory Committee on the Victoria Planning Provisions (VPPS) - August 1997, Section 16.8.

It may be that as experience is gained with the new planning system, legislative change may be needed to better address the way in which the system deals with issues of ongoing land management. The panels believe this should be an important component of the monitoring and review undertaken by DOI in respect of the planning reforms.

It is therefore recommended that DOI should:

- **Monitor the way in which the new planning system integrates with issues relating to ongoing land management. It should consider if legislative change is required to better achieve the objectives of planning set out in the *Planning and Environment Act 1987*.**
- **Provide guidance on how to encourage land managers to assume responsibility for the impacts that their activities may have and to manage their land according to identified standards or in line with agreed management plans.**
- **Develop suitable models to assist Councils in making appropriate use of the overlay provisions, which enable certain buildings and works to be scheduled out of the need for a permit.**

4.8 DAMS

The proliferation of dams throughout rural Victoria is causing disquiet to a number of organisations such as VicRoads, water authorities and Councils due to their size, impact on downstream water quantity and safety.

In the rural zones, Clauses 35.01–3, 35.02–3 and 35.03–3 all require a permit for:

A dam which is any of the following:

- a capacity greater than that specified in the schedule to this zone
- on a permanent waterway
- diverts water from a permanent waterway

It would seem that if there is a concern about the effect of size and number of dams on downstream water quantity, there is already adequate power to control their construction. It is possible that insufficient attention has been paid to the need for a permit for a dam **of any size** diverting water from a permanent waterway. Education of local contractors and plant operators about this may be something that Councils and water authorities should address.

However, simply requiring a permit does not address the issue of whether or not a permit should be granted. On the one hand, the construction of dams is a necessary development to support the agricultural and horticultural use of the land. On the other hand, the proliferation of too many large dams can interfere with downstream water supply or restrict further agricultural activity due to commandeering catchment capacity. Either way, it is a situation likely to give rise to disputes in the future.

Councils, water authorities and catchment management authorities need to give urgent attention to setting standards that will ensure equitable future access to catchments for the purpose of harvesting water. This will depend on a variety of locally variable circumstances. The problem is that in some areas experiencing growth in vineyards, huge dams are being constructed, often much larger than necessary. The reason is that the size is based on an industry formula relating to the number of vines, irrespective of local rainfall.

In terms of dam safety, there is need to ensure that dams are constructed in a manner which minimises risk of dam failure. The onus should be placed on the developer to ensure that this occurs. One of the problems associated with the safety of dam walls is the competency of those designing or constructing them. The panels do not believe the onus for assessing the adequacy of the dam design should rest with a Council's planning staff.

It was recommended in the Wangaratta Panel Report that a new Clause 52.32 should be included in the VPPS, which would include a mandatory requirement for the submission of certified engineering plans as part of the planning permit application to prove the adequacy of design. This would also address more comprehensively the concerns about the structural safety of dams expressed in the Report of the Advisory Committee on the Victoria Planning Provisions (VPPS) — August 1997 [see p 253].

The panels therefore endorse the recommendation that the VPPS should be amended to introduce a particular provision in Clause 52 relating to dams. This should include a requirement for certified engineering plans to prove the adequacy of design to be submitted as part of an application. It should also be a requirement that applicants include an assessment of the impact that construction of the dam will have on water flows and the amount of water available to downstream users.

As a matter of urgency, DOI should liase with DNRE, water authorities and catchment management authorities about suitable policies to guide the equitable access to water resources.

SECTION 5 CATCHMENT MANAGEMENT

5.1. SIGNIFICANCE OF CATCHMENTS

The importance of water catchments cannot be overemphasised. Water will be the most valuable single resource of the new millennium. For virtually every other form of resource, substitutes exist or can be manufactured. There is no substitute for an adequate supply of clean water.

Our society has a history of being wasteful of resources or using them in a non-sustainable manner through either ignorance of the consequences, not appreciating their significance, their plenitude or simply greed.

Particularly in this dry continent of Australia, we can no longer afford to ignore the critical importance of clean water and the need to manage our catchments to ensure an ongoing, adequate supply of this resource. The consequences of failure in this regard have been foreshadowed by the recent experiences of Sydney.

The sobering experience in Sydney in late 1998 when it was deprived of drinkable water due to contamination is an object lesson in why catchment management is so critical. The importance of maintaining quality and quantity of water in catchments cannot be over-emphasised. Victoria's emergence as a supplier of 'clean green' agricultural produce will also depend on its supply of water.

This significance is recognised in the SPPF, in particular Clause 15.01.

Good catchment management is particularly important in open catchments where all land users — residents, farmers and others — need to acknowledge the potential hazards of their activities and to accept that restrictions and conditions may be necessary for the overall benefit of the community.

No doubt in Sydney there was no one single development or land management practice that led to the contamination of its water. More likely it was the incremental creep of many minor decisions, omissions and oversights that led to the current problem. It is this cumulative impact of individually insignificant developments and activities that must always be considered and guarded against. Two key sources of pollution in this respect are septic tanks and farming practices.

5.2. SEPTIC TANKS

The issue of ongoing maintenance of septic tanks is a matter that cannot be ignored. Ensuring that septic tanks continue to function effectively is just as important as ensuring they are adequately designed and installed in the first place.

Some water authorities have used their position as a referral authority to require Section 173 Agreements, which relate to the management and maintenance of septic tanks, to be entered as a condition of a permit being granted for a dwelling.

The panels do not consider that Section 173 Agreements are the most suitable mechanism to deal with this issue. Section 173 Agreements are a clumsy mechanism;

they only capture new development, not existing septic tanks, which are just as important; and their enforcement provisions through VCAT are unsuited to the nature of the problem.

The panels consider that a local law would be a more appropriate way of dealing with the ongoing maintenance of septic tanks. This would have the advantage of applying to all septic tanks, irrespective of their date of installation. The local law could place a requirement on landowners to maintain their septic tanks and to have them regularly maintained by inspection and cleaning, say every two or three years. This could be demonstrated by production of a receipt or certificate from a recognised contractor. Failing production of adequate proof of maintenance by the landowner, the Council (or its agent, which may be the water authority) would have the right to carry out maintenance on the septic tank and recover the cost from the landowner. This process could be linked to the issue of rate notices. There would need to be agreement between the Council and the water authority on the appropriate cycle and criteria for maintenance.

Clearly, the concept of using a local law to address the issue of septic tank maintenance will require further work. It should be investigated by DOI in conjunction with the water industry and the Victorian Council for Catchment Management Authorities. Ideally, a model local law should be developed which any council could use.

It is therefore recommended that DOI, in conjunction with the water industry, Victorian Council for Catchment Management Authorities and local government, should investigate the development of a model local law to deal with the ongoing maintenance of septic tanks.

5.3 PLANNING CONTROLS IN WATER CATCHMENTS

5.3.1 STATE PLANNING POLICY FOR CATCHMENTS

In Victoria, the significance of catchments is reflected in the Catchment Management Plans prepared by catchment management authorities and is recognised in the SPPF, particularly Clause 15.01. It is worth quoting the clause in full to emphasise this significance:

15.01 Protection of catchments, waterways and groundwater

15.01-1 Objective

To assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.

15.01–2 **General implementation**

Decision-making by planning and responsible authorities must be consistent with any relevant requirements of State environment protection policies as varied from time to time (Waters of Victoria and specific catchment policies).

Catchment planning and management

Planning authorities must have regard to relevant aspects of:

- any regional catchment strategies approved under the Catchment and Land Protection Act 1994 and any associated implementation plan or strategy, including regional vegetation plans, regional drainage plans, regional development plans, catchment action plans, landcare plans, and management plans for roadsides, soil, salinity, water quality and nutrients, floodplains, heritage rivers, river frontages and waterways.
- any special area plans approved under the Catchment and Land Protection Act 1994.

Planning and responsible authorities should coordinate their activities with those of the Boards of catchment management authorities appointed under the Catchment and Land Protection Act 1994 and consider any relevant management plan or works program approved by a catchment management authority.

Planning and responsible authorities should consider the impacts of catchment management on downstream water quality and freshwater, coastal and marine environments and, where possible should encourage:

- The retention of natural drainage corridors with vegetated buffer zones at least 30m wide along waterways to maintain the natural drainage function, stream habitat and wildlife corridors and landscape values, to minimise erosion of stream banks and verges and to reduce polluted surface runoff from adjacent land uses.
- Measures to minimise the quantity and retard the flow of stormwater runoff from developed areas.
- Measures, including the preservation of floodplain or other land for wetlands and detention basins, to filter sediment and wastes from stormwater prior to its discharge into waterways.

Responsible authorities should ensure that works at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses and are consistent with Guidelines for Stabilising Waterways (Rural Water Commission 1991) and Environmental Guidelines for River Management Works (Department of Conservation and Environment 1990), and should have regard to any relevant river restoration plans or waterway management works programs approved by a catchment management authority.

Water quality protection

Planning and responsible authorities should ensure that land use activities potentially discharging contaminated runoff or wastes to waterways are sited and managed to minimise such discharges and to protect the quality of surface water and ground water resources, rivers, streams, wetlands, estuaries and marine environments.

Incompatible land use activities should be discouraged in areas subject to flooding, severe soil degradation, groundwater salinity or geotechnical hazards where the land cannot be sustainably managed to ensure minimum impact on downstream water quality or flow volumes.

Planning and responsible authorities should ensure land use and development proposals minimise nutrient contributions to waterways and water bodies and the potential for the development of algal blooms, consistent with the Preliminary Nutrient Guidelines for Victorian Inland Streams (EPA 1995), the Victorian Nutrient Management Strategy (Government of Victoria 1995) and any nutrient or water quality management plans approved by Government.

Responsible authorities should use appropriate measures to restrict sediment discharges from construction sites in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995).

Planning and responsible authorities should utilise mapped information available from the Department of Natural Resources and Environment to identify the beneficial uses of groundwater resources and have regard to potential impacts on these resources of proposed land use or development.

15.01–3 Geographic strategies

Planning and responsible authorities should have regard to regional catchment strategies where relevant.

For land adjoining the Gippsland Lakes, planning and responsible authorities should have regard to Minister's Direction No. 5 Gippsland Lakes Strategy.

For land adjoining the Murray River, planning and responsible authorities should consider the recommendations of the Murray River Regional Environmental Plan No. 2 (REP2) of New South Wales.

5.3.2 VPPS TREATMENT OF CATCHMENTS

When the VPPs were in the course of preparation various submissions raised the issue of whether adequate controls exist within the VPPs to control use and development within water supply catchments. The need for an additional overlay was suggested.

In the Report of the Advisory Committee on the Victoria Planning Provisions (VPPs) — August 1997, the Advisory Committee reported on these submissions as follows:

The Committee is informed that DOI recommends an Environmental Rural Zone be applied to protect water catchments. This zone both affords discretion over the use of land for agriculture and prohibits a range of other uses which are generally inappropriate in water catchments, such as intensive animal husbandry, aquaculture, and abattoir.

DNRE (87) has recognised the applicability of the Environmental Rural Zone to proclaimed catchments, or now 'Special Water Supply Catchment Areas' under the Catchment and Land Protection Act 1994, even though a preference was indicated for a development control overlay related solely to water catchment protection.

Discussions have suggested that a generic natural resource overlay might be applied to water supply catchments, but the Committee's view is that the zone option would appear to be the most useful approach, offering land use, as well as development, controls. When the characteristics of the locality require it, an Environmental Significance Overlay may be appropriate, however, a separate water catchment overlay is not recommended.

While the protection of water quality could be seen as fitting generally within the present purposes of the Environmental Rural Zone, nevertheless the Committee considers it would be appropriate to add the protection of water quality as a specific purpose of this zone. The decision guidelines in Clause 35.02–6 already refer to the impact of proposals on water quality.

Amendment V3 amended the Environmental Rural Zone in accordance with the Advisory Committee's recommendation so that the purpose of the Environmental Rural Zone now includes:

To conserve and permanently maintain flora and fauna species, soil and **water quality** and areas of historic, archaeological and scientific interest and areas of natural scenic beauty or importance so that the viability of natural ecosystems and the natural and historic environment is enhanced.

No specific direction is given in the *Manual for the Victoria Planning Provisions* as to how water catchments should be dealt with in new format planning schemes.

5.3.3 TREATMENT OF CATCHMENTS IN EXHIBITED PLANNING SCHEMES

In planning schemes prepared prior to Amendment V3 Councils have generally not used the Environmental Rural Zone over catchments, but have applied the Rural Zone, Rural Living Zone and Township Zone, with an Environmental Significance Overlay.

This was the approach adopted in the Moorabool Planning Scheme. It is useful to refer to Moorabool in this context because it is a Shire where over two-thirds of the land, including its most highly productive agricultural land, is within proclaimed water catchments for Ballarat, Geelong, Melton, Bacchus Marsh and other towns within the municipality. The difficulties Moorabool faces with the extent of its water catchments and the potential conflicts between land uses, which this presents, are typical throughout Victoria. Likewise the concerns of the three water authorities in question reflect the concerns of other water authorities throughout the State on this issue.

The environmental objective of the Environmental Significance Overlay used by Moorabool (ESO1 — Proclaimed Water Catchment Areas) is:

- To provide for appropriate development of land within proclaimed water catchments.
- To protect quality and quantity of water produced within proclaimed water catchments.

A permit is required to subdivide land, to construct a building, construct or carry out works, and to remove, destroy or lop any vegetation. There are exemptions specified in the Schedule to the Overlay so that the requirements of the Overlay do not apply where:

- The proposal is for the erection of a dwelling in a township zone.
- The proposal is for the erection of a dwelling in the rural zone, where the lot exceeds 40 hectares.
- A permit is not required to construct a building or to construct or carry out works which are ancillary to a dwelling, and which do not have an area in excess of 30 square metres.

There are no referral provisions in ESO1. However, because it covers land in proclaimed water catchments, the referral provisions of Clause 66 apply. These provide as follows:

66 REFERRALS

Applications of the kind listed below must be referred to the person or body specified as a referral authority in accordance with Section 55 of the Act. This requirement is in addition to any other referral required in this scheme.

66.04 Use and development

<p>To use or develop land that is within a Special Water Supply Catchment Area listed in Schedule 5 of the Catchment and Land Protection Act 1994 and which provides water to a domestic supply.</p>	<p>The relevant water board or water supply authority.</p>
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This does not apply to an application for a sign, fence, roadworks or unenclosed building or works ancillary to a dwelling.

It should be noted that these referral provisions apply only to an application for use and development. Therefore, if no application for use or development is required, no referral is required. As a consequence, the water authorities are concerned about several gaps in the ambit of control over use and development in water catchments. These concern septic tanks associated with dwellings and certain agricultural uses.

The gaps arise because the Environmental Significance Overlay only controls buildings and works, not use. Under the provisions of the Rural Zone, crop raising, extensive animal husbandry and timber production are all agricultural uses that do not require a permit. In the Rural Zone, Rural Living Zone and Township Zone, no permit is required for a dwelling provided certain requirements are met. In each case, one of the requirements is that if a reticulated sewerage system is not available, the wastewater must be treated and retained on the site in accordance with the State Environment Protection Policy (Waters of Victoria). In the case of the Rural Zone and the Rural Living Zone, another requirement relates to the size of the lot, which is 40 hectares in the case of the Rural Zone and six hectares in the case of the Rural Living Zone.

The result is that the water authority will have no input in respect of:

- any new uses involving crop raising, extensive animal husbandry or timber production in the Rural Zone;
- the use and development of a dwelling in a Township Zone;
- the use and development of a dwelling in the Rural Zone on lots greater than 40 hectares.

Administration of the provisions of the Planning Scheme relating to septic tanks in these instances will rest entirely with the Council.

This contrasts to the current situation where the water authorities have a much greater input. In particular, Central Highlands Water has had a practice of requiring Section 173 Agreements to be entered to in order to ensure the ongoing maintenance of septic tanks. The loss of its capacity to require these Section 173 Agreements is of particular concern to it.

5.3.4 VIEWS OF WATER AUTHORITIES

Each of the three water authorities in Moorabool — Western Water, Central Highlands Water and Barwon Water — drew attention to the need to protect water assets from unplanned development. Maintaining a strong catchment management program to prevent pollution of the raw water is the first line of defence in the protection of potable water supplies. The higher the risk of contamination from an inhabited catchment, the higher the level of treatment needed to protect the public health. By protecting water catchments from contamination due to biological sources and nutrients, this can help ensure both a reasonable standard of water quality and, through ensuring a minimum level of treatment, reduce the cost of water to consumers.

The water authorities all supported the principle that all private land in proclaimed water catchments should be included in an Environmental Rural Zone with an Environmental Significance Overlay, supported by a strengthened policy base.

The Environmental Rural Zone is supported because:

- It is the preferred DOI approach to the protection of water catchments.
- It would require a permit for all agricultural uses and dwellings.
- As a consequence, all applications for use and development would be referred to the water authorities under Clause 66.04.
- It prohibits certain uses such as intensive animal industry, which are considered inappropriate in a proclaimed water catchment.

5.3.5 VIEWS OF COUNCILS AND LANDOWNERS

At the panel hearing, the Moorabool Shire Council did not support application of the Environmental Rural Zone because:

- Nearly two-thirds of all private land within the municipality would be included in the Zone.
- Most of the land has little or no environmental significance other than its status as being within a water catchment.
- Much of the land is conventional farming land and includes the high quality agricultural land in the western part of the Shire. The primary purpose of this land is best reflected by the purposes of the Rural Zone, which include to *'provide for the sustainable use of land for Extensive animal husbandry (including dairying and grazing) and Crop raising (including Horticulture and Timber production).'*
- The effect on both the resources of Council and landowners of requiring a permit for all new agricultural uses would be onerous.
- It is doubtful if the water authorities, as referral authorities, possess the capacity to deal with the number of referrals that would be generated by an Environmental Rural Zone over such a large area.

5.3.6 PREFERRED APPROACH

In the case of the Moorabool Planning Scheme, the Panel considered the arguments raised by both the water authorities and the Council all had substance. The Panel agreed with the water authorities that the planning regime in the exhibited Moorabool Planning Scheme creates gaps in the level of control over significant potential sources of pollution and, in this respect, is inadequate.

On the other hand, the virtual blanket of referral as a result of applying the Environmental Rural Zone over such an extensive area is likely to be a strain on the resources of the water authorities and does not support the principle of a performance based planning system, which is one of the objectives of the planning reform program.

Referrals Within Catchments

In September 1997, the Referral Authorities Advisory Committee released a Discussion Paper addressing the practical difficulties associated with the current referrals process. One of the approaches advocated in the Discussion Paper was the principle of requiring referral authorities to identify the criteria by which they assessed certain applications referred to them and to identify the information they required to be submitted with such applications. In association with this approach, it was advocated that applicants should be encouraged to liaise with referral authorities prior to lodging their application to ensure that the information supplied is adequate and the assessment criteria are met.

The Panel considers it is possible to take this approach further so that where certain performance criteria are identified, a referral is only required if those criteria are not satisfied.

Whilst the Panel supports the objective of the water authorities to protect the quality and quantity of water within their catchments, it does not support the concept of control for the sake of control. Rather, the objective behind control should be to ensure that use and development meet certain standards, and to identify those uses and developments that are unacceptable.

There will always be certain uses and developments that will need to be considered on their individual merits because of their unusual nature. But for the majority of more common uses and developments, water authorities should know the criteria by which they would assess such matters and the performance standards that should apply. They should also be aware of those uses and developments that are not acceptable within a proclaimed water catchment. It is the Panel's opinion that water authorities need to make their criteria and performance standards known. Where use and development meet these requirements, referral should not be necessary. Referral should only be required where the criteria or performance standards will not be met and the application is one for which no standard criteria or performance standards are available.

This approach recognises that the roles of referral authorities and responsible authorities are different. It is the role of referral authorities (in this case the water authorities) to identify the standards they require to be met in order to protect the interests they are responsible for. It is the role of responsible authorities to ensure that those standards are met by particular proposals. There needs to be confidence on the part of referral authorities that responsible authorities will properly ensure that their requirements are met. To this end, it will be necessary for referral authorities and responsible authorities to cooperate and identify satisfactory mechanisms for ensuring that the requirements are met.

The Panel regards the work involved with this approach as being the vital next stage in implementing the strategies for catchment management found in the SPPF, the MSS for Moorabool and numerous other councils, and in the catchment management plans of the various catchment management authorities. It will be an implementation of the performance-based approach to planning, which the planning reform program envisages. Whilst it may involve considerable work on the part of referral authorities such as water authorities to codify their requirements in respect of a range of matters, the outcome will be a substantially reduced number of referrals. Only unusual applications for which the referral authority has no standards will need to be referred.

Use of Environmental Rural Zone in Catchments

To facilitate this approach, the Panel believes that preferred controls applying to water catchments should be reconsidered.

Experience with using the Environmental Rural zone and Environmental Significance Overlays have led the Panel to the conclusion that the Environmental Rural Zone is not the most appropriate means by which to deal with water catchments. The Panel agrees with the Council that it is twisting the concept of 'environmental significance' to apply it to land simply because of its status as being within a water catchment. If the reservoir did not exist, the nature of the land would be no different, only its status in terms of being within a catchment would alter.

The Panel therefore believes it is undermining the integrity of the Environmental Rural zone to apply it to land better described by reference to the purpose of the Rural Zone (or the Rural Living Zone for that matter).

However, the Panel also acknowledges that applying the Environmental Significance Overlay to water catchments has shortcomings because of its failure to control use. This is particularly significant because practices associated with agricultural activities are the source of some of the worst pollution of waterways within catchments, eg. through the application of chemicals and fertilisers.

It may be just as important to control the establishment of new crop raising or timber production uses within water catchments, and apply appropriate conditions, as it is to control new development. This cannot be done by means of an overlay.

New Overlay for Water Catchments

Therefore, despite the recommendations of the Advisory Committee on the Victoria Planning Provisions (VPPs), the Panel believes that DOI should consider the introduction of a new type of overlay applying to water catchments that controls use as well as development. It would need to be framed in a way that promoted the approach advocated by the Panel with respect to referral authorities. This envisages that referral

authorities develop and publicise performance standards and conditions in respect of the uses and developments common or likely within their catchments. Referral would only be necessary where use or development could not meet these standards or criteria, or where standard conditions required by the referral authority were inappropriate.

Approach Recommended in Shire of Moorabool

In the interim, until such an overlay can be introduced, the Panel considers that the current DOI preferred approach should be adopted of including the water catchments within an Environmental Rural Zone. This includes land exhibited within the Rural Zone and the Rural Living Zone. They should be differentiated within the Environmental Rural Zone by the minimum subdivision sizes that apply to them under the exhibited Scheme.

The Panel bases this recommendation on the control over use, which it considers essential within a water catchment, that the Environmental Rural zone offers, compared to just relying on the overlay.

However, if the Environmental Rural Zone is applied, the Panel sees no need for the Environmental Significance Overlay to be retained. Dwelling is a Section 2 Use in the Environmental Rural Zone and a permit is also required for any buildings or works specified in Clause 35.02–3. The Council should specify earthworks in the Schedule to the Zone in locations 100 metres from a waterway, wetlands or designated flood plain under Clause 32.02–3 because the land is within a catchment.

Land that is within a residential zone in the catchments which includes a Township Zone or Low Density Residential Zone, should be retained in these zones, but should have an Environmental Significance Overlay applied.

The exhibited ESO1 will need to be modified, both to suit its more restricted application and to more accurately reflect the wording and requirements of Clause 42.01. The current exemptions should not apply. Rather, the Council should work with the water authorities to develop the sort of criteria the Panel has discussed previously, particularly with respect to dwellings. Development that meets these criteria should be included in the Schedule as being exempt from the need for a permit.

The Panel recognises that these outcomes are not ideal. Nevertheless, with the tools presently available, it considers these proposals best meet the needs of protecting the water catchments and reflect a consistent approach to the treatment of catchments.

The MSS will need to be rewritten with respect to catchments to reflect this approach.

Meanwhile, there is an onus on the water authorities to undertake the tasks necessary to implement a performance-based approach to their responsibilities. There is an onus also on DOI to reconsider the need for a water catchment overlay.

In advocating this approach, the Panel is not ignoring the interests or responsibilities of catchment management authorities. They have an important role to play. But in the current statutory framework, referral authority status rests with the water authorities and so it is they who will be most immediately involved in the framing of appropriate schedules to the Environmental Rural Zone and Environmental Significance Overlay.

The panels believe that the approach adopted in the Shire of Moorabool should be adopted elsewhere to promote the consistency of approach that the planning reform program was intended to encourage. In general terms the panels recommend that:

- **Water authorities should develop a series of performance measures and conditions upon which certain use or development may proceed within water catchments without the need for referral to the water authorities.**
- **DOI should consider the introduction of a new Water Catchment Overlay to the VPPs that controls use as well as development.**

SECTION 6 OVERLAYS

6.1 GENERAL ISSUES

There are a number of general issues relating to the use of overlays which emerged from the panels' consideration of new format planning schemes. These include:

6.1.1 DRAFTING THE SCHEDULE AS A PRIMARY FORM OF CONTROL

In some schemes, schedules to overlays were drafted as though they were the main overlay provisions, rather than simply including the information required in response to the VPP provision.

In other instances, additional provisions were included as a **requirement**, rather than simply as a decision guideline. This is contrary to the rule that a planning scheme cannot modify the wording or provisions of any part of the VPPS or schedules included in the Ministerial Direction on the Form and Content of Planning Schemes.

This type of drafting should be rectified as a result of panel comment and DOI scrutiny prior to the gazettal of individual schemes. However, it is a problem that will need to be watched in terms of maintaining quality control over amendments.

6.1.2 INADEQUATE EXPRESSION OF OBJECTIVES

The Environmental Significance Overlay, Significant Landscape Overlay, Vegetation Protection Overlay and Design and Development Overlay all require a schedule to

contain a statement of objectives to be achieved. The first three also require a statement of significance.

Overall, panels found the statements of significance and the expression of objectives to be disappointingly bland and generalised. For a proper appreciation of **why** the overlay had been applied, and consequently **how** discretion should be appropriately exercised, one will usually need to look outside the planning scheme, sometimes to a reference document or some land mapping, but more often than not, simply to the physical state of the land itself. There was very little attempt to describe the significance of the land or the outcomes to be achieved with any degree of detail or specificity.

This is not what was intended. Statements of significance and outcomes to be achieved were intended to be place specific. Schedules were intended to incorporate all the relevant information needed on which to base a decision. Where scientific, landscape, urban character or other reports have been carried out, their essence should be extracted and included in the schedules. It may be appropriate to reference them as background material, but it should not be necessary to refer to them in order to understand what the real significance of the place is.

This is a shortcoming that may not be remedied in all planning schemes prior to gazettal. It is a quality control issue that DOI will need to monitor to ensure it is adequately addressed when Councils come to review their schemes. It is also an issue that will need to be addressed when amendments are dealt with.

6.1.3 INADEQUATE USE OF THE SCHEDULING - OUT PROVISIONS

This has already been referred to in the context of sustainable agriculture and land management plans in Section 4.6.2. However, the failure to use the opportunities provided by overlays to identify buildings and works that do not require a permit is not confined only to environmental overlays.

This may be partly explained by the fact that many Councils will not have had time to formulate the sort of management plans or standard conditions contemplated for inclusion in the schedules. But it may also be due to a lack of appreciation on the part of Councils of how these provisions are expected to work.

These provisions are a key mechanism in implementing the planning reform objective of promoting a performance based approach to planning assessment. The idea is that if development meets identified criteria or complies with certain conditions, no permit should be required. The criteria or conditions should be formulated in order to achieve identified objectives.

At present, the majority of instances where development is scheduled out of an Overlay requirement for a permit are expressed as **exemptions**, with little or no justification being provided for their exclusion. They are not being expressed in terms of: “x

buildings or works do not require a permit provided they meet the following conditions...”

The panels believe it will be useful for DOI to provide guidance to Councils on the way in which the scheduling out provisions of overlays can work and possible models.

6.1.4 APPLICATION OF OVERLAYS TO PUBLIC LAND

There were frequent submissions made by authorities such as Vic Roads and the PTC that overlays, particularly environmental overlays, should not apply to land for which they were the land managers.

The panels believe this is an issue which needs to be dealt with on a Statewide basis. In general terms, it believes that if land has a particular character that justifies the application of an overlay, then **any** buildings or works which have an impact on the reason for the overlay should require a permit. If it can be demonstrated that the buildings or works have been designed to specifically address the issues or purpose of the overlay, then there is provision within the relevant schedules to exempt those

buildings or works from the need for a permit. To date, the 'permit not required' provisions of schedules to overlays have not been widely used for this purpose. As familiarity with the operation of the VPPs is gained, it is likely that this provision will be more widely used. However, the panels do not consider that buildings and works should be exempt from the need for a permit under an overlay just because a public authority proposes them or the land is public land.

6.1.5 MULTIPLICITY OF OVERLAYS/CONFUSION ABOUT PURPOSE

In some locations, panels found that Councils had gone overboard in their application of multiple overlays to the same piece of land. In other instances, there was confusion about which was the most appropriate overlay to apply. This was particularly evident with respect to the environmental overlays. Frequently an Environmental Significance Overlay was used when a Significant Landscape Overlay or Vegetation Protection Overlay may have been more appropriate

The panels generally believe that these problems will be overcome, as Councils become more familiar with the use of overlays and more adept at writing specifically targeted statements of significance and objectives. Many panels have made recommendations to combine overlays, apply alternatives or utilise other mechanisms where there has been an unnecessary duplication of control. It is an issue that DOI should monitor as part of the first review of schemes in order to ensure that Councils have responded to the general principle of keeping controls as straightforward as possible.

However, the broader issue of principle is whether all the overlays are necessary. This particularly relates to the environmental overlays. The distinctions in control are minimal and frequently, although not always, the features creating significance will call up the purpose of more than one overlay.

In further reviewing the VPPS, DOI should consider the practical differences between the environmental overlays and the way in which they are being used. It is possible that experience may reveal there is scope to reduce these overlays to one with multiple purposes, so long as the statement of significance and objectives for its application are stated with sufficient clarity and specificity.

It is therefore recommended that DOI should review the operation of the overlays, particularly the environmental overlays, with a view to possibly reducing their number.

6.2 ENVIRONMENTAL SIGNIFICANCE OVERLAY

6.2.1 PROTECTION OF WATERCOURSES

Many rural municipalities are applying the Environmental Significance Overlay to watercourses within their boundaries. They are being applied in response to the need to protect catchments, waterways, water bodies etc. referred to in the SPPF. However,

their proliferation is making planning schemes unduly complex. In addition, there are inconsistencies along the length of a single watercourse where different municipalities have different controls or no controls.

Whilst there have been variations in the extent of land included in the overlay, it most commonly applies to 100 metres either side of a watercourse. A permit is required for all buildings, works and vegetation removal within this distance.

However, overlaps exist between these overlay provisions and zone provisions. For example, under all rural zones, a permit is required for a **building** within 100 metres from a waterway, wetlands or designated floodplain (see Clause 35.01–3 et al). The Environmental Significance Overlay extends this permit requirement of the zone to **works** and **vegetation removal** also within 100 metres of a watercourse.

The panels query why the zone provisions could not also include the need for a permit for earthworks in addition to a permit for a building, within 100 metres of a waterway, wetland or designated floodplain. A permit would then be needed under the zone provisions for a building or works within 100 metres of a waterway, wetlands or designated floodplain without the need to rely on overlay provisions. This would mean that all the various Environmental Significance Overlays applying to watercourses could be removed from planning schemes. This would simplify the schemes and introduce consistency along the length of all waterways.

The only thing that would not then be caught by the zone provisions would be vegetation removal within 100 metres of a watercourse. This is notwithstanding Clause 52.17, which requires a permit to remove, destroy or lop native vegetation, because of all the exemptions listed in the Clause. Clause 52.17 only operates to catch widescale vegetation removal. It does not operate to capture removal of areas less than 0.4 hectares, which can nevertheless be very detrimental to the environment if carried out in close proximity to a watercourse.

One means of overcoming this problem would be to include a provision in Clause 52.17 providing that none of the exemptions apply to the removal of vegetation within a defined distance from a waterway, wetland or designated floodplain. An appropriate defined distance is something that would need to be carefully considered. A 100 metre distance is usually what is specified in Environmental Significance Overlays along watercourses. If this were felt to be excessive when applied on a statewide basis, a 30 metre distance would be in accordance with Clause 15.01 of the SPPF.

Specifically, Clause 15.01–2 provides:

Planning and responsible authorities should consider the impacts of catchment management on downstream water quality and freshwater, coastal and marine environments and, where possible, should encourage:

- The retention of natural drainage corridors with vegetated buffer zones at least 30m wide along waterways to maintain the natural drainage function, stream habitat and wildlife corridors and landscape values, to minimise erosion of streambanks and verges and to reduce polluted surface runoff from adjacent land uses.

The panels therefore suggest that a 30 metre exemption from all the exemptions in Clause 52.17 would be adequate to meet the intent of Clause 15.01–2.

The panels suggest that this measure, in conjunction with the need for a permit for all buildings and works within 100 metres of a watercourse, would go a long way to promote fundamental principles of good catchment management and would facilitate the implementation of strategies about the protection of waterways, which are common to many catchment management plans. The panels consider that the VPPs should be amended to reflect these provisions.

Where provisions protecting waterways are part of the zone and the standard conditions that apply, this reinforces principles of good catchment management, so they are not seen to be something special. On the other hand, the presence of an overlay along watercourses serves to highlight the requirements. It is an effective way of bringing to people's attention that particular care needs to be taken in proximity to watercourses. The problem with the overlay approach is that it becomes an 'optional extra'. It may apply in one municipality but not in the next. Not all watercourses or wetlands are caught by it and it makes planning schemes more complex in terms of the number of maps etc.

There are arguments that support both approaches to this issue. In the panels' opinion, if good catchment management is going to become accepted practice across the board, then fundamental principles such as the protection of watercourses, need to be incorporated into the basic building blocks of a planning scheme, namely the zones. The integration of catchment management with land use and development planning so that they are mutually supportive and complementary is one of the challenges lying ahead for councils, catchment management authorities, water authorities and DOI. The panels believe there is scope for developing performance measures that would be applicable to a wide variety of development along water courses. This is something that should be looked at further. However, at this point, the basic amendments to the VPPs, which the panels have advocated, would be a significant step along the route to implementing the objective and principles set out in Clause 15.01 of the SPPF.

The panels therefore recommend that the VPPs should be amended so:

- **There is a provision in all rural zones that a permit is required to construct or carry out a building *or works* within 100 metres from a waterway, wetlands or designated floodplain.**
- **The exemptions in Clause 52.17 from the need to obtain a permit to remove, destroy or lop native vegetation do not apply to any area within 30 metres from a waterway, wetland or designated floodplain. In other words, a permit is required to remove all vegetation within 30 metres of a waterway, wetland or designated floodplain without exception, except in the case of an emergency.**

6.2.2 NATURAL RESOURCE OVERLAY

In the Report of the Advisory Committee on the Victoria Planning Provisions (VPPS) — August 1997 consideration was given to the need for a Natural Resource Overlay.¹⁶ No recommendation about the introduction of such an overlay was made at that time, other than further review being needed.

The panels believe that experience with the use of the Environmental Significance Overlay and the rural zones generally, have emphasised the need to give further consideration to this concept.

The panels recommend that further consideration should be given to the concept of a Natural Resource Overlay.

6.3 SIGNIFICANT LANDSCAPE OVERLAY

Whilst there has been little objection about the quality of the landscape of the areas where the Significant Landscape Overlay has been applied, most statements of the nature and key elements of the landscape and the landscape character objectives to be achieved have been ill-defined and over-generalised. Nor have they been assisted by helpful decision guidelines included in the schedules. Little thought has been given to the type of development which may mar the landscape, what criteria appropriate development should meet, how impact will be assessed or from what vantage points. This is particularly relevant when wide swathes of countryside are in question, which may range from heavily timbered mountain ranges to high quality agricultural land along creek valleys.¹⁷

¹⁶ Report of the Advisory Committee on the Victoria Planning Provisions (VPPS) - August 1997, Section 9.1, pp 131-135

¹⁷ This has been the case with a number of National Trust Significant Landscapes, which have been omitted from inclusion in a Significant Landscape Overlay because of the size of the area they embrace and uncertainty about the type of development which would justify control.

This is part of the general problem concerning the inadequate expression of objectives and statements of significance in schedules to overlays. However, it is one that DOI may need to give special guidance on, particularly when it comes to identifying key elements of the landscape, as it is these elements which will influence the type of development that should require a permit or the conditions that should apply. The different nature of various landscapes will require a response tailored to the specific needs of each area. The landscape character objectives to be achieved will also need to be balanced by any objectives the council may have with respect to promoting agriculture in the area or any likely agricultural trends which may impact on the key elements of the landscape.

The exception, in terms of identifying specific development, has been timber production, which many Councils recognise may dramatically alter a pastoral landscape. It is noted that the first dot point of Clause 42.03–2 states:

- A permit is required to:
 - Construct a building or carry out works. This does not apply:
 - If a schedule to this overlay specifically state that a permit is not required.
 - To the conduct of agricultural activities including ploughing and fencing (but not the construction of dams) unless a specific requirement for that activity is specified in a schedule to this overlay.

Some Councils have applied an Environmental Rural Zone to areas of landscape significance in order to ensure control over timber production. The appropriate wording of a schedule to the Significant Landscape Overlay may address their needs in this respect. It is a matter that the regional offices of DOI should take up with those Councils concerned.

6.4 HERITAGE OVERLAY

In the Report on Trends and Issues Emerging from Consideration of First Five New Format Planning Schemes, specific attention was drawn to the practice of most Councils to simply replicate the extent of existing heritage controls based on pre-existing studies. It was also noted that panels assessing the new format planning schemes were not evaluating any of the studies on which application of the Heritage Overlay was based or the adequacy of statements of significance due to lack of time.

A new Practice Note has been issued by DOI elaborating on the requirements and application of the Heritage Overlay, which addresses a number of other matters raised in the Report on Trends and Issues Emerging from Consideration of First Five New Format Planning Schemes. However, the panels still consider that the standard of the material upon which Heritage Overlays are based should be upgraded to meet current guidelines and criteria.

It is therefore recommended that DOI should require Councils to include in the program for review of their planning schemes, a review of all places covered by a Heritage Overlay and an assessment of the material upon which it is based to ensure it meets the guidelines and criteria in the Practice Note. Appropriate statements of significance in respect of each heritage place should also be prepared.

In common with many other overlays, guidance by DOI about what is required with respect to statements of significance for heritage places would be helpful to Councils.

Most Councils, in response to submissions by Aboriginal Affairs Victoria, have included references in their MSS to Aboriginal heritage. Many propose studies to further identify Aboriginal cultural heritage sites. A difficulty associated with protecting Aboriginal cultural heritage sites in the planning scheme is that whilst Aboriginal Affairs Victoria is prepared to provide information to the council, it usually requests that sites not be included in the Heritage Overlay because of fears about theft and desecration. This means that there is no direct mechanism available to the council to trigger protection of sites and artefacts through the planning system. There needs to be clarification of how recognition and protection of Aboriginal heritage should be handled in planning schemes.

The panels therefore recommend that DOI prepare specific guidelines for dealing with the recognition and protection of Aboriginal heritage in planning schemes.

In Section 9.3.1 the issue of reference to heritage guidelines is discussed. **As a result, it is recommended that the third dot point of Clause 43.01–5 of the VPPS should be amended to read as follows:**

- **Any applicable heritage study and any applicable conservation policy or heritage guidelines incorporated in Clause 81.**

6.5 INCORPORATED PLAN OVERLAY AND DEVELOPMENT PLAN OVERLAY

6.5.1 OPERATION OF THE OVERLAYS

The operation of the Incorporated Plan Overlay and the Development Plan Overlay were commented on extensively in the Report of the Advisory Committee on the Victoria Planning Provisions (VPPS) — August 1997.¹⁸ The Advisory Committee was particularly critical of the need for a permit for a proposal that was generally in accordance with an incorporated plan or development plan without automatically exempting the application from notice and appeal.

¹⁸ Report of the Advisory Committee on the Victoria Planning Provisions (VPPS) - August 1997, Section 11.2, pp 154-157

This perceived shortcoming has now been addressed. The provisions of both the Incorporated Plan Overlay and Development Plan Overlay now provide that:

An application under any provision of this scheme which is generally in accordance with the incorporated plan [development plan] is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.¹⁹

The panels believe this now makes these overlays far more useful as planning tools intended to encourage and facilitate the forward planning and masterplanning of areas. The panels also note the provisions under Division 5 of the *Planning and Environment Act 1987* for a combined permit and amendment process.

6.5.2 PERMITS NOT GENERALLY IN ACCORDANCE WITH INCORPORATED PLAN OR DEVELOPMENT PLAN

There is no ability to grant a permit that is not generally in accordance with a development plan under a Development Plan Overlay.

The same is not the case with an Incorporated Plan Overlay. Under the Incorporated Plan Overlay Clause 43.03–1 states:

A permit granted must:

- Be generally in accordance with the incorporated plan unless a schedule to this overlay specifies otherwise.

Incorporated Plan Overlays have been widely applied to major shopping centres, such as Northland, Highpoint etc. to incorporate concept plans, which have been through a public exhibition and amendment process, into the planning scheme. What panels frequently found in these situations was that schedules to the Incorporated Plan Overlay were drafted to specify that “*a permit may be granted for buildings and works that are not generally in accordance with the incorporated plan.*”

It is interesting to note that this provision, which is clearly contemplated by the VPPS Incorporated Plan Overlay, can lead to the situation where development is permitted not in accordance with the incorporated plan but without requiring any amendment to the incorporated plan. The Overlay only requires that changes to the incorporated plan should be by amendment; it does not specify that such an amendment should take place along with any permit issued for development not in accordance with the incorporated plan. The possibility is therefore contemplated that the incorporated plan will gradually become outdated since there is no imperative to amend it or to achieve consistency between the incorporated plan and permitted developments.

¹⁹ See Clause 43.03-2 and Clause 43.04-2

The Incorporated Plan Overlay has as one of its purposes:

To identify areas which require:

- The form and conditions of future use and development to be shown on an incorporated plan before the use or development of land can commence
- A planning scheme amendment before the incorporated plan can be changed

The panels are concerned about the fundamental structure of this arrangement. Little purpose is to be served by incorporating concept plans into the planning scheme if the permit process can alter them. The permit itself may refer to a designated plan and changes to it could be sought through applications to modify the permit. It is misleading and confusing to have incorporated plans in the scheme that can only be changed by planning scheme amendment if permits can be granted for development not in accordance with those plans.

Since this issue is common to a number of the freestanding shopping centres in metropolitan Melbourne, the panels suggest that DOI develop a model set of VPP techniques for these centres in order to maintain some consistency of approach, if this is not too late.

More importantly, the panels recommend that DOI examine this apparent anomaly, which appears to enable the primary purpose of the Incorporated Plan Overlay to be undermined.

6.5.3 MASTERPLANS

DOI has promoted the use of the Incorporated Plan Overlay to facilitate the preparation of masterplans for major institutional uses such as schools and hospitals. The issues were explored at length in the Panel Report on the Stonnington New Format Planning Scheme. Stonnington has a large number of institutional uses, which it proposed to include in the Special Use Zone. Issues surrounding the use of the Special Use Zone and the various options for preparing and approving masterplans are discussed in Section 7.3. The use of the Special Use Zone was not supported, with the Panel adopting a similar position to most other panels that institutions should be included in the surrounding zone. The following discussion relates specifically to the use of the Incorporated Plan Overlay for masterplans.²⁰

Currently, Council encourages institutions to prepare masterplans for their future development, providing them and surrounding uses with greater certainty. The level of detail required in masterplans to provide certainty for surrounding uses, and flexibility for the use, varies with individual circumstances.

²⁰ Extracted from Panel Report for Stonnington New Format Planning Scheme, Section 4.1, pp 39-40

The Department of Infrastructure and several surrounding Councils have supported the inclusion of masterplans into schemes as an Incorporated Plan Overlay. The introduction of this Overlay is considered a good procedure as it allows Council to state its requirements for the masterplan. It also requires public exhibition under an amendment process before the masterplan can be included into the scheme. This is especially desirable as under the amendment process, Council has the final 'say' because Council requests the independent panel and Council may or may not accept its advice when it reports back to Council. On the other hand, in a 'permit' situation the final 'say' is with the Appeals Tribunal and Council does not have the opportunity for review.

The main objection from submitters concerns the issue of exemption from further notification and appeal when new development is being proposed. The introduction of the Incorporated Plan Overlay should alleviate these concerns. Other than the requirement of public exhibition and panel hearing procedures to include the masterplan in the scheme in the first place, if a submitted proposal is subsequently determined to be inconsistent with the approved masterplan, then this Overlay requires a further amendment to the scheme involving further full public consultation. It should be noted, though, that if the submitted proposal is clearly consistent with the masterplan, this Overlay exempts the giving of notice and appeal rights. This is considered reasonable, however, given the masterplan has already undergone a full public scrutiny process to be included in the scheme in the first place.

These provisions do allow an applicant with the option of choosing not to prepare a masterplan by enabling development to proceed through the planning permit process. This path, although permitted, is considered less desirable for all concerned. It is hoped that institutions will elect to follow the amendment process and include their masterplans into the scheme as an Incorporated Plan Overlay. Whilst the preparation of a masterplan is discretionary, institutions should be encouraged to undertake the amendment/overlay process so as to provide a greater degree of certainty for both them and affected residents alike.

The consultative/ public exhibition process of an amendment is intended to identify, negotiate and resolve any areas of conflict between institutions, residents and the Council. The reward for institutions in undertaking this process is to reach agreement with the community on broad principles for any future development and thus avoid the need to continuously consult with the community on subsequent development that is consistent with the Incorporated Plan Overlay

In the case of Stonnington, the Panel considered that the masterplan should not be too detailed but stipulate a building envelope, land use activities, operational and use details, hours of operation, car parking, traffic generation, height and the scale of buildings in relation to overlooking.

Whilst the circumstances of each case will vary, the panels do not consider that a masterplan incorporated under an Incorporated Plan Overlay must necessarily be confined to the property in question. Frequently the impacts arising from institutional uses extend well beyond property boundaries, which is usually why there is conflict in the first place. A good masterplan should address all impacts, not just those of a 'planning' nature in the form of buildings and works, hours of operation etc. For instance, it may include traffic works to be undertaken or contributed to by the land manager beyond the property. When preparing masterplans, Councils and proponents are encouraged to apply the same processes that should apply to the MSS and local policies, namely to state the key issues and to then identify objectives, strategies and means of implementation.

6.5.4 URBAN GROWTH

Different Councils have adopted different strategies for dealing with urban growth areas. The issue was discussed in the Report of the Advisory Committee on the Victoria Planning Provisions (VPPS) — August 1997,²¹ which advocated the possible application of both an Incorporated Plan Overlay to deal with broad brush planning for an area and a Development Plan Overlay to deal with the finer grain planning for specific parcels.

No major difficulties appear to have arisen, although **the panels recommend that DOI monitor the operation of the VPP mechanisms in conjunction with the development industry and local government to ensure that the planning and development of urban growth areas operates efficiently.**

The concerns that emerged were mainly in rural areas and were largely matters of detail. Sometimes a Development Plan Overlay was applied when it was unnecessary or the issues could be dealt with adequately at the planning permit stage. This highlights the fact that a Development Plan Overlay is most usefully applied where issues which extend beyond the property boundary must be addressed (eg open space network, flooding, road network, hydraulic infrastructure staging). Where only a single property is concerned, a planning permit may be all that is required.

In other situations, overlays allowed the interim subdivision of future urban land without an explicit requirement to ensure efficient future subdivision at urban densities.

6.5.5 MISUSE OF THE DEVELOPMENT PLAN OVERLAY

A potential problem that has been raised by panels is the danger of misusing the Development Plan Overlay. Councils are using this requirement as a means of introducing quite detailed development plans into the planning scheme by an

²¹ Report of the Advisory Committee on the Victoria Planning Provisions (VPPS) - August 1997, Section 11.3, pp 157-159

amendment process as a result of requiring the actual development plan to accompany the Development Plan Overlay. Rightly or wrongly they perceive themselves to be in a better position by doing this than by insisting that the development go through the permit process.

This approach is promoting site specific development approval through planning scheme amendments, which the new system was supposed to abolish or at least minimise.

The panels therefore recommend that DOI should prepare a practice note on how the Incorporated Plan Overlay and Development Plan Overlay can be used in various situations and when they are appropriate, which contains more detail than currently included in the *Manual for the Victoria Planning Provisions*.

6.6 FLOOD OVERLAYS

The panels note that in the latest version of the VPPS, the Floodway Overlay, which is no longer expressed to apply to rural and non-urban areas, has replaced the Rural Floodway Overlay. The requirements of the flood risk report have been simplified. The same requirements have also been modified in the Urban Floodway Zone.

The panels believe this modification is constructive. It will overcome the reluctance of some Councils to include active floodway land in urban areas, which is used for public open space or private recreational purposes, in the highly restrictive Urban Floodway Zone. It will enable the primary use of the land to be recognised whilst at the same time acknowledging its floodprone characteristics.

The application of the flood overlays in the new format planning schemes was supposed to be in accordance with flood mapping, being undertaken for the entire State by DNRE. Unfortunately there are delays with the mapping program and in many municipalities the mapping will not be available for some time to come. In these circumstances, the issue has arisen as to how land, which is known to be generally prone to flooding but for which there are no accurate DNRE flood levels, should be dealt with.

Some Councils have simply ignored the issue and determined to apply flood overlays only when the mapping is available. Some have applied an Environmental Significance Overlay to the general area known to be floodprone: others have used the Land Subject to Inundation Overlay.

The panels do not consider it is appropriate simply to ignore the situation. This is quite contrary to Clause 15.02 of the SPPF, as well as being irresponsible.

Some panels have endorsed the use of the Environmental Significance Overlay, however further reflection suggests that this may not be the most appropriate strategy. Clause 15.02–2 requires that:

Planning controls for areas subject to flooding should be consistent throughout the State.

Therefore, when there are specific overlays that deal with flooding, these should be used in preference to other techniques.

This then raises the issue about the boundary for the overlay if the relevant floodplain management authority cannot verify which land is inundated by the 1 in 100 year flood event as specified in Clause 15.02–2. The panels believe this is solved by the further words in Clause 15.02–2, “*or as determined by the floodplain management authority*”. These words find reflection in the purpose of the Land Subject to Inundation Overlay, which includes:

To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.

In the panels’ view, if accurate flood mapping has not been completed by DNRE, the relevant floodplain management authority should determine what land is potentially or likely to be affected by flooding and that land should be included in a Land Subject to Inundation Overlay. It does not matter that the boundaries may not be accurate at the time the overlay is applied. The Land Subject to Inundation Overlay only requires that a permit be obtained for buildings and works. It does not prohibit either use or development. The time to examine the evidence in detail about where flood levels lie in fact is at the time a permit application is made.

The same approach needs to be adopted even when flood levels have been verified by DNRE but individual landowners dispute their accuracy. Panels usually do not have the resources to examine in detail competing arguments about where the flood levels lie on an individual property when there is a lack of agreement about this. At the amendment stage it is usually irrelevant. It is a matter more appropriately sorted out at the time any permit may be applied for.

The panels recognise that in those very flat parts of Victoria prone to flooding, the Land Subject to Inundation Overlay may cover huge areas of a municipality. Minimal variations in height will make a substantial difference to whether the land floods or not. In those circumstances, landowners may well be reluctant to see the whole or substantial portions of their properties covered by the Land Subject to Inundation Overlay if they believe that in fact their land does not flood. However, it needs to be recognised that the overlay is not the last word. Its application will not alter the fact of whether the land floods or not. Rather, it indicates that flooding is a problem in the area and needs to be carefully considered when making any planning or other land management decisions concerning the property.

It is important to keep this point in mind, because in some parts of the State much heat has been generated about whether flood overlays should apply due to the alleged illegality of works causing the flooding.

The application of flood overlays is entirely unrelated to the cause of flooding. The causes need to be dealt with by separate means. The flood overlays look to the future and the way in which future works will impact on the problem or be impacted themselves.

The *Water Act 1989* governs the redress which one landholder may have against another when it is alleged that a flow of water has been interfered with.

However, the panels note that in some locations the extent of ‘unauthorised’ works involving both landowners and former councils is so prevalent, long standing or complicated, that the situation is never likely to be set right by recourse to the Water Act. Instead, solutions that are based on best outcomes for the land and the community as a whole need to be devised and implemented, irrespective of the rights or wrongs of past actions. In this respect, the panels note the optimism held by many people that catchment management authorities will begin to proactively address these issues, rather than leaving them in the too-hard basket, where they have languished for many years.

In the Report of the Advisory Committee on the Victoria Planning Provisions (VPPS) — August 1997, the issue was addressed by the Advisory Committee, which said:

It is also important to recognise that the delineation of land liable to flooding for inclusion on planning scheme maps will, as a result of cartographic limitations, necessarily occur in such a way that within the defined floodplain there will be small areas **not** subject to inundation as the land will not be uniformly flat. Further, those areas which are subject to inundation will be affected more or less severely for the same reason.

It would seem that it is with the latter topographic cartographic realities in mind, that the floodplain management policies of the SPPF, and the zone and overlay controls, do not include absolute prohibitions on many uses and developments which would generally be inappropriate, but allow for the exercise of discretion according to the particular circumstances of each case.²²

The panels therefore recommend that where land is known to be prone to flooding, even though accurate mapping of the 1 in 100 year flood levels may not be available, the Land Subject to Inundation Overlay should be applied to land determined by the floodplain management authority. Those boundaries should be adjusted, if necessary, when detailed flood mapping becomes available. DOI should establish arrangements with relevant floodplain management authorities to make determinations about what land should be included in the Overlay in these circumstances.

6.7 WILDFIRE MANAGEMENT OVERLAY

The Wildfire Management Overlay continues to present problems with its application. It was the subject of comment in the Report on Trends and Issues Emerging from

²² Report of the Advisory Committee on the Victoria Planning Provisions (VPPS) - August 1997, Section 13.4, p192

Consideration of First Five New Format Planning Schemes (March 1998), which has resulted in the recent issue of a Practice Note on Application of the Wildfire Management Overlay.

The Practice Note makes it clear that the Wildfire Management Overlay is a risk management tool to be used to:

- identify where the fire intensity level of wildfire is significant and likely to pose a threat to life and property
- ensure that development includes specified fire protection measures and does not significantly increase the threat to life and property from wildfire.

It is to be applied to areas identified by the CFA.

Because of the shift in nature and understanding of the use of the Wildfire Management Overlay since most new format planning schemes were first exhibited, most panels have not seen the extent to which the Wildfire Management Overlay will be applied in municipalities. They have been content to recommend that it be applied in consultation with the CFA. However, the recent experience of the Panel considering the Nillumbik Planning Scheme, which was shown the CFA plans for areas to which the Overlay is to be applied, raised concerns about whether its use has in fact been satisfactorily resolved.

The conclusion of the Nillumbik Panel was that:

...the new mapping, like the original mapping, was based on a complete misapprehension of the purpose of the WMO and the planning controls it can implement.

It is clear that further liaison between DOI, CFA and local government in the form of the MAV would be desirable.

6.8 ENVIRONMENTAL AUDIT OVERLAY

6.8.1 GENERAL

Confusion has arisen in various places about when it is appropriate to use the Environmental Audit Overlay.

The *Manual for the Victoria Planning Provisions* indicates that for new format planning schemes, Ministerial Direction Mo. 1 may be considered to apply only to situations where the scheme allows for the first time potentially contaminated land to be used for a sensitive use. It is therefore inappropriate to apply it to land currently zoned industrial, where a continued industrial or business zone, which does not allow sensitive uses, is applied. Nor should the overlay be applied where the current zoning allows a sensitive use and the new zone also allows a sensitive use.

The use of the Environmental Audit Overlay is not to identify **all** contaminated land in a municipality. The use of the overlay for this purpose would be misleading because it is unlikely to be comprehensive or exhaustive. A responsible authority is not relieved of its obligation to consider the significant effects that the environment may have on a use or development under Section 60(1)(a)(iii) of the *Planning and Environment Act 1987*. Rather, the purpose of Ministerial Direction No. 1 is to ensure that when the zoning of land is changed so that its likely future use changes from one where land may have been potentially contaminated to one which allows for a sensitive use, that the suitability of the land for the sensitive use is ascertained at the time of the amendment. If it is too difficult or not appropriate to ascertain this suitability at the time of the amendment, the ascertainment may be deferred to a later date, but must be done before the sensitive use or development commences.

The purpose of the Environmental Audit Overlay is to flag those situations where a rezoning of potentially contaminated land has occurred, but where ascertainment of its suitability for a sensitive use has been deferred.

6.8.2 USE OF THE ENVIRONMENTAL AUDIT OVERLAY TO ADDRESS GOLDMINING RESIDUES (ARSENIC)

A situation arose in Nillumbik, which aroused considerable controversy during the panel hearing. It involved the application of the Environmental Audit Overlay to a significant area of land, which the Council had identified as possibly being contaminated from previous goldmining operations. The Environmental Audit Overlay was applied (even though the zoning of the land was not effectively changed) in order to reflect a previous control.

In its discussion of the issue, the Panel considered the question of equity and consistency across the whole State. It did so in the context that Victoria is famous for its goldmining history, and old goldmines and workings are found in many areas. It considered that if the Environmental Audit Overlay is applied to old goldmines in part of the Nillumbik Shire, it would be reasonable to assume that it should be applied elsewhere.²³

However, the Panel is not aware of any other municipality in the State where the Environmental Audit Overlay has been applied to address contamination as a result of former goldmining residues. Ballarat and Bendigo, Beechworth and Yackandandah, for example, were the sites of intensive goldmining activity, yet none of the relevant planning schemes applies the Environmental Audit Overlay in similar circumstances, or even discusses former goldmining activity in terms of potential contamination. It is acknowledged that many areas may not meet the criteria for a changed land use. However, both Ballarat and Bendigo are expanding towns, and it is highly probable that

²³ The following discussion is an extract from the Panel Report on the Nillumbik New Format Planning Scheme

former goldmining areas have been subsumed, or will be subsumed, by urban development. Yet it does not appear to have been considered that Ministerial Direction No.1 should apply.

As a matter of principle, if it is determined that the Environmental Audit Overlay should be applied in the Plenty/Yarrambat area to address goldmining residue, then it should also be applied in similar circumstances across the state. The Nillumbik scheme could set a precedent for requiring wide-ranging investigations and mandatory environmental audit requirements across the State.

Similarly, if a non-mandatory control, such as a Local Planning Policy, were introduced in Nillumbik, the question of State-wide consistency would also need to be addressed.

The Panel is sympathetic to the concerns of the landowners, most of whom had no knowledge of the existing control and see it as an unnecessary and unfair financial burden. It is one of the advantages of the planning reform program that matters such as potentially contaminated land will be dealt with much more transparently in the new schemes, and property buyers will be aware of the constraints before they purchase.

However, the issue is not whether the present owners knew about the existing control, or object to the overlay, or would incur costs as a result of it. The issue is whether or not the land is contaminated to an extent that justifies application of a planning control. If the contamination is significant and represents a genuine risk to public health, then the control should be applied regardless of who owns it or when the pollution occurred.

The purpose of the Environmental Audit Overlay as set out in 45.03 of the VPPs is:

To ensure that potentially contaminated land is suitable for a use which could be **significantly** adversely affected by any contamination.

In reaching its conclusions, the Panel took into consideration the documents referred to in Clause 15.06–2 of the SPPF. There is a statement in one of these publications that *‘long term health effects have not been shown in people whose only exposure to arsenic has been from mine tailings’*. As a result, the Panel concluded that the health risk was minimal and on this basis, the Panel believed that arsenic contamination from mine tailings could not be defined as potentially causing a ‘significant’ adverse effect.

Therefore the Panel concluded that the application of the Environmental Audit Overlay is an inappropriate planning control for goldmining residue. It recommended that in Nillumbik, a Local Planning Policy should be introduced that is specifically directed towards sites where crushing batteries or tailing dumps were located. The policy should require environmental assessments on these sites and appropriate site remediation measures where significant contamination is found that exceeds relevant NEHF threshold levels.

At a more general level, the panels recommend that the DOI should examine the issue of goldmining residue and arsenic contamination on a Statewide basis. The examination should consider the following issues:

- **Are the potential adverse health effects significant enough to justify a planning control?**
- **If so, should the control apply to all land or be limited to changes in use?**
- **Should the NEHF threshold levels be formally adopted as a planning guideline?**
- **How extensive is the potential application of the control?**
- **How could the sites of former batteries and tailings dumps be identified?**
- **Who should have responsibility for undertaking and funding the investigation?**
- **Should Nillumbik be regarded as a precedent?**

SECTION 7 OTHER ZONES

7.1 RESIDENTIAL ZONES

The Residential 2 Zone, according to the *Manual for the Victoria Planning Provisions*, is intended particularly for areas identified as suitable for medium or higher density development, or areas where medium density development is unlikely to adversely impact on other residences. Where it has been applied to larger redevelopment sites, isolated from neighbouring residential areas by roads or other physical barriers, areas being converted from a former commercial or industrial use, or areas within a greenfields development set aside for medium to high density residential use, there have been few concerns. Where it has been applied to existing areas of residential development it has met with frequent objections on the following grounds:

- the lack of residents' right to be notified of, or lodge an objection to, a proposed medium or high density residential development;
- the poor planning and design outcomes that generally result from the lack of resident input.

Residents were concerned about the uncertainty that any 'voluntary' consultation would be undertaken as part of the Residential 2 Zone approval process, and about the lack of any statutory backing for a bona fide consultation process.

The Residential 2 Zone has not been widely used. The panels believe there are three reasons for this. The first is the scarcity of sites that are both large enough for a separate zone and that meet the criteria as interpreted above. The second is a reluctance to remove notification and appeal rights from its ratepayers. The third is a belief that

better design and amenity outcomes are achieved when affected residents are able to contribute formally and effectively to the approval process.

The panels believe the Residential 2 Zone has potential to be an effective tool for Councils seeking to implement a housing strategy, to redevelop areas in need of improvement, where existing dwellings may be reaching the end of their economic life or to balance the application of controls to protect urban character. In any case, it will work best in conjunction with well-developed objectives about the nature and character of the zone, which the Council wishes to achieve, and local policies to guide development. DOI should work in conjunction with Councils to overcome negative perceptions about the zone and to demonstrate its positive attributes for both Councils and landowners. At the same time, the zone needs to be applied appropriately. For instance, there may be little point in applying it to an area of existing residential development, which is also covered by a Heritage Overlay.

The Mixed Use Zone is being clearly interpreted as a residential zone. Potential problems may arise for existing or future commercial uses when considering impacts on amenity. Notwithstanding their presence in a Mixed Use Zone, or even a business zone, residents still tend to expect a level of amenity more akin to a residential environment than a commercial environment.

The success of mixed use areas in retaining or attracting a genuine mix of uses will depend largely on the way Councils deal with these expectations. Particular problems in maintaining a realistic balance arise because residents tend to be more articulate than commercial operators are and may enjoy the weight of numbers. Careful attention to design standards in these locations will be necessary, particularly to the acoustic properties of new dwellings.

7.2 INDUSTRIAL ZONES

The operation of the industrial zones will require particular monitoring to assess whether they are functioning in the way intended. There were many situations where panels found Councils had applied an Industrial 3 Zone rather than an Industrial 1 Zone, in order to ensure that all industrial uses require a permit. This is not in accord with the principles underlying the planning reform program to encourage a performance based system of planning or the purpose of the Industrial 3 Zone.

Application of the Industrial 2 Zone was complicated by the 1500 metre threshold distance specified, beyond which a permit was required for industry. Its application in some cases meant that there was no land falling within this category. Notwithstanding this, there were a number of provincial city Councils which applied the Industrial 2 Zone as a means of implementing strategies to encourage large manufacturing of offensive industry to their municipalities.

The panels note that as a result of Amendment V5, the provisions relating to the Industrial 2 Zone have altered in this respect. All industry is now a Section 2 use. Reference to the 1500metre threshold is included in the decision guidelines for use.

A detailed practice note about the operation of the industrial zones would be useful.

7.3 SPECIAL USE ZONES

7.3.1 GENERAL ISSUES

Special Use Zones have traditionally been used as catch-all zones to include any large single purpose use. One of their features has been to clearly identify on planning scheme maps the presence of these uses.

The application of the Special Use Zone in new format planning schemes is described in the *Manual for the Victoria Planning Provisions* as follows:

This zone provides for the use of land for specific purposes. The purposes and the land use requirements are specified in a schedule to the zone. This allows detailed land use requirements to be prescribed for a particular site. Development conditions where they are necessary should still be set out in a permit rather than the scheme. Exemptions from notification and appeal can be given if required. Note that the Ministerial Direction includes some specific requirements about this zone.²⁴

Panels found that many schedules to the Special Use Zone did not accurately reflect the requirements of the Ministerial Direction or directly relate to the provisions of Clause 37.01. Instead, they were drafted as though they were stand-alone zones. This is notwithstanding the advice in the *Manual for the Victoria Planning Provisions* not to restate the control in the schedule.²⁵ In fact, the operative provisions of the zone are found in Clause 37.01: the schedule is a supplement to the zone or identifies where the controls (eg over buildings and works) do not apply.

The poor drafting of so many schedules, not just to the Special Use Zone, indicates a clear need for further guidance and examples. **The panels therefore recommend that DOI prepare a practice note about drafting schedules to the various zones and overlays, which provides a range of good examples by way of illustration of good practice and variety of potential use.**

Although not specifically stated in the *Manual for the Victoria Planning Provisions*, DOI has favoured the general principle of including uses such as schools and hospitals in the surrounding zone if the use is a permitted use in that zone. This is on the basis that the planning permit is the principal instrument of development approval. If any

²⁴ *Manual for the Victoria Planning Provisions* , p 41

²⁵ *ibid*, p 16

‘special uses’ require identification, the attitude of DOI has been that this should be done in the MSS or by way of local policy, not by the Special Use Zone.

In many exhibited schemes, councils had simply rolled over previous zones into Special Use Zones. Many of these were quite inappropriate and it was easy to include the land in surrounding zones and either issue a permit for existing use and development based on previous site specific provisions or allow existing use rights to cover the situation. The situation was more complex with respect to large institutional uses such as schools and hospitals and large recreational or sporting facilities such as golf courses and show grounds.

7.3.2 PRIVATE GOLF COURSES

Different municipalities adopted varying approaches. In Banyule, which has a large number of private golf courses and schools, the council identified them in its MSS as important to the economy of the municipality and included them in a Special Use Zone. This approach was supported by the panel. Likewise in Kingston with its golf courses, the panel supported the application of the Special Use Zone.

In the Panel Report on the Kingston New Format Planning Scheme, which applied a Special Use Zone to its private golf courses including them in Schedule 1: Private Golf Courses, the panel said:²⁶

The purpose of this schedule is to recognise the use of private golf courses and associated uses, and this applies to nine golf courses in Kingston including the Patterson River Country Club, Capital, Rosslands, Commonwealth, Kingston Heath, Woodlands, Spring Valley, Kingswood, and Southern Golf Courses. A tenth course, the Spring Valley Public Golf Course in Dingley is currently zoned Public Park and Recreation.

The Department of Infrastructure has held a consistent view that private golf courses and private schools area not special uses that should be in a separate zone, but rather they should be accommodated in the underlying or surrounding zone. In its submissions to the Panel the Department stated:

Further consideration should be given to the application of a Special Use Zone to private golf courses and community and recreation facilities. The surrounding zoning may be more appropriate. If there is something particular about the private golf courses or community or recreation facilities, this could be detailed in the MSS or a local policy (which can contain strategic mapping). It may also be appropriate to apply an Incorporated Plan Overlay or Development Plan Overlay if it is necessary to specify the form and conditions of future use and development.

The MSS recognises the special significance of the Golf Courses of Kingston and acknowledges them as a key asset. Because there are so many courses within Kingston, they could be seen as part of the contributing character and “specialness” of the municipality and as such be recognised within the Special Use zone. The Panel supports the inclusion of the golf courses in a Special Use zone, however this could be further strengthened through additional recognition in the MSS.

²⁶ Panel Report on the Kingston New Format Planning Scheme, Section 3.4 p 27.

7.3.3 INSTITUTIONAL USES

A different approach was taken in Stonnington, which has in excess of 27 major private schools and hospitals. The major private institutional uses identified by Stonnington Council for inclusion in the Special Use Zone have predominantly regional rather than local catchments. The basis for this was that adjoining residents rarely accepted them as complementary to local residential activities. Council believed it was therefore legitimate to place such institutional uses in a Special Use Zone that signals their existence to surrounding residents and new residents looking to purchase in the neighbourhood.

The following discussion is taken from the Panel Report on the Stonnington New Format Planning Scheme.²⁷

There are a number of complex and overlapping issues about the application of the Special Use Zone and its role within the new format planning schemes, which include:

1. management and recognition of particular institutional uses
2. amenity and appropriate standards of development in a particular area
3. management of particular or special land use considerations.

Management and Recognition of Particular Institutional Uses

The first issue is essentially one of whether large institutions (or indeed all institutions) should be given any special recognition in the planning scheme by virtue of their use. The Department of Infrastructure has been very clear on this — the new scheme does not have to provide identification for uses. However, some uses are so large or unique (for example golf courses) that they constitute a land use pattern in their own right and need to be managed and recognised in the scheme. These uses warrant their own zone — rather than being an institution or use in a residential area they help to define the nature and character of the city itself. The issue is at what size or in what circumstances does the use become so extensive that it needs its own zone.

Associated with the issue of recognition is the issue of management control of development on the site. The Special Use Zone has the potential advantage of providing more flexible mechanisms to achieve masterplans on the site. While it is true masterplans can be achieved by the use of overlays or by generalised masterplan permits, a Special Use Zone has the advantage of providing a simpler approach.

Amenity

The second set of issues relates not to the institution itself but to the area in which the institution sits. For many residents a residential zoning across an institution is seen to provide a better level of planning security. It is considered that the residential zoning clearly articulates the residential nature of the area and the appropriate standards to be applied in assessing development applications of the institutional use. Part of this argument rests on existing conceptions of residential amenity and to a certain degree the objectives of the residential zone.

²⁷ Panel Report on the Stonnington New Format Planning Scheme, Section 3.4.1, pp 22-26

Special Requirements

The third aspect is where there are special circumstances such as part of the site is flood prone or has other particular characteristics which mean that no existing zone is appropriate. In this case the application of the Special Use Zone is driven not by the presence of the institution but by the nature of the planning constraints on the site.

Resolving the Issues

It seems to the Panel that the way through the tangle of issues on the Special Use Zone is to address two specific questions.

1. What is the best way to embody Council's strategic intent regarding institutions?
2. What formal controls are needed to achieve this strategic intent?

In answering the first question it is clear that it is preferable to explicitly state Council's policy direction on institutional uses as part of the planning framework set out in the Municipal Strategic Statement or through a local policy. The policy approach should not be left vague.

It seems to the Panel that the zone purposes could confuse the issue of what is to be achieved by the zone and distract discussion from the Municipal Strategic Statement and local policies. It is these sections of the planning scheme that should provide the strategic justification for the use of zones as a tool for achieving objectives, and hence address issues of the application of discretion under zones where this is needed.

If the proper place for strategic objectives about institutions is in the planning policy framework (and the zones are just a tool to achieve these objectives) then the issue becomes precisely what controls would be required over institutions to achieve these strategic objectives, and whether or not they can be achieved within standard VPP zones and overlays.

The issue of appropriate controls revolves around:

1. the desirability of masterplans, and
2. the notion that a particular zone may serve to limit the expansion of institutions.

The Panel will address the issue of the zone limiting expansion first.

While it may be tempting to consider that applying a Special Use Zone to an institutional use will serve to set some sort of boundary for that use, this hope could probably not be justified. Under the new planning schemes it will be possible to obtain a permit and a rezoning as part of the same process. In any case, the need to expand and the costs involved, if substantial, would invariably outweigh the difficulties in pursuing a rezoning. It would be naive to think that an expansion, which otherwise made sense, would not be considered in, say, ten years time because it required a rezoning.

In other words if there is the need to expand a school or hospital and there is the money and desire to do it, the rezoning would seem to be little real impediment. The issues will come back to the merits of the expansion. It is not conceivable that where there is the financial, business and medical justification for expanding a hospital use, there will not be some mechanism for considering that expansion on its merits — either by a permit or rezoning proposal.

What will provide longer term certainty for residents and institutions are clear policy objectives about the level of impact and the location of such uses. The Panel can conceive that these statements could stand the test of time and be reapplied by future panels, tribunals or councils. The Stonnington MSS does not provide this level of guidance, and does not provide any rationale as to the significance of these land uses that warrants a Special Use Zone.

If the Special Use Zone has no power to fix land use patterns in perpetuity (as some hope it might) then the remaining issue is whether a Special Use Zone is required in order to provide particular statutory mechanisms to achieve broader strategic objectives. This boils down to whether a Special Use Zone is required in order enable the smooth development and consideration of masterplans.

During the course of the hearing three mechanism for the preparation and approval of masterplans were identified and discussed, these being:

1. The Development Plan Overlay
2. The Incorporated Plan Overlay
3. Planning Permits

Using the Development Plan Overlay for Masterplans

The Development Plan Overlay has the advantage that it is relatively straightforward and does not embody a great deal of bureaucratic or legalistic process around its approval or change. This advantage is also its weakness in its application to institutional uses. It quite simply does not provide the security to adjoining residents that might reasonably be required when the Development Plan Overlay has the effect of removing third party appeal rights. A development plan could be approved by Council after discussion with residents, but it could be changed significantly without any legal or formal opportunity for community input.

It seems to the Panel that the Development Plan Overlay is most useful in areas where there needs to be coordination between different developments or landholders or across a development corridor or region, but where the particular outcomes are not at issue but rather the fact that a coordinated outcome is to be achieved. In this way the Development Plan Overlay would seem to be suited for growth areas but not for the management of institutions.

Using the Incorporated Plan Overlay for Masterplans

The Incorporated Plan Overlay provides the security that the Development Plan Overlay does not. However, for the owners and managers of institutions it has the disadvantage that it requires the planning authority to exhibit the overlay and that there are no rights of appeal or redress if the planning authority declines to exhibit an amendment or places unreasonable expectations around the form and contents of the masterplan. The Panel heard several submissions as to how requirements for masterplans from Stonnington Council were considered to be too detailed and not directed to long term future growth, but rather more short-term development proposals. The Panel accepts that it is a failing of the Incorporated Plan Overlay that its approval is generally at the discretion of the responsible authority, although it is recognised that the provisions of Section 185A of the *Planning and Environment Act 1987* enable the Minister to expedite the planning process.

Using Planning Permits for Masterplans

The third option for a masterplan is by way of a permit. In discussions, it was submitted by DOI that this option already exists and there is nothing within the current schemes or legislation that would prevent a masterplan being developed and implemented by way of a planning permit. While the Panel understands this is the case, and there are a number of examples of such masterplan permits in operation around Melbourne, it has not been typical use of the permit process and there may well be some hidden pitfalls in this approach. In this case there would seem to be some advantage in formalising the process of obtaining a permit for a masterplan. This formalisation would require the use of a Special Use Zone. The requirement could be that the table of uses is amended so that appropriate institutional uses do not require a planning permit when they are in accordance with a planning permit for a masterplan approved under a specific clause. This clause would specify the requirement of the masterplan, which could include:

1. building envelopes
2. facade treatment
3. historic buildings to be retained
4. traffic access points
5. parking ratios
6. landscape treatments

A variation on this approach is that when a masterplan is obtained a permit is still required under the zone, but there would be no third party rights for advertising or appeal. This has the advantage of providing a formal mechanism for the approval of subsequent development plans for the site and may prove to be administratively superior in terms of tracking approvals and documenting processes.

7.3.4 CONCLUSIONS ON THE SPECIAL USE ZONE

In the case of Stonnington, the Panel concluded as follows:

The Panel does not believe that zoning institutional uses as Special Use would provide any more certainty over their development than them being placed in the underlying zone. What is required are clear statements in the MSS and Local Policy.

The Special Use Zone should only be applied where the use is of such significance that it is regionally significant in some way, or has particular issues with respect to zoning or management. In general, schools should be placed in the underlying zone, which is usually Residential 1.

The uses that the Panel consider merit a Special Use Zone in Stonnington are Cabrini Hospital, because of its regional nature, and St Kevin's Senior School and Kooyong because of their particular location and the need to resolve regional flooding issues.

However, it can be seen from the different approaches by panels in Kingston and Stonnington that there is no simple answer with respect to when it is appropriate to apply the Special Use Zone.

Since these reports were prepared, DOI has issued a Practice Note relating to the Special Use Zone. In addressing the issue of where should the Special Use Zone be applied, it is stated:

A Special Use Zone can be considered when either:

- An appropriate combination of the other available zones, overlays and local policies cannot give effect to the desired objectives or requirements.
- The site adjoins more than one zone and the strategic intent of the site, if it was to be redeveloped, is not known and it is therefore not possible to determine which zone is appropriate.

Application of the Special Use Zone is not appropriate when an alternative zone can achieve a similar outcome, with appropriate support from local policies and overlays.

However, the panels believe this does not resolve the underlying issues causing difficulty in dealing with those large, single-purpose uses, which really do stand out from the pattern of surrounding uses for a variety of reasons. These reasons relate to:

- amenity and other off-site impacts
- future use of the land in the event that the current use ceases
- dichotomy between zones based on public/private ownership and the potential to zone land according to use rather than ownership

Issues of amenity and off-site impact can be dealt with through the planning permit or masterplan process discussed above. The panels believe that these issues alone do not justify the need for a separate zone.

However, the panels question the practicality of the philosophy that says the role of the planning scheme is not to identify the use of land, but to provide a framework for its future use and development. This was expressed in the context of the Bayside New Format Planning Scheme in the following terms:²⁸

... [T]he Victoria Planning Provisions generally endeavours to provide some flexibility about the way in which matters are dealt with in a statutory sense, within the broad principles of the reform agenda. In determining which approach is appropriate in any case, it is important to remember that the function of zones is different in new format schemes compared to existing schemes. Because the new zones deliberately allow a wider range of discretionary uses in most cases, the idea that planning scheme zones give any direct indication of the existing land use will no longer be true, if it ever was. The zone only describes the possible range of uses that may occur or be considered, not the existing use of the land.

Specifically, zones such as the Special Use Zone are not intended to be used for identification of uses on the land, but as a tool for the application of specific objectives or requirements where these cannot be applied through the discretion of another zone. If a Special Use Zone is proposed to be applied, an appropriate justification needs to be articulated in the MSS.

This is fine in theory, but there are certain uses of land, where because of the size of the land and the nature of its use, a council could legitimately wish to strategically review its future, if the current use ceased. Large recreational uses such as showgrounds, racecourses and golf courses fall within this category. Whilst these sites may be partly caught by the second dot point above, they do not necessarily all fall within the category of adjoining more than one zone. It doesn't seem that this is the most relevant factor. Nor do the panels believe it should be the determining factor in deciding whether or not a Special Use Zone is appropriate.

There are other types of uses where both the condition of the land and the nature of the use create a reasonable expectation that the land should be identified on a planning scheme map. Extractive industry is a use in this category. It doesn't fall comfortably within the parameters of the purpose of the rural zones (where it is largely located) even though it is a Section 2 use. The introduction of the Extractive Industry Schedule for the Special Use Zone is a partial recognition of this. The panels suggest that many people would expect to find large extractive industry operations specially zoned and 'identified' in planning schemes, rather than simply being included in the Rural Zone. Quarries carry with them the potential of significant off-site impacts, long-term use, prospects of expansion, end uses frequently associated with waste disposal and inhibitions on surrounding development due to the need to preserve buffer distances.

²⁸ Bayside New Format Planning Scheme Panel Report, Section 3.4.2, p24

The issue is complicated by the difference in zoning depending on whether the land is publicly or privately owned, even though the use may be the same. This is illustrated by the distinction in zoning referred to in the Kingston Panel Report, where the Spring Valley Public Golf Course in Dingley was in a Public Park and Recreation Zone whereas the other golf courses were in a Special Use Zone. A similar distinction applies to schools, with public schools included in a Public Use Zone but DOI advocating that private schools be included in surrounding residential zones. As various panels have commented, the uses are essentially the same and there is no reason for them to be treated differently.

This therefore leads the panels to suggest that the concept of Public Use Zones and Special Use Zones should be reviewed, with a view to creating a series of zones based on broad categories of use, rather than on ownership.

7.4 REMOVING THE DISTINCTION BETWEEN ZONES BASED ON PUBLIC AND PRIVATE OWNERSHIP

This issue is gaining currency as the trend to corporatising and privatising utilities and authorities grows, and as private operators increasingly use public land for various commercial and other purposes. Not only does the distinction in zoning raise issues of logic, but also issues relating to competition. This was an issue referred to in connection with utility service providers in the Report of the Advisory Committee on the Victoria Planning Provisions (VPPS) — August 1997, which commented:²⁹

With privatisation of many utility service providers there is good reason to treat them separately from public authorities and public land managers and to have them generally comply with planning schemes in similar fashion to other corporate bodies, without the exemptions and entitlements of public authorities or public land managers.

Similar arguments apply with respect to land, just as much as to operators.

The panels believe that greater uniformity, clarity and simplicity could be introduced to planning schemes by renaming some zones, introducing some new zones and applying them to public and private land alike. The need for a Special Use Zone to accommodate those uses not falling within the new zones is likely to remain. Whether there is also a need to retain the Public Use Zone or whether those uses still covered by it, such as local government and cemetery/crematorium, could be just as well included in the Special Use Zone, would need to be considered.

It is suggested that the suite of new zones could include the following.

²⁹ Report of the Advisory Committee on the Victoria Planning Provisions (VPPS) - August 1997, Section 16.18, p 267

Open Space Zones

The open space zones would include:

- a Parks and Recreation Zone (PRZ)
- a Conservation and Resource Zone (CRZ)

These zones would replace the Public Park and Recreation Zone, the Public Conservation and Resource Zone and those Special Use Zones applying to uses such as private sports grounds, racecourses, showgrounds and golf courses. They would allow all parks and recreational uses to be treated consistently. In a similar way, where there is private land managed essentially for conservation and resource purposes, it could be included in the Conservation and Resource Zone. A particular example of this would be land in catchments around reservoirs owned by water authorities in the event that they were ever privatised. Land owned by the Victorian Conservation Trust may be another example.

The special status of public land managers could be recognised in Section 1.

Utilities Zone

This would allow all utility installations, which are currently in either a Public Use Zone or a Special Use Zone, to be rationalised in a coherent way in a single zone. It would not alter the policy of including minor utility installations in the surrounding zone.

Education Zone

Despite all that has been said about including private schools in surrounding residential zones, as opposed to a Special Use Zone, during the course of the new format planning scheme hearings, the panels generally believe there would be merit in considering an Education Zone. This would apply to all large educational institutions, public or private. The way in which schools and other educational facilities operate is changing and intensifying. Students and others are using school facilities increasingly out-of-hours. Neat distinctions between religious and educational facilities are being blurred. All of these matters need to be considered. There may even be merit in expanding the concept of the zone to incorporate churches and religious use.

Consideration would need to be given to the size of the facility in order to avoid a multitude of small, site specific zones. The general principle of including uses in the surrounding zone where they meet the general purpose of the zone and dealing with them by way or permit is supported. Thresholds would need to be determined. The distinction between those serving a local, as distinct from a regional catchment, may be one measure.

Health and Community Facilities Zone

Similar comments in terms of threshold apply to the concept of a Health and Community Facilities Zone as to the Education Zone.

Transport Zone

This would apply to railway land and other land primarily devoted to transport facilities. The forthcoming privatisation of railways in Victoria will make resolution of this issue increasingly important.

A single Transport Zone would overcome the sort of situation, which arose on the Bellarine Peninsula, where the railway line operated by a tourist railway was included in a Public Park and Recreation Zone in Queenscliffe and in a Public Use Zone 4 – Transport in Greater Geelong.

Extractive Zone

This is not a new suggestion. The Practice Note on Extractive Industry and the Extractive Industry Schedule to the Special Use Zone illustrate the ongoing debate. The nature of extractive industry sets it apart from other industry and from other agricultural activities in the rural zones. The panels believe that it justifies consideration for this reason.

The panels therefore recommend that the VPPS should be reviewed with respect to:

- **removing the distinction between the Special Use Zone and the public zones based on the public or private ownership of land;**
- **replacing some of these zones by a new suite of zones based on broad categories of activity, which would be applied to public and private land alike, including the following:**
 - **Parks and Recreation Zone**
 - **Conservation and Resource Zone**
 - **Utilities Zone**
 - **Education Zone**
 - **Health and Community Facilities Zone**
 - **Transport Zone**
 - **Extractive Zone**

SECTION 8 OTHER ISSUES

8.1 USE OF SECTION 173 AGREEMENTS

As a result of the much wider range Section 1 uses and discretionary Section 2 uses, particularly in the business zones, a practice is emerging of using Section 173 Agreements in conjunction with rezonings to limit the range of uses that land will be used for. There is a similar potential to use them for the same purpose in conjunction with planning permits for development.

Councils are particularly attracted to this mechanism to control restricted retail premises in the Business 1 Zone.³⁰ In the past, strategy plans for many retail centres have sought to keep ‘peripheral sales’ (now restricted retail premises) out of core business districts or to strictly limit their floor area. However, this practice is contrary to the principle of freeing-up zones, particularly commercial zones, to allow the market to determine how they will evolve. This move recognises that previous distinctions between many types of ‘shop’ are becoming redundant. The retail industry is highly dynamic. The philosophy behind the planning reform program queries the purpose of trying to control different forms of retail outlets within a Business 1 Zone whose purpose is:

To encourage the intensive development of business centres for retailing and other complementary commercial, entertainment and community uses.

The panels believe the same trend is likely to emerge with respect to other zones and other forms of use. There is a danger of Section 173 Agreements becoming de facto zones. This would be quite contrary to the objectives of the planning reform program, as well as losing the transparency that the new format planning schemes were intended to provide.

The panels recommend that DOI should monitor the way in which Section 173 Agreements are being used in conjunction with rezonings and permits to limit the potential use of land.

8.2 CONTROL OVER USE VERSUS CONTROL OVER DEVELOPMENT

There has always been an important distinction between use and development in the planning system. That distinction is retained in the new planning system and, if anything, is even more important, particularly in the business and industrial zones.

Frequently, it is the implications of a **development**, in terms of its size, design, traffic impacts etc, which will determine if a particular proposal is appropriate in a location, even though the **use** per se is appropriate and may even be as-of-right. Where development requires a permit, but the use is Section 1, a proper exercise of discretion must still be undertaken about whether the development is appropriate, as distinct from

³⁰ Restricted retail premises is included in the definition of shop, which is a Section 1 use in the Business 1 Zone. In previous equivalent zones, such as the Restricted Business Zone, peripheral sales has usually been a Section 2 use.

the use. The control over buildings and works is intended to be exercised seriously, although in assessing a development, the matters taken into consideration must properly relate to the development and not the use.

8.3 LINKS BETWEEN TOURISM, ENVIRONMENTAL CHARACTERISTICS AND HERITAGE

Almost every rural council would like to encourage tourism as a plank in their economic development strategy. The attractions of these municipalities are inevitably a product of their natural features and heritage towns. These are the things that distinguish one shire or region from another. Yet one of the features many panels have commented on with respect to new format planning schemes is their failure to recognise and exploit the links between heritage, environment and tourism. Most schemes recognise tourism as a significant contributor, or potential contributor, to the local economy, but surprisingly few have acknowledged the role of their heritage assets and their environmental assets, particularly landscapes, in attracting tourists. By omitting this link, the schemes miss the opportunity to associate environment and heritage protection with economic benefits. Whilst the link between environment protection and the economy is generally well described in relation to maintaining agricultural production, the environment also has other economic benefits to the community. Evaluating applications affecting heritage sites or significant landscapes against criteria that include economic benefit or loss to the community in terms of impact on tourism is something that Councils who support tourism should consider more.

What is important in developing a strong tourism industry is to build on the natural, cultural or heritage assets of the area. Ballarat has done this with respect to gold; Daylesford has capitalised on its mineral springs; along the Surf Coast, the Great Ocean Road and the natural coastline are the primary attractions. However, it is rare that a tourist attraction, which bears no relationship to its surroundings in either environmental, cultural or heritage terms, is a major contributor to a region's economy.

Encouraging development of tourist facilities and services that are compatible with and add value to existing built and natural attractions is also a strategy advocated by Tourism Victoria.

8.4 USE OF DATA AND TECHNOLOGY

The biodiversity mapping by DNRE, the Supply Area Extractive Industry Interest Area Maps by Minerals and Petroleum Victoria, land capability data, salinity management plans and various environmental studies are all examples of the wealth of information available to Councils. The challenge is how to best use this information in the preparation of planning schemes and planning decision making, particularly as much of

the mapping or information has been prepared for other purposes and is often difficult to adapt to the planning system.

One of the great advances the new format planning schemes provide, is the ability to incorporate natural systems information and to use that data as a basis for decision making. The availability of this information is a critical issue for regional Victoria for the proper functioning of the new format schemes and the opportunity it provides for cooperative working relationships between and municipalities and other organisations such as Catchment Management Authorities.

The timely use of new information and information technologies to advance sustainable land use and development in Victoria will depend on its availability and capacity for integration. Rural Councils are being bombarded with often conflicting information about the data which is, or will shortly be, available in relation to biodiversity, salinity, erosion, flooding, land capability and bushfires. For example, delays in the completion of flood mapping for the whole of Victoria is inhibiting the introduction of flooding controls [see Section 6.6]. At the same time, few rural Councils have the digital mapping base that will allow them to incorporate the new maps readily. There is little or no coordination or commonality of purpose between the sources of this mapping. An additional complication has been the different levels of understanding within DNRE between regional and head office, and different business organisations within the Department, about the planning reform program and ways of using information.

To be effective the various data sets need to be digitised, brought to a common scale and defined to accord with the new local government boundaries.

The panels therefore recommend that DOI seek the cooperation of DNRE and Treasury to accelerate the provision of natural systems information to municipalities. DOI should also maintain pressure to ensure consistency between the data sets of various organisations.

However, these difficulties aside, the mapping being undertaken will be a tremendous boon to those Councils that are prepared to devote sufficient resources to incorporating the information into planning schemes, where relevant, or using it in other ways to implement their strategies, both economic and environmental. DOI has a pivotal role in making sure the planning reforms operate effectively. This includes assisting Councils to use the information and technology that is available.

Part of the corporate responsibility of DOI is marketing information. This responsibility recognises how integral to good decision making up-to-date and relevant information is. As they have been exposed to the range of information and technology that is available, it has become very clear to the panels, the enormous differences that exist between the quality of planning and decision making by Councils based on hard information relevant to the circumstances of the municipality, and decision making that is not so based.

For example, Pyrenees Shire began preparation of their new planning scheme with a full land capability analysis. The MSS sets out this information as the basis for identifying key issues, objectives, strategies and implementation measures. As a result the Council was able to systematically arrive at the use of zones and subdivision minima. The City of Greater Geelong was another municipality that used a land capability study as the basis for its rural zones (even though the rationale was not incorporated into the exhibited MSS). Campaspe Shire has made a substantial investment in information by commissioning land capability studies specifically targeting a range of agricultural activities, such as cattle feedlots, tomato growing, olives and viticulture, as a means of implementing its strategies to promote agriculture. It uses this information to guide potential investors in these industries to those parts of the municipality best suited to their needs. The land capability studies incorporate information such as soil types, rainfall and the availability of infrastructure. They can be tailored to address whatever the particular needs of an activity may be.³¹

The panels believe that for maximum economic and environmental benefits to be derived from information and technology, it will be important that systems and databases are coordinated so that they are capable of integration with those of potential users. This is a responsibility that should not be ignored and is a role that DOI is best suited to assume.

It will also be important to market, both to Councils and other users of the planning system, the availability of information and technology, how it can be used and what it might cost. Again, the panels believe that this is a responsibility that should be assumed by DOI, which should also ensure coordination with local government and other government agencies, such as Business Victoria and DNRE. The panels found a wide disparity in awareness amongst Councils of what was potentially available. Often those most in need had least awareness of and were most resistant to using new technology and information, cost often being cited as a reason.

It is recommended that DOI develop strategies to assist in the dissemination and use of information and technology to Councils and other users of the planning system to ensure that maximum advantage is derived from what is available and that the quality of decision making is improved.

8.5 BIODIVERSITY

The protection of native vegetation on private land is an issue raised in most rural municipalities either by Councils or various submitters. Panels are aware in broad terms of the significant vegetation mapping program being undertaken by DNRE, and have

³¹ The land capability studies for the Campaspe Shire were prepared by the Centre for Land Protection Research in Bendigo, which is a business of DNRE.

consistently expressed the view that appropriate policies and overlays can only be applied when the relevant areas are mapped.

Advice on the availability and management of biodiversity information through the Flora and Fauna Program of the DNRE was not consistently available during the preparation of the new format planning schemes or during the course of panel hearings. The publication of Victoria's Biodiversity Strategy and the availability of versatile computer based mapping tools and databases such as BioMap, Flora Information System and the Significant Sites Register, will provide the mapped data enabling Councils to use biodiversity considerations as part of their decision making processes. In particular, the section of the Strategy titled '*Directions in Management*' includes management measures that may have impacts on land use planning and will need to be carefully considered.

Although the Significant Sites Register is not yet available, systematic coverage of the State is being undertaken on an LGA basis through the Biodiversity Mapping Project. In the panels' view, it is desirable for arrangements to be made at a state level to ensure that municipalities are advised when coverage of their area is available so that provision can be made to incorporate the data into planning schemes by way of an amendment. This should utilise appropriate overlays and schedules, and may include introducing local policy providing it adds value to the decision making process and is not simply a repetition of other parts of the scheme.

In anticipation of the completion of the mapping, DOI in consultation with DNRE should develop appropriate model schedules, statements of significance and local planning policies to be given to Councils as a 'package' with the Significant Sites Register and maps for the municipality. This will help Councils to introduce the new controls, and will ensure that a consistent approach is taken across the State. Particular attention should be paid to the wording of these models to ensure they respond to the principles of the planning reform program and plain English.³²

In the panels' opinion, the introduction of these measures will provide the essential underpinning for the environmental values embodied in Victoria's Biodiversity Strategy. The Biodiversity Strategy should also be supported by direct reference in the SPPF.

The panels therefore recommend that:

- **DOI, in consultation with DNRE, should develop model schedules, statements of significance and local planning policies to assist Councils incorporate the Biodiversity Strategy into their planning schemes when the mapping becomes available.**

³² For example, the Panel considering the Wangaratta Planning Scheme was critical of the wording of proposed schedules for the Environmental Significance Overlay and Vegetation Protection Overlay, which had been prepared by DNRE and were intended as models for similar use around the State – see Wangaratta New Format Planning Scheme Panel Report, Section 3.2, pp 62-63

- **The SPPF should be amended to incorporate specific reference to Victoria's Biodiversity Strategy and use of the Significant Sites Register and maps.**

8.6 MAPPING

8.6.1 STATUTORY MAPPING

Problems were encountered in rural municipalities where boundaries between large scale (township maps) and small scale (rural maps) were not adequately reviewed during the course of preparing the new format planning schemes. In many cases, the boundaries of old urban planning schemes were straight lines on a survey grid. When these boundaries are used in the new amalgamated municipal area as boundaries between large and small scale maps, it results in areas on the fringe of these settlements – the areas where current growth is usually occurring – being in a small scale rural mapping area with resultant lack of clarity.

This is an issue that DOI should review during the first three-year period. New guidelines should be issued about the scale of mapping and appropriate boundaries when there are changes in scale.

8.6.2 STRATEGIC MAPPING

The quality of strategic mapping included in the MSS of new format planning schemes was generally disappointing in terms of quality, scale and number. The ability to reproduce maps clearly in black and white is essential.

It is recommended that DOI develop guidelines for strategic framework plans to assist clarity or publish examples of good practice.

8.7 AREA SPECIFIC ISSUES

Across the spectrum of the new format planning schemes considered there were a range of area specific issues, which nevertheless have a much wider interest and relevance. Unfortunately it is not possible to refer to all of these here. Likewise there were numerous issue specific topics addressed which are within the same category.

It is worth highlighting two of these issues because they illustrate the difficulties arising from the vacuum caused by the lack of a spatially based metropolitan strategy.

One of these is the green wedge. The green wedges have been important components of Melbourne's planning strategy since the 1970s. However, they are no longer geographically referenced in the SPPF. Instead, it is up to individual municipalities to incorporate objectives relating to them and strategies to manage and protect them into their municipal strategic statements.

The problem with this approach is that a single green wedge may lie within several municipalities. Despite evidence of regional cooperation, they are still susceptible to attrition as different municipalities make decisions affecting them. Nor does this approach adequately recognise the significance the green wedges have for Melbourne as a whole, as distinct from the individual municipalities or even their regions.

The green wedges are under sustained pressure in all parts of the metropolitan area. All affected municipalities are grappling with the problems they present. However, greater significance would attach to them and more consistent strategies may be developed if their metropolitan, indeed state, significance was recognised in the planning schemes.³³

Another issue is the potential loss of public open space through Parks Victoria/DNRE failing to take responsibility as acquisition authority for past Public Open Space Reservations. This was a concern raised by panels throughout the metropolitan area.

Significant areas of land currently included in a Proposed Public Open Space Reservation along Melbourne's major waterways are being zoned Urban Floodway (at the request of Melbourne Water) and are not being acquired by Parks Victoria. Thus, the planned open space network, which has existed for over 45 years, is liable to disintegration. This is totally contrary to the objective and implementation for open space in Clause 15.10 of the SPPF.

Numerous panels recommended that DOI consider the ramifications of losing this proposed public open space along these waterways from a local, regional and State perspective.

The other issue associated with the same matter is to do with equity.

If Melbourne Water has substantiated that this land is liable to flooding, it is appropriate to introduce the Urban Floodway Zone. Given commitments in the SPPF to catchment management and improving water quality, and given Melbourne Water's role as the relevant drainage authority, there can be little doubt as to the outcome of an amendment if it were to be exhibited. However, where this land was previously reserved for Proposed Public Open Space, it was part of the metropolitan open space strategy and this designation carried with it the implication that this land would one day be acquired for public use.

The change from a reservation for proposed open space to an Urban Floodway Zone has two effects. It essentially removes this land from being part of a proposed network of open space, which would be inconsistent with Clause 15.10 of the SPPF, and it effectively blights the land because, in an urban context, this zone is tantamount to a prohibition on development.

³³ A comprehensive discussion of the green wedge concept, its history, significance and pressures for subdivision, is to be found in the Panel Report on the Manningham New Format Planning Scheme at pp 15-22.

From the owners' perspective, there is a substantial difference between land, which they may or may not have been able to develop, being acquired from them with reasonable compensation, and having any development rights, however limited, effectively blighted by application of the Urban Floodway Zone.

Thus, this change of status affects not only the owners of the land but also significantly changes the potential metropolitan open space network.

Both these issues illustrate how important strategic elements giving character and definition to the form of the city can be lost through the lack of a spatially based strategy plan for Melbourne as a whole. Fortunately, the panels understand that a metropolitan strategy is under consideration. Hopefully, the opportunity will be taken to give it a geographic as well as a conceptual base, and that all authorities and bodies will need to give effect to it.

SECTION 9 LOCAL PLANNING POLICY FRAMEWORK

9.1 PRACTICE NOTE ON THE FORM AND STRUCTURE OF MUNICIPAL STRATEGIC STATEMENTS

There are very few new format planning schemes where the panel has not recommended that the MSS should be rewritten in some way.

In some instances, major structural amendment is required to ensure that the MSS is the prime embodiment of a municipality's objectives and strategies relating to land use and development, and that these are not still located in documents sitting outside the planning scheme.

However, most frequently the need to rewrite the MSS arises from the need to be more specific about what the council is seeking to achieve, and to distinguish more clearly between objectives, strategies and means of implementation.

This issue was highlighted in the Report on Trends and Issues Emerging from Consideration of First Five New Format Planning Schemes (March 1998). It has since led to the issue of a Practice Note on the Form and Structure of Municipal Strategic Statements.

In the Practice Note the following terms are defined:

- **Objectives** – the general aims or ambitions for the future use and development of an area responding to key issues identified in the MSS.

- **Strategies** – the ways in which the current situation will be moved towards its desired future to meet the objectives.
- **Implementation** – the means by which the strategies will be implemented.

Despite the rewriting that occurs prior to the gazettal of planning schemes, the panels believe that most MSSs will continue to undergo revision. This will be as a result of reviews of the planning scheme and refinement as experience is gained in the way in which the LPPF can be used and as shortcomings with current expression are disclosed. In addition, there will be amendments. Unless an amendment finds existing strategic support within the MSS, it may require modification of the MSS as well.

It is therefore useful to make some further observations about the way in which language is used in the LPPF. The way language is used is also a good guide to the way in which thinking should proceed to guide the exercise of discretion. As discussed in Section 3, possibly more than anything else, the planning reform will demand a change to the way of thinking associated with decision making.

9.2 WRITING GOOD OBJECTIVES

Objectives are required in new format planning schemes in municipal strategic statements and as part of policies.

DOI has recently defined an objective as:

The general aims or ambitions for the future use and development of an area responding to key issues identified in the MSS.

It is a long way between knowing what an objective is in theory to drafting clear and concise objectives that can form part of a planning scheme.

The new planning system places a greater emphasis on objectives than ever before, and it is imperative that they are well constructed. A common criticism, often made without analysis, is that the objectives are simply 'motherhood statements'. This may well be the case with a number of schemes, but there is nothing inherently wrong with motherhood statements, which simply document the uncontroversial. Reviews of schemes have identified a number of other faults. These include:

- Motherhood statements
- Feel-good objectives
- Just good planning
- Visions as objectives
- No local colour
- Wishful objectives
- Contradictory objectives
- Mutually exclusive objectives

- Not written as an objective
- Objectives run together
- Actions as objectives
- Means as an end
- Tautology
- Concepts as measures

It is worth discussing these in some detail.

Motherhood statements

Motherhood statements are objectives that nobody is likely to disagree with. For example:

To reduce the risk of crime.

They are not necessarily vague—just too broad and well established as community goals to communicate anything about what your organisation considers important. They may well be necessary—a transport strategy that did not address safety would be suspect—but they are only a starting point.

Feel-good objectives

At first glance 'feel-good objectives' seem like motherhood statements but where a motherhood statement says something unremarkable feel-good objectives are fundamentally vague.

Consider the objective:

To ensure housing meets the needs of the community.

What this objective means depends on how the reader interprets key parts of the objective, in particular, how the reader interprets 'housing needs'. Housing need could be defined, either in space, financial or location needs. Until we do this there is no way of understanding the objective. There is nothing wrong with the sentiments behind this objective but it does not translate into any reasonable set of strategies or actions.

Just good planning

Some objectives set out in municipal strategic statements provide little if anything that is not self evident or already part of the SPPF.

Consider the aim:

Recognise the distinctive character of Stonnington's residential areas and ensure that future development is consistent with the character, scale appearance and amenity of the area.

This is nothing more than a restatement of general planning principles. An alternative set of objectives should be prepared to provide clearer guidance on what is considered distinctive about various parts of the municipality.

Visions as objectives

While a section in an MSS entitled 'what would we like to see' might be thought of as a set of objectives in practice this presents difficulties. For example the statement

What would we like to see ...

The focus on indigenous vegetation will be a key factor in promoting the identity of the city

is a description of a future world not an expression what the Council as a planning authority and responsible authority seeks to achieve. There is a role for such vision statements but they cannot substitute for objectives that provide the underpinning and logic to actions that Council will undertake in preparing its planning scheme or exercising discretion.

In the above example if it were converted to an objective it could imply any of the following objectives for Council

To use a focus on indigenous vegetation in promotion of the city, or

To promote the retention of indigenous vegetation , or

To foster an identity for the city based on indigenous vegetation.

Identifying objectives in terms of what Council wants to achieve by its own actions, rather than what it wants the future to be like is needed to make the MSS clear—and to fulfil the requirements of the Act.

No local colour

Many of the strategic goals identified in municipal strategic statements could be improved by making them more specific to the locality—that is by making them more clearly adapted to local conditions.

For example the strategic goal:

To maintain, enhance and create a sustainable natural and built form, having regard to environmental, social and economic considerations. Future City development shall reflect and respect the natural and cultural heritage of the area and through improved urban design create a sense of place.

could apply to any municipality in Victoria (or indeed anywhere). There is no sense of what 'sustainable' means to the particular Council or what exactly would constitute 'improved urban design'.

The strategic goal simply do not express in clear terms what it is that the particular Council is seeking to achieve—the goals need to express what the municipality considered a sustainable built form to be, or how urban design can improve the sense of place.

Wishful objectives

The purposes of one exhibited policy was:

To create a built environment along main (Category 1) roads that instils business confidence, is aesthetically pleasing and which the local community can identify with.

There may well be good urban design and amenity reasons why a particular design, siting and landscape approach should be maintained along main roads, but it seems a bit far-fetched to claim that this can 'instil business confidence'.

The SPPF provides a strong policy base for achieving a high standard of urban design and amenity, and these rather prosaic aims are to be preferred. There is no obvious connection between landscape setbacks and business confidence and such purposes in policies tend to obscure the intent of the policy rather than make it clearer.

Contradictory objectives

Sometimes a municipal strategic statement will have two clearly contradictory objectives. For example with respect to key redevelopment sites there may be conflicting objectives between:

Identification of preferred use and development options for key sites

and

Encourage residential uses as a component of redevelopment on large sites which become available

One of these objectives suggests an open mind to the uses that large sites may be put to, the other has a strong emphasis on residential use. This could cause confusion in interpreting Council's objectives for redevelopment sites that emerge in the future.

Mutually exclusive objectives

Sometime objectives are contradictory. Consider the objectives:

Support and reinforce a hierarchy of shopping centres,

Maintain the individual character in terms of use and built form in existing centres

Maintain and enhance the commercial viability of existing centres

If reinforcing a hierarchy means stopping more intensive development in lower order centres then how does this relate to the third objective of promoting viability. The Planning Scheme is left with an objective to promote the viability of centres by reinforcing the role they now have. In the dynamic and changing nature of retail this is a contradiction in terms.

The danger with criticising mutually exclusive objectives is that some one may develop a brilliant strategy that allows us to achieve what we thought were mutually exclusive objectives.

Not written as an objective

Some objectives just aren't written as objectives. For example objectives should begin with the infinitive form of the verb. That is the objective of:

Promotion and development of mixed use area

should be rewritten as

To promote the development of mixed use area

if this is what is meant.

Objectives run together

Strategic goals should be shortened to clearly express their underlying aim. For example the housing goal:

To reinforce and create residential environments that are economically and environmentally sustainable, livable, and have a sense of place. These environments will be based on the integration of physical and social infrastructure and characterised by identifiable neighbourhoods, community focal points, a diversity of dwelling types and household mix, and energy efficiency.

could be better expressed as a separate series of objectives—for example,

To ensure new residential development creates identifiable neighbourhoods that have a sense of place and clear community focal points

To provide a diversity of dwelling types for a range of household types

To ensure the integration of physical and social infrastructure

To create sustainable and livable residential environments that reinforce the natural values and bayside character of the municipality

To promote energy efficiency in residential development.

Actions as objectives

To reduce car trips by raising public awareness of the adverse impacts of car travel.

These objectives are actions or contain actions. They do not allow a variety of ways to be achieved.

This is a common mistake and one where the action is include in the objective. It is worth remembering that actions may have to opposite effect to those intended—this is only discovered by research. There are some pointed example of how actions may have opposite effects to those intended. For example wildlife tunnels under roads can **increase** the deaths of wildlife. In some areas the foxes just wait for their dinner to deliver itself! Tunnels can be made to work but they cannot be assumed to work.

Means as an end

Some purported objectives are really the means to some other objective that is not really spelt out. For example, the objective:

To control the removal of native vegetation

does not say why vegetation removal is to be controlled. The objective needs to state the reason why an organisation wants to control removal of native vegetation: seeking the control is not an objective in itself.

Tautology

To ensure landmark buildings have distinctive character.

Tautologies are where the objective is necessarily true. An example is the guideline that states 'well deigned street furniture can improve the look of an area'. Of course—that's what well deigned means. The example is calling for landmark buildings to be distinctive—could they really be anything else?

Concepts as measures

This problem arises when using concepts like urban character, which are descriptive concepts, as measures.

To increase the urban character of shopping strips.

Urban character describes the relationships between various elements of the urban environment. It can be changed, but it can't be increased.

9.3 LOCAL POLICIES³⁴**9.3.1 WRITING GOOD LOCAL POLICIES**

Local policies are an implementation tool just as zones, overlays and other provisions of the scheme are. They serve to implement Council's objectives — they should not be a substitute for those objectives.

The panels have a number of concerns about the way in which many policies are written. These include:

1. some policies duplicate items in the SPPF and are hence unnecessary
2. some policies duplicate guidelines set out in overlays and this is unnecessary

³⁴ This section is based on an extract from the Stonnington New Format Planning Scheme Panel Report [see Section 3.3, pp 14-16]. References to Stonnington have been retained for the purposes of illustration.

3. some policies contain controls or prescriptive standards and this is against the principles of planning reform
4. some important issues are spread across several policies.

1. Duplication of SPPF

It is important that policies on topics that are already covered by the SPPF are more specific or provide local context to the SPPF. The SPPF and the VPPS are quite comprehensive in the policies they set out and the matters that need to be taken into consideration in exercising discretion. The provisions of the SPPF should be the starting point for Council and local policies are only required when they can add something useful to that which is already in the scheme.

The reason why Councils often include local policies of this nature is their fear that the general provisions of the zones, overlays or Clause 65 are too open ended and too liable to defeat at VCAT. Hence they attempt to over-specify matters to be considered in decision making. At the very least this suggests a checklist requirement for local policies to ensure that they do not unreasonably duplicate other decision-making bases already in the scheme. It also suggests that Clause 65 should be given greater prominence and possibly further review. If it was up front and further refined it may enable a lot of other decision guidelines in various zones, overlays and local policies to be done away with and overcome the tendencies of Councils to be repetitious about matters to be taken into consideration in exercising discretion.

2. Duplication of Overlays

There is generally no need to have a separate policy that relates only to an area covered by an overlay. Overlays provide for decision guidelines to be included and this is often a better place for incorporating policy issues.

3. Prescriptive Standards

In Stonnington, the Advertising Signs Policy for example, seeks to set out a prescriptive set of standards for advertising. This is not appropriate in a local policy, apart from the issue of duplication with the advertising signs provisions of the VPPS. This was a common problem with many local policies.

Reference to '*must*' should not be included. The policies should be written with a performance based approach in mind, rather than being prescriptive. The actual policies should be expressed as '*It is policy that ...*' or '*It is policy that the following matters be taken into account when considering applications to...*'. In this way, even the words '*should*' and '*will*' can be deleted in the policy statements.

4. *Issues Spread across Many Policies*

There are a number of policies that deal with urban design and development issues. A person with a large development site in Stonnington could consult the MSS and local policies and determine that:

1. an absolute limit of three stories applies under the general strategy in the MSS (Page 15); but
2. up to four stories is permitted under the discretionary uses in retail areas (Policy S1); or
3. up to six stories is permitted under the large sites policy (Policy G9); or
4. even higher is permitted under the bonuses and dispensations policy (Policy G10); but despite any of this
5. the building should not be significantly higher or lower than surrounding buildings under the design of new development policy (Policy G2).

This overlap should be eliminated. Height is obviously an issue in Stonnington (judging from the number of times it is mentioned in the MSS and local policies) and a clear and consistent set of principles that are properly researched and argued should be developed as a separate policy.

1. *Not all Information is in the Policies*

A number of the policies refer to Stonnington Information Sheets. These and several other documents are proposed to be incorporated in the scheme. All policies and decision guidelines should be readily apparent in the planning scheme itself. The specific planning requirements should be extracted from the document and included in the scheme in an appropriate way rather than incorporating the document. Whether it is necessary to mention the document in the scheme as a reference document will depend on individual circumstances.

A possible exception to this are documents such as urban design guidelines or heritage guidelines, which too extensive to write directly into a local policy and include illustrations. One approach here is to have a local policy that says, for example: “*It is policy that in considering applications in the area covered by the Heritage Overlay the responsible authority will take into account the Heritage Guidelines.*” Alternatively, if the area to which the guidelines apply has an overlay that provides for additional decision guidelines, reference to the document can be included here. The document should then be included as an incorporated document under Clause 81.

With respect to the Heritage Overlay, it is noted that the decision guidelines in Clause 43.01-5 refer to any “*applicable heritage study and any applicable conservation study*”. It may be preferable to reword this provision to read as follows:

- Any applicable heritage study and any applicable conservation policy *or heritage guidelines incorporated in Clause 81.*

This would then avoid the need for a separate local policy merely to require consideration of these sorts of documents. It would also be in line with the provisions of other overlays.

2. *Some Policies are too Broad*

Some of the policy statements are too broad to guide decision making and would more appropriately be included in the MSS or could be deleted because they are already in the scheme as decision guidelines. For example, under Subdivision:

In considering subdivision applications the Council must be satisfied that the subdivision will:

1. *provide a high standard of amenity for the occupants and maintain the amenity of adjoining properties, particularly residential, minimising noise, traffic and parking impacts.*

This is very obvious. Does Stonnington really think that these issues can't be addressed without a local policy?

3. *Other Issues*

It is inappropriate to include a policy that applies to the consideration of rezoning applications. Guidance for the planning authority should be included in the MSS. (Even in the MSS, it is not appropriate to purport to restrict the powers of the planning authority as proposed; that is ‘*The Council may agree to rezoning of residential or industrial land only if...*’.)

Each policy needs to provide clear links to the MSS, articulating the strategic directions which have given rise to the policy, set out where the policy applies, provide clear separation between the policy statements and decision guidelines, draw out the policy implications from documents referred to and include key decision guidelines.

9.3.2 CONSTRAINTS ON THE EXERCISE OF DISCRETION

Possibly the greatest challenge in managing the new format planning schemes in the future will be to strike a suitable balance in the degree to which local policies can inhibit land uses otherwise allowed or subject to permit.

It is understood that local policies cannot prohibit a use permissible under the zone and have been restricted to use of words such as “encourage” or “discourage”. But the practical realities are that Councils have to make decisions. If the local policy

“discourages” certain uses (say, within the Mixed Use Zone or the Residential Zone) in certain locations, what real alternative does Council have but to refuse the application that should be discouraged? Put the other way, why would a Council not refuse an application if it has consciously written a policy “discouraging” that use in that location? This is a de facto limitation on the uses otherwise permissible in the zone. Whilst the encourage/discourage dichotomy may be supported by a couple of sentences under the heading “policy basis”, it does not detract from the reality that this is a mechanism that will be used for prohibiting land uses that are otherwise contemplated in the zone. There is nothing terribly wrong with this, particularly as it has been emphasised that Section 2 uses can be refused just as legitimately as approved. And indeed if it were not the case, why are uses in Section 2 at all? Nevertheless, it raises the potential for local policies to subsume the role of the standard VPP zones, resulting in a proliferation of de facto local zones, which the planning reform program was intended to eliminate.

The panels do not consider that the problem is solved simply by insisting on use of the word “encourage” as opposed to “discourage”. If a use is to be encouraged, it will be easy to argue that this means other uses are to be discouraged. At least, that is certainly the way in which many councils will apply the logic to achieve the outcomes they wish.

The panels see the solution in concentrating on the objectives of the policy, rather than on the words of the policy that “encourage” or “discourage” certain uses. If it is these provisions that are concentrated on, then local policies will act as de facto zones and the flexibility that the planning reforms have introduced by way of the new zones will be lost. Instead, it must constantly be asked, irrespective of whether it is stated that a use is “encouraged” or “discouraged”, what will the outcome be? Will it further the objectives of the policy or will it be contrary to them? If it will do neither (in other words, it is policy neutral), then it must be asked, why not allow the use? There may be other policy or amenity reasons why it should not be allowed. But if there are not, the intent of the reforms is to allow it to proceed, notwithstanding the policy may specifically provide that it is a use to be “discouraged”.

This illustrates the vital importance of writing good objectives in policies and the MSS. It also demonstrates the shift in thinking that will be required on the part of decision-makers, both at council level and at VCAT. The key aspect of any policy will always be the objectives. All decisions must be tested against them. The part of the policy that states, “*It is policy that...*” will always be of secondary significance, even though it is the part everyone traditionally goes to first.

This is the message that the panels consider DOI should concentrate on spreading and reinforcing. Unless it is vigilant in conveying this message and seeing it implemented at all decision-making levels, a key component of planning reform will fail.

9.4 LANGUAGE

The use of generalised language was an issue referred to in the Report on Trends and Issues Emerging from Consideration of First Five New Format Planning Schemes (March 1998). The point was made that many schemes suffer from the use of very generalised language, whether in the MSS, local policies or schedules. Similarly, language used was often convoluted when a direct, straightforward expression might be more useful and easily understood

The panels have found that one of the most limiting features of this use of over-generalised language has been in describing the identity of the municipality and the character of towns within it. This has often had the effect of inhibiting the Council's appreciation of what features are significant in defining the character of their towns, what their strengths and weaknesses may be, and its development of strategies to deal with these. The growing concern about urban character and the proliferation of character studies may only serve to generate a lot of words and paper unless some comprehensive and clear thinking by Council in-house takes place.

Some schemes describe their towns and townships solely in terms of the number of residents, while others give only an engineer's approach — *'this township has made roads, a reticulated water supply but no sewerage.'* Others offer some analysis of the role of the towns — *'a small settlement of 150 residents providing basic retail and other services to its local rural community'* or *'this town is the centre of agricultural-based manufacturing in the region, and its industries provides 25% of the Shire's employment.'* Others have added a bit of history — *'this town was established in the goldmining era and once supported a population of 12,000. It has a legacy of fine public buildings.'*

However, there are very few cases where a truly comprehensive analysis has been provided. One of the examples above was *'a small settlement of 150 residents providing basic services to its local rural community.'* A comprehensive view might have added that:

1. *'the township is located on a north-facing hillside with good views over farming land in the X valley;*
2. *there is little prospect of expansion due to lack of reticulated services;*
3. *there are 276 lots within the township boundaries, 168 of which are vacant;*
4. *the township is only 8 km from the nearest commercial centre B, and a growing number of residents commute to B for employment;*
5. *34% of the population is over 60;*
6. *the major feature of the township is a magnificent avenue of oaks in the main street which is an attraction to both residents and tourists;*

7. *the township was formerly a popular stopping point on the road from B to C, but was bypassed in 1978;*
8. *the primary school (now closed) and the hotel are historic buildings classified by the National Trust;*
9. *the 6 shops and the community hall have not been upgraded for some years.*

Having built a more comprehensive picture of this mythical township it is much easier to identify the opportunities and constraints that it offers. What are its good points? Its views, its avenue, its proximity to urban services and employment in B, its attraction for commuters, its history. What are its constraints? Lack of reticulated services; ageing population; the run-down retail and community centre. The next step is to devise a strategy to build on its strengths and address its weaknesses. Examples might be: *apply VPO to the avenue and establish tree replacement program; provide reticulated water within 10 years; consider including the town in the Shire's proposed new Tourism Trail; establish a streetscape improvement plan for the township's centre; investigate housing and services options for elderly residentsetc.*

Very few schemes have set out comprehensive views of their towns, and as a result have not developed comprehensive strategies. The better schemes have identified at least some of the main characteristics of their towns and townships, and the best have included Structure Plans and a strategy for the future, backed up by specific implementation measures.

All Councils are urged to reconsider the treatment of towns and townships in their schemes. This requires thought rather than new studies. Some Councils have recognised the need for further work and indicated future actions such as urban character studies and the development of Structure Plans. However, it is the comprehensive thinking by Council in-house that is most needed. Expenditure on urban character studies will provide a part of the comprehensive picture, but is not a substitute for an objective evaluation by the Council based on a much wider range of parameters.

As a final word on the use of language within the LPPF, it is worth quoting from the Panel Report on the Moreland New Format Planning Scheme, which the Panel considered to be "*clearly the best of the urban schemes considered to date by members of this Panel*":

The MSS is an excellent example of a true strategic planning document. It starts with a simple and charming vision statement:

‘Moreland seeks to create an environmentally sustainable and liveable city, where people can shop, work and socialise locally; a city where a car and a high income are not necessary for a rich and rewarding quality of life; a city which will continue to provide a range of opportunities and choices for a diverse and prosperous community.’

This ‘vision’ is woven like a continuous thread throughout the remainder of the document. The planning strategy under each MSS ‘theme’ is explicitly linked back to this vision through the analysis of environmental, economic and social perspectives. In this Panel’s experience, Moreland is the only scheme in which analysis to this degree of sophistication has been undertaken and included as an integral part of the MSS. The Local Planning Policies also relate directly to the vision. Similarly, the use of zone and overlay controls is clearly understandable as implementing the vision.³⁵

SECTION 10 RECOMMENDATIONS

1. As a matter of urgency, the *Planning and Environment Act 1987* should be amended so that an amendment to the VPPS will result in the automatic amendment of all planning schemes using that particular provision of the VPPS. (Section 3.2.7)
2. The SPPF should be reviewed to better recognise the role that all forms of productive agricultural land play in maintaining and expanding the State’s agricultural base, not just high quality agricultural land. (Section 4.5.3)
3. DOI should encourage Councils to develop mechanisms in the form of policies and other initiatives by which to deal with pressures, which may result in the loss of productive agricultural land from production. (Section 4.5.3)
4. The principles underlying the rural zones and the environmental overlays should be reviewed and modifications made to the VPPS to ensure that important objectives in respect of agriculture and rural land can be met effectively. (Section 4.6)
5. Consideration should be given to expanding the suite of rural zones in the VPPS to encompass the following:
 - Agriculture Zone
 - apply to land where the primary purpose is productive agriculture and primacy is to be given to agriculture over residential use
 - purpose same as current purpose of Rural Zone
 - residential use would be strictly controlled and limited
 - no expectation of a dwelling on every lot

³⁵ Panel Report on the Moreland New Format Planning Scheme

- no nexus between subdivision and the right to construct a dwelling
- minimum subdivision size would be based on land capability
- Rural Living Zone
 - same provisions as currently in VPPS
 - continue to apply as presently used
 - encourage larger minimum lot sizes where appropriate and where residential use is the primary purpose of the land

- Environmental Rural Zone
 - same provisions as currently in VPPS
 - restrict application to land where all uses should be subordinate to the environmental qualities or context of the land
 - limit its use as a catch-all by modifying overlays to fulfil the purposes that the Environmental Rural Zone is currently meeting by reason of its control over certain uses
 - Rural Zone
 - use as a zone of general application where the competing interests of residential use, agriculture and environmental qualities will need to be balanced depending on the circumstances
 - modify the purpose of the zone in the VPPS to reflect this role
 - apply to all rural land that does not fit within one of the other rural zones (Section 4.6)
6. In conjunction with industry groups, local government, catchment management and water authorities, and relevant government departments DOI should take the lead in coordinating:
- The development of codes of practice relating to various agricultural uses, which establish standards and a performance based approach to the management of land for these purposes. They should be designed for inclusion in the VPPS as the basis on which these activities will be conducted. Consideration should be given to whether they should apply to all existing uses, as well as new uses, in a similar fashion to the Code of Forest Practices for Timber Production.
 - The ongoing review of the VPPS to:
 - incorporate particular provisions relating to specific agricultural uses, including codes of practice;
 - include conditions that, if met, result in no permit being required for specific agricultural uses in appropriate locations or zones. (Section 4.7.1)

7. DOI should:
 - Monitor the way in which the new planning system integrates with issues relating to ongoing land management. It should consider if legislative change is required to better achieve the objectives of planning set out in the *Planning and Environment Act 1987*.
 - Provide guidance on how to encourage land managers to assume responsibility for the impacts that their activities may have and to manage their land according to identified standards or in line with agreed management plans. (Section 4.7.2)
8. DOI should develop suitable models to assist Councils in making appropriate use of the overlay provisions, which enable certain buildings and works to be scheduled out of the need for a permit. (Section 4.7.2)
9. The VPPS should be amended to introduce a particular provision in Clause 52 relating to dams. This should include a requirement for certified engineering plans to prove the adequacy of design to be submitted as part of an application. It should also be a requirement that applicants include an assessment of the impact that construction of the dam will have on water flows and the amount of water available to downstream users. (Section 4.8)
10. As a matter of urgency, DOI should liaise with DNRE, water authorities and catchment management authorities about suitable policies to guide equitable access to water resources. (Section 4.8)
11. In conjunction with the water industry, Victorian Council for Catchment Management Authorities and local government, DOI should investigate the development of a model local law to deal with the ongoing maintenance of septic tanks. (Section 5.2)
12. Water authorities should be encouraged to develop a series of performance measures and conditions upon which certain use or development may proceed within water catchments without the need for referral to the water authorities. (Section 5.3.6)
13. DOI should consider the introduction of a new Water Catchment Overlay to the VPPs that controls use as well as development. (Section 5.3.6)
14. DOI should review the operation of the overlays, particularly the environmental overlays, with a view to possibly reducing their number. (Section 6.1.5)

15. The VPPs should be amended so:
- There is a provision in all rural zones that a permit is required to construct or carry out a building *or works* within 100 metres from a waterway, wetlands or designated floodplain.
 - The exemptions in Clause 52.17 from the need to obtain a permit to remove, destroy or lop native vegetation do not apply to any area within 30 metres from a waterway, wetland or designated floodplain. In other words, a permit is required to remove all vegetation within 30 metres of a waterway, wetland or designated floodplain without exception, except in the case of an emergency. (Section 6.2.1)
16. Further consideration should be given to the concept of a Natural Resource Overlay. (Section 6.2.2)
17. DOI should require Councils to include in the program for review of their planning schemes, a review of all places covered by a Heritage Overlay and an assessment of the material upon which it is based to ensure it meets the guidelines and criteria in the Practice Note. Appropriate statements of significance in respect of each heritage place should also be prepared. (Section 6.4)
18. DOI should prepare specific guidelines for dealing with the recognition and protection of Aboriginal heritage in planning schemes. (Section 6.4)
19. The third dot point of Clause 43.01–5 of the VPPS should be amended to read as follows:
- Any applicable heritage study and any ~~applicable~~ conservation policy *or heritage guidelines incorporated in Clause 81*. (Section 6.4)
20. DOI should examine the apparent anomaly in Clause 43.03, which appears to enable the primary purpose of the Incorporated Plan Overlay to be undermined by issuing a permit not in accordance with the incorporated plan. (Section 6.5.2)
21. **DOI should monitor the operation of the VPP mechanisms in conjunction with the development industry and local government to ensure that the planning and development of urban growth areas operates efficiently.**
(Section 6.5.4)
22. DOI should prepare a practice note on how the Incorporated Plan Overlay and Development Plan Overlay can be used in various situations and when they are appropriate, which contains more detail than currently included in the *Manual for the Victoria Planning Provisions*. (Section 6.5.5)

23. Where land is known to be prone to flooding, even though accurate mapping of the 1 in 100 year flood levels may not be available, the Land Subject to Inundation Overlay should be applied to land determined by the floodplain management authority. Those boundaries should be adjusted, if necessary, when detailed flood mapping becomes available. DOI should establish arrangements with relevant floodplain management authorities to make determinations about what land should be included in the Overlay in these circumstances. (Section 6.6)
24. DOI should examine the issue of goldmining residue and arsenic contamination on a Statewide basis. The examination should consider the following issues:
- Are the potential adverse health effects significant enough to justify a planning control?
 - If so, should the control apply to all land or be limited to changes in use?
 - Should the NEHF threshold levels be formally adopted as a planning guideline?
 - How extensive is the potential application of the control?
 - How could the sites of former batteries and tailings dumps be identified?
 - Who should have responsibility for undertaking and funding the investigation?
 - Should Nillumbik be regarded as a precedent? (Section 6.8.2)
25. DOI should prepare a detailed practice note about the operation of the industrial zones. (Section 7.2)
26. DOI should prepare a practice note about drafting schedules to the various zones and overlays, which provides a range of good examples by way of illustration of good practice and variety of potential use. (Section 7.3.1)
27. The VPPS should be reviewed with respect to:
- removing the distinction between the Special Use Zone and the public zones based on the public or private ownership of land;
 - replacing some of these zones by a new suite of zones based on broad categories of activity, which would be applied to public and private land alike, including the following:
 - Parks and Recreation Zone
 - Conservation and Resource Zone
 - Utilities Zone

- Education Zone
 - Health and Community Facilities Zone
 - Transport Zone
 - Extractive Zone (Section 7.4)
28. DOI should monitor the way in which Section 173 Agreements are being used in conjunction with rezonings and permits to limit the potential use of land. (Section 8.1)
 29. DOI should seek the cooperation of DNRE and Treasury to accelerate the provision of natural systems information to municipalities. DOI should also maintain pressure to ensure consistency between the data sets of various organisations. (Section 8.4)
 30. DOI should develop strategies to assist in the dissemination and use of information and technology to Councils and other users of the planning system to ensure that maximum advantage is derived from what is available and that the quality of decision making is improved. (Section 8.4)
 31. In consultation with DNRE, DOI should develop model schedules, statements of significance and local planning policies to assist Councils incorporate the Biodiversity Strategy into their planning schemes when the mapping becomes available. (Section 8.5)
 32. The SPPF should be amended to incorporate specific reference to Victoria's Biodiversity Strategy and use of the Significant Sites Register and maps. (Section 8.5)
 33. DOI should review issues about the scale of mapping and appropriate boundaries when there are changes in scale during the first three-year period. New guidelines should be issued. (Section 8.6.1)
 34. DOI should develop guidelines for strategic framework plans to assist clarity or publish examples of good practice. (Section 8.6.2)

APPENDIX A TERMS OF REFERENCE

NEW FORMAT PLANNING SCHEME

TERMS OF REFERENCE FOR ADVISORY COMMITTEE

PART A BACKGROUND

The three key objectives of the current program of planning reform in Victoria are:

- To establish a focus on state and local strategic directions which provide the bases for controls in planning schemes and guidance to decision-making.
- To provide a consistent set of statewide planning scheme controls and provisions.
- To test the system's effectiveness by annual monitoring and review.

The introduction of new format planning schemes for every municipality in Victoria presents a unique opportunity to put in place a complete set of consistent new schemes which express clear and implementable strategic objectives, eliminate unnecessary controls and display a high standard of statutory drafting.

The program also provides an opportunity to begin to build into schemes performance measurement criteria as a basis for the evaluation of the longer term effectiveness of each scheme and the effectiveness of individual policy initiatives.

To achieve these outcomes, it is very important that each scheme be examined and enhanced wherever possible to ensure that it is strategically well founded, well constructed and as technically correct as possible at the time of approval. In particular, a scheme should:

- Be consistent with statutory requirements, Ministerial Directions and the guidance given about the use of the *Victoria Planning Provisions*.
- Be consistent with the State Planning Policy Framework.
- Be constructed to actively implement the Municipal Strategic Statement and local policies, rather than being a best fit translation of the previous scheme.
- Only include clearly justified local policies.
- Use performance based or outcome based requirements wherever practicable.

An advisory committee appointed under Section 151 of the *Planning and Environment Act 1987* provides a means to assess schemes in these terms and to develop a comparative understanding of schemes on a statewide basis.

The development and use of new format planning schemes will be a learning process. Good ideas which emerge from this review of schemes will be able to be passed on for the benefit of all planning authorities: similarly with lessons.

There is a potential for planning authorities to use the *Victoria Planning Provisions* in a way which may make planning schemes unduly cumbersome. Experience with using the VPPs will overcome many of these problems, however this opportunity should be taken to identify if there are schemes that are overly cumbersome and whether there are more appropriate approaches which could overcome this.

PART B THE TASK

The task of the Advisory Committee is to evaluate schemes and recommend modification or improvement to achieve a high standard statutory and strategic document.

It is not intended that the Advisory Committee re-examine the principles underlying the reforms to the planning system, the approval of the Victoria Planning Provisions, the structure of new planning schemes or any other matter introduced under the Planning and Environment (Planning Schemes) Act 1996.

The Advisory Committee must hold a public hearing at which it will give the planning authority an opportunity to respond to the specific matters identified in Part E. It may hear from any other person with respect to these matters also.

The Advisory Committee must prepare a report in accordance with Part D which responds to the matters set out in Part C.

The Advisory Committee must undertake its task in conjunction with its role as a panel appointed to consider submissions about the planning scheme under Section 153 of the Planning and Environment Act 1987.

PART C WHAT SHOULD ADVISORY COMMITTEES CONSIDER?

1. Consistency

Is the planning scheme consistent with:

- the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Planning and Environment Act 1987;
- Ministerial Directions under section 12 of the Planning and Environment Act 1987;
- the Manual for the Victoria Planning Provisions?

2. Municipal Strategic Statement (MSS)

Does the MSS further the objectives of planning in Victoria to the extent that they are applicable in the municipal district?

Are the strategic planning, land use and development objectives of the planning authority a reasonable response to the characteristics, regional context, development constraints and opportunities of the municipal district?

Considering the objectives of planning in Victoria and the planning authority's objectives, are there any important omissions or inconsistencies?

Does the MSS contain realistic and reasonable strategies for achieving the objectives?

What were the processes used in arriving at the MSS?

Are there satisfactory links with the corporate plan?

Are local provisions clearly expressed and written following plain English principles?

3. Local Planning Policy Framework (LPPF)

Is the LPPF and other local provisions consistent with the SPPF?

4. Zones, Overlays and Schedules

Are there clearly defined linkages between the MSS and the application of zones, overlays and schedules?

Is the application of zones, overlays and schedules the most appropriate of the VPP techniques to achieve the stated outcomes?

Are overlays and schedules being used when it may be more appropriate to use local policies?

If there are situations where the application of zones, overlays and schedules are not clearly linked to the MSS, is reasonable justification provided and is it considered acceptable?

Are the zones, overlays and schedules reasonably compatible at the interface with adjoining schemes?

Do local provisions adopt a performance based approach?

Have local provisions introduced referral requirements additional to those in the VPP?

5. Local Policies

Are local policies directed towards implementation of the MSS?

Are local policies soundly based and reasonably justified?

Will local policies be of practical assistance in day-to-day decision making about permit applications?

To what extent have local policies been created as part of the new planning scheme and to what extent are they a replication of previous local policies?

6. Incorporated Documents

Does the planning scheme include incorporated documents apart from those in the VPP?

What is the basis for incorporating any such documents?

Can the intentions of the planning authority in using incorporated documents be better achieved by other techniques in the VPP such as local policies?

7. Monitoring and Review

Has the planning authority established appropriate mechanisms for:

- monitoring decisions made under the planning scheme;
- evaluating decisions against the intentions of the LPPF;
- reviewing the LPPF and other local provisions and the planning scheme generally?

PART D REPORTING REQUIREMENTS OF PANELS AND ADVISORY COMMITTEES

The reports of a panel and an advisory committee in respect of any new format scheme and submissions to it should be combined.

The Advisory Committee must prepare a report which:

- Addresses the terms of reference.
- Recommends appropriate modifications (either generally or specifically) to the exhibited scheme.
- Identifies matters which warrant ongoing review or monitoring, including the need for time limits or "sunset clauses" for such matters.

- Recommends matters or issues to be considered as part of a further review of either the scheme or the *Victoria Planning Provisions*.
- Addresses or recommends any other matters which the Committee considers appropriate.

The report should be structured in the following way:

- The first part should be a general overview including a brief appraisal of the municipality and its strategic planning response to its circumstances. Any major strategic issues which have not been sufficiently addressed or emphasised should be identified together with any major inconsistencies or apparent anomalies. This part of the report should also evaluate:
 - whether or not the scheme is in line with the expectations of planning reform
 - whether the scheme is an improvement on the old format scheme
 - options for further improvement in the short and long term.
- The second part should contain the Advisory Committee's responses to the matters set out in Part C, together with any discussion and recommendations arising from this part of its task. In doing this, the Committee should take into consideration the responses from the council under Part E.
- The third part should deal with all submissions and recommendations arising from them.
- The fourth part should assemble all the recommendations and divide them into two sections:
 - those which, in the opinion of the Panel/Advisory Committee, should be implemented before the planning scheme is adopted and approved. This will include any recommendations for rezoning etc. which arise from consideration of individual submissions.
 - those which can be considered as part of a further review or a proposed amendment following adoption and approval of the planning scheme. This will include any suggestions for revision of the VPPs.

Without limiting the ambit of recommendations which a Panel/Advisory Committee may make, the following actions are open to a Panel/Advisory Committee when making recommendations about a planning scheme:

- Change the zone or overlay applying to land.
- Modify a schedule.
- Recommend that the scheme be approved with identified modifications to the MSS or other parts of the LPPF.
- Recommend that the scheme be approved with a "sunset clause" applying to certain provisions which require further consideration.

- Recommend that the scheme not be approved until certain matters are reviewed or done by the planning authority, or certain changes are made to the scheme.

The Panel/Advisory Committee should leave the drafting of modifications to the planning authority unless there is a specific reason for recommending a particular wording. In particular, the Panel/Advisory Committee should avoid attempts to rewrite any part of the council's MSS or local policies.

When identifying matters which warrant further review or ongoing monitoring, the Panel/Advisory Committee should consider the need to specify a time limit within which such review or monitoring should be carried out.

A copy of the report must be submitted to both the Minister and the planning authority within two months following the last day of hearings. A copy of the report must also be provided to the Minister and the planning authority on disk in MS Word format.

The Panel/Advisory Committee report will be available to the public 28 days after it is received by the planning authority or earlier if the planning authority agrees.

PART E RESPONSES REQUIRED FROM COUNCILS

The Panel/Advisory Committee will rely heavily on the material presented to them by Council. It is important that this material assist the Panel/Advisory Committee to fulfil its terms of reference and, in particular, to respond to the matters set out in Part C. Council's submission should respond to the following matters.

E.1. THE PLANNING SCHEME

1. What are Council's strategic planning, land use and development objectives?

This responds to section 12A(3)(a) of the Planning and Environment Act 1987 and essentially answers the question, "What are we trying to achieve"? This section should identify the key issues in the municipality and explain how the objectives were arrived at.

2. What are the strategies for achieving these objectives?

This responds to section 12A(3)(b) of the Planning and Environment Act 1987 and essentially answers the question, "What are we going to do to reach the objectives?" This is the core of the Municipal Strategic Statement and sets the framework for the

application of zones, overlays and schedules, and the development of local policies. The response is likely to contain a mixture of sectoral (eg. housing, industry,) and geographical (eg. activity centres, foreshore) statements identifying what Council intends to do and where it intends to do it.

3. How are the strategies to be implemented?

This is an important step in explaining how the planning scheme has been developed. Some strategies or parts of strategies will be implemented through the application of zones, overlays, schedules and local policies and the subsequent administration of the planning scheme. Some strategies or parts of strategies may require actions or budgetary commitments through other Council programs and services, eg. tree planting programs, capital works programs, traffic management schemes. There are therefore likely to be two aspects to the response.

For those strategies that are to be implemented through the planning scheme, it will be necessary to explain the relationship between the strategic action and the application of zones, overlays and schedules (where appropriate) and the relationship with particular local policies. One way of working through this exercise is to think of it in terms of the following matrix.

<i>Strategy</i>	<i>Zone</i>	<i>Overlay</i>	<i>Schedule</i>	<i>Local policy</i>
<i>1</i>				
<i>2</i>				
<i>etc</i>				

The components of the matrix would only be filled in as required. Not every strategy will require overlays and schedules nor have a specific local policy.

The matrix is only a tool; it is not necessary to include a matrix in Council's submission. What is necessary, however, is to explain to the Advisory Committee the relationship between the elements of the strategy and the zones (with any overlays or schedules) and local policies which are to be used in the planning scheme to implement the various elements of the strategy.

It is expected that this explanation will include reference to maps in order to explain where the zones etc apply.

This explanation responds to section 12A(3)(c) of the Planning and Environment Act 1987.

For those strategies that will be implemented, wholly or in part, through other activities of Council, it will be necessary to explain how they fit in with Council's corporate plan; what actions will be taken and when; and whether there is any budget commitment if one is necessary.

This explanation can be provided in the form of a simple matrix. It responds to section 12A(4) of the Planning and Environment Act 1987.

<i>Strategy</i>	<i>Relevant Council corporate program</i>	<i>Action</i>	<i>Time line</i>	<i>Budget commitment</i>
<i>1</i>				
<i>2</i>				
<i>etc</i>				

4. **Explain any particular or special situations where zones, overlays, schedules or local policies have been included in the planning scheme which do not bear a direct relationship with Council's municipal strategic statement.**
5. **What mechanisms have been established or are proposed for:**
 - **Monitoring decisions made under the planning scheme and evaluating them in terms of the MSS and local policies?**
 - **Reviewing strategy and policy within the planning scheme and the planning scheme generally?**
6. **Are there any:**
 - **Inconsistencies with the Ministers Directions under sections 7(5) and 12 of the Planning and Environment Act 1987?**
 - **Inconsistencies with the Manual for the Victoria Planning provisions?**
 - **Technical corrections which Council has made or wishes to make to the exhibited planning scheme?**
7. **How does the planning scheme relate to those of adjoining municipalities, particularly with reference to the compatibility of zones etc and local policies across municipal boundaries?**
8. **Are there any incorporated documents in the planning scheme in addition to those included in the VPPs and, if so, what is the basis for their incorporation?**
9. **Are there any referrals in the planning scheme in addition to those included in the VPPs and, if so, what is the basis for their incorporation?**

E.2 SUBMISSIONS TO THE PLANNING SCHEME

Councils should provide a response to ALL submissions received resulting from exhibition of its planning scheme. The response should include the following sections:

- submission number
- submittor's name
- address of property (if relevant)
- existing zone (if relevant)
- exhibited zone (if relevant)
- requested zone (if relevant)
- brief summary of submission
- strategic assessment
- Council comment and recommendation
- Panel comment and recommendation (to be left blank)

E.3 OTHER MATTERS

Councils may raise any additional issues as part of their overall submission which they consider appropriate.

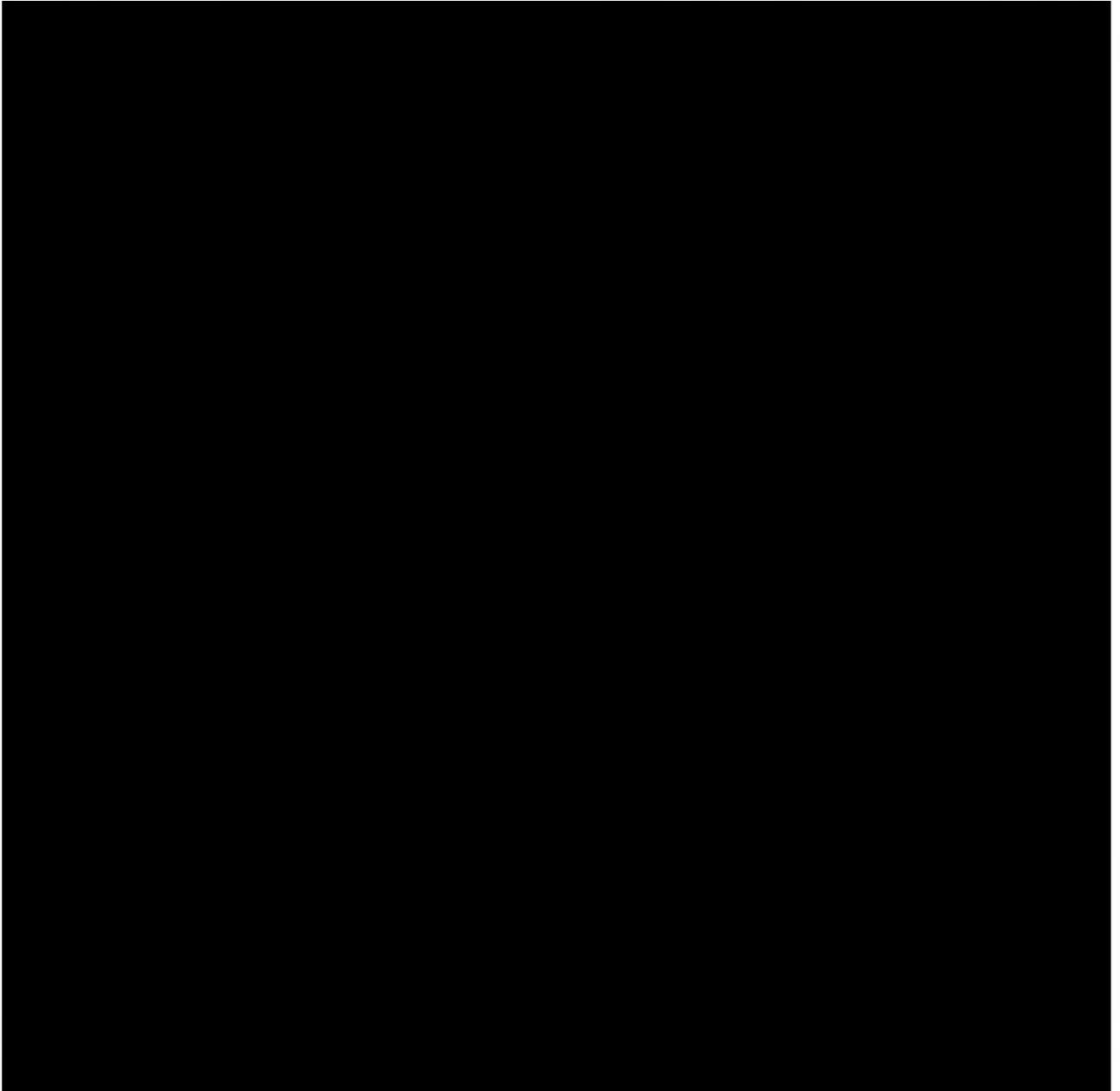
APPROVED:

Peter Bettess
Executive Director, Planning, Building and Development

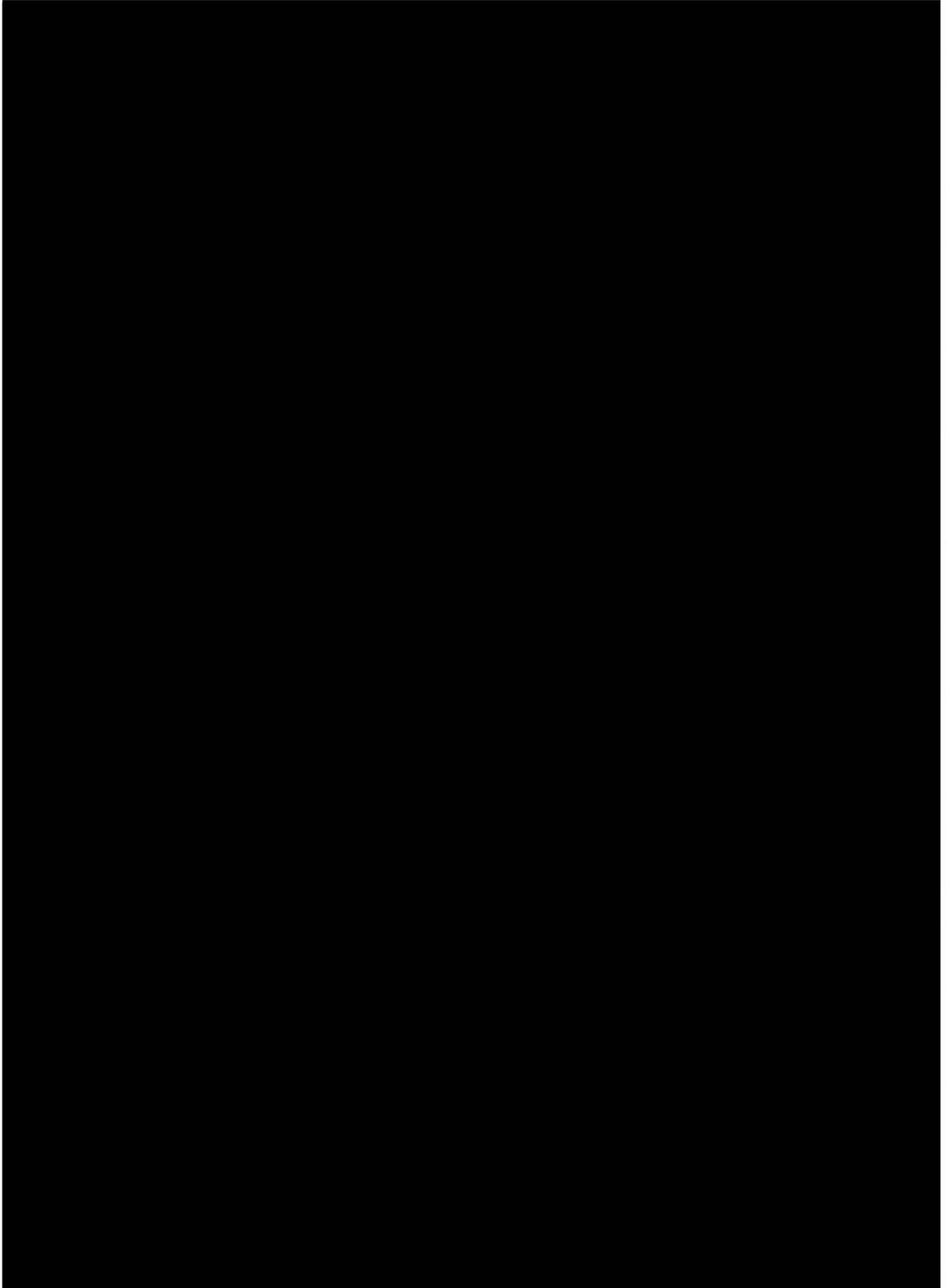
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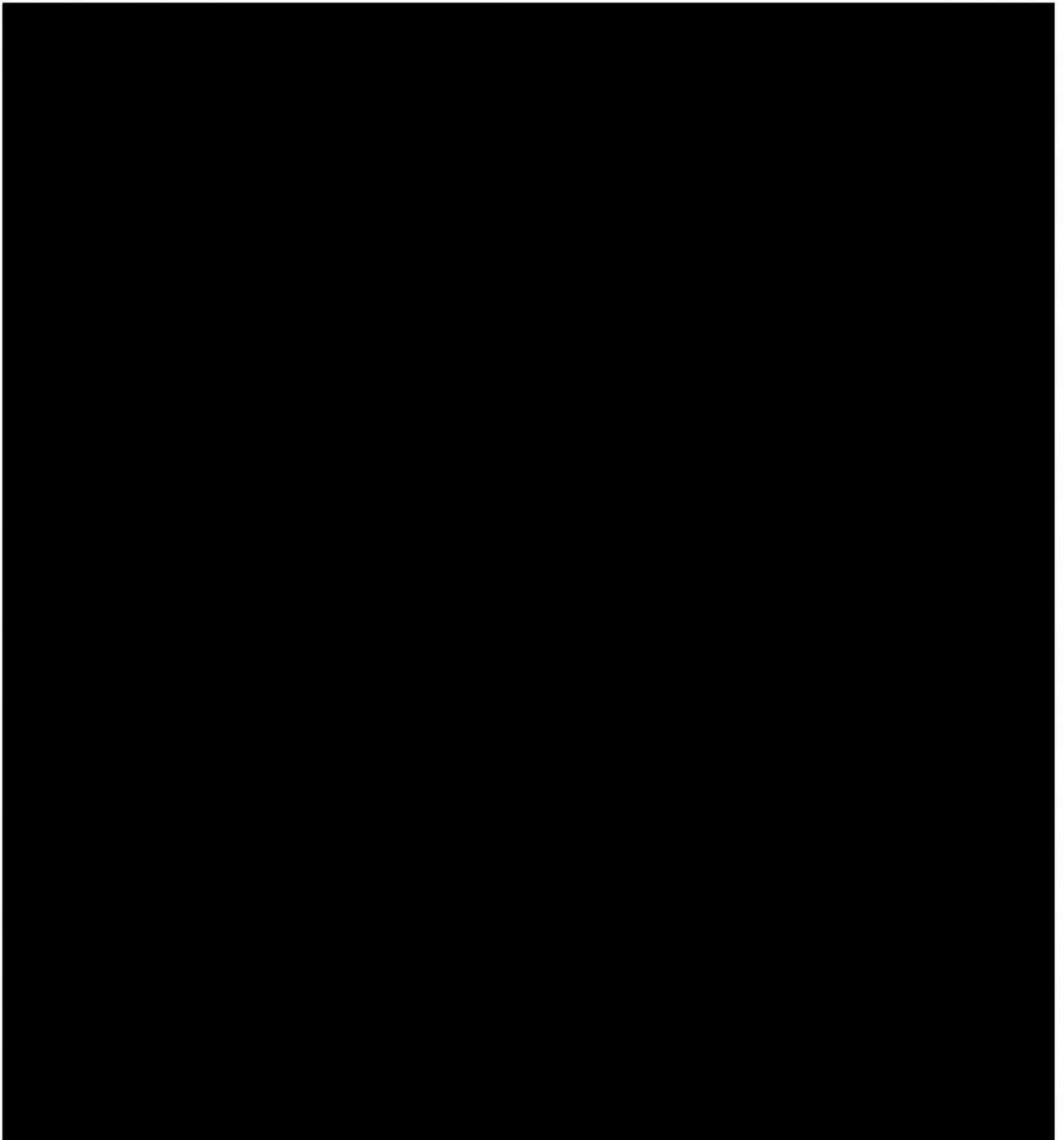
APPENDIX B PANEL MEMBER TEAMS

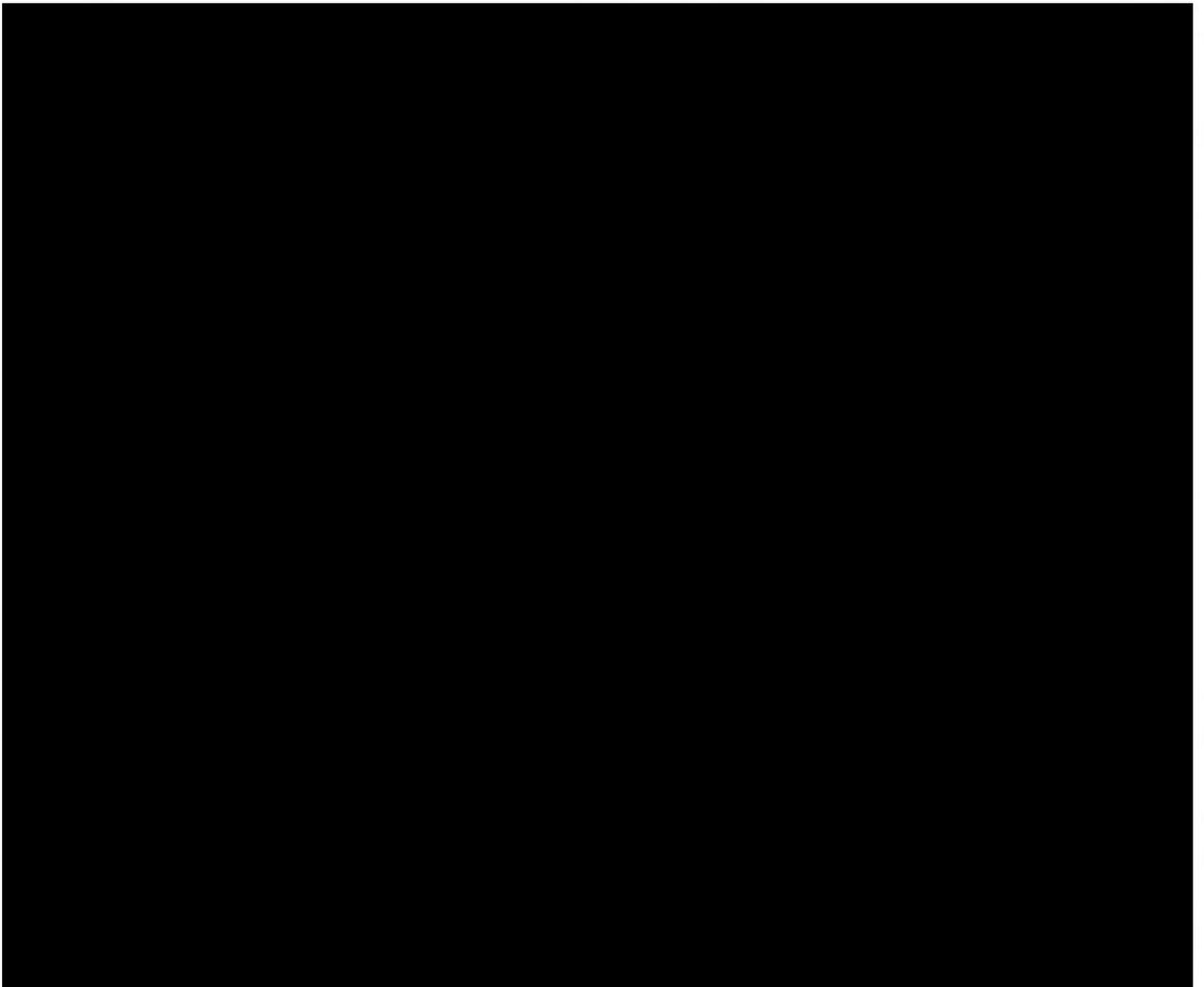
LIST OF NFPS PANEL MEMBER TEAM

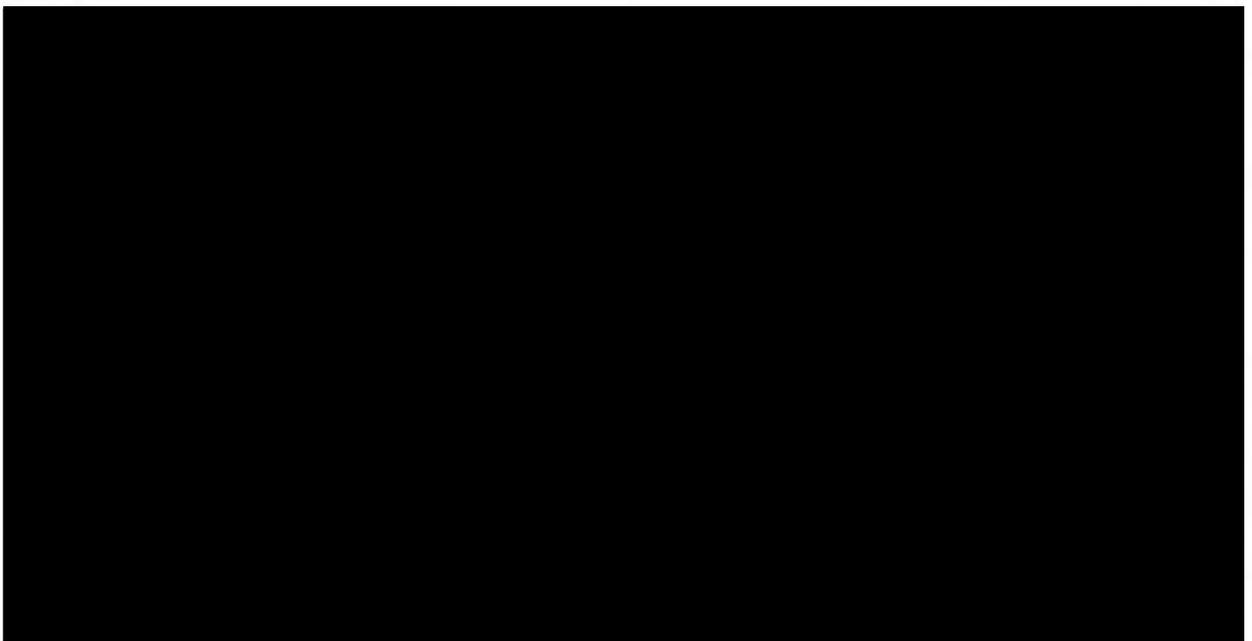
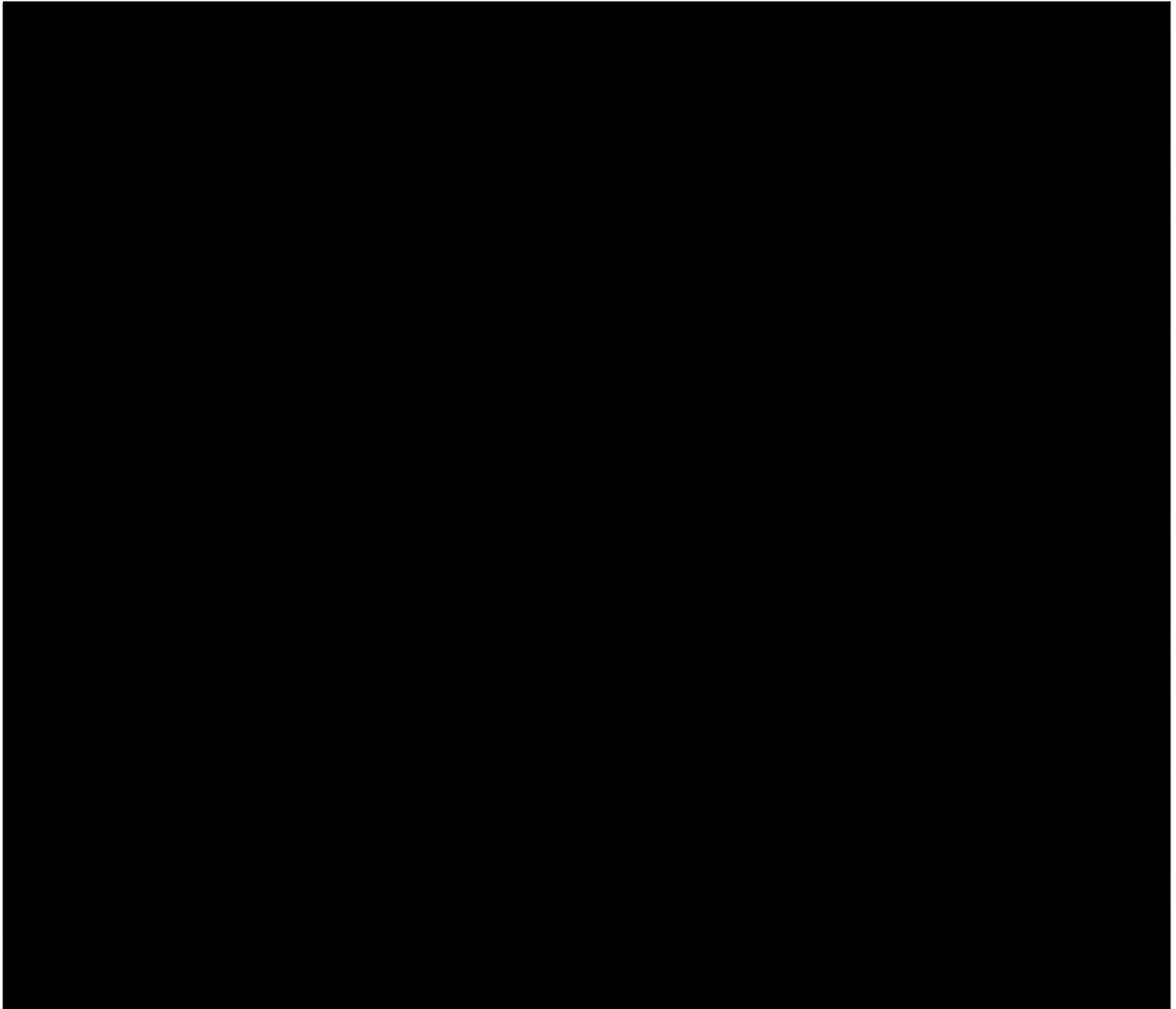


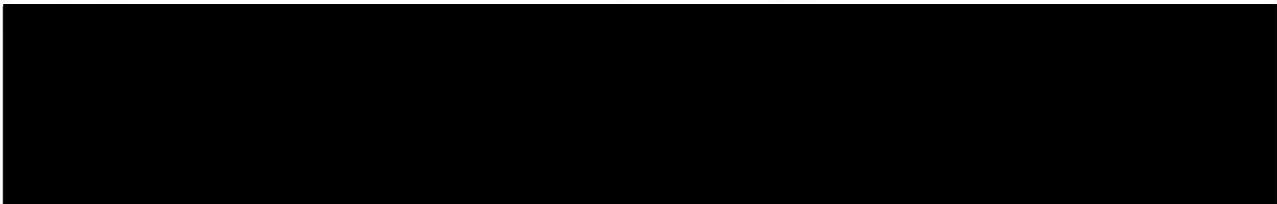
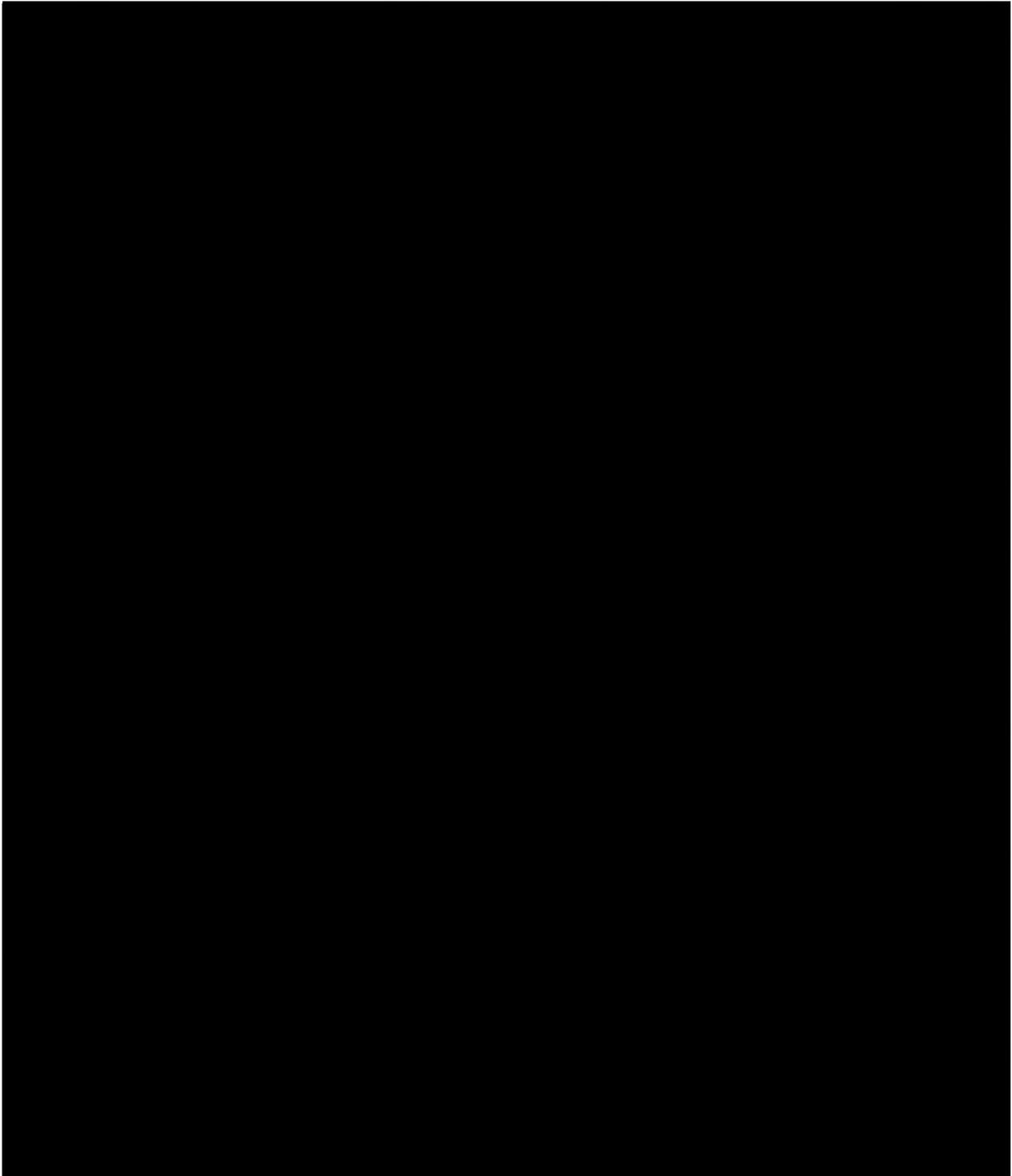
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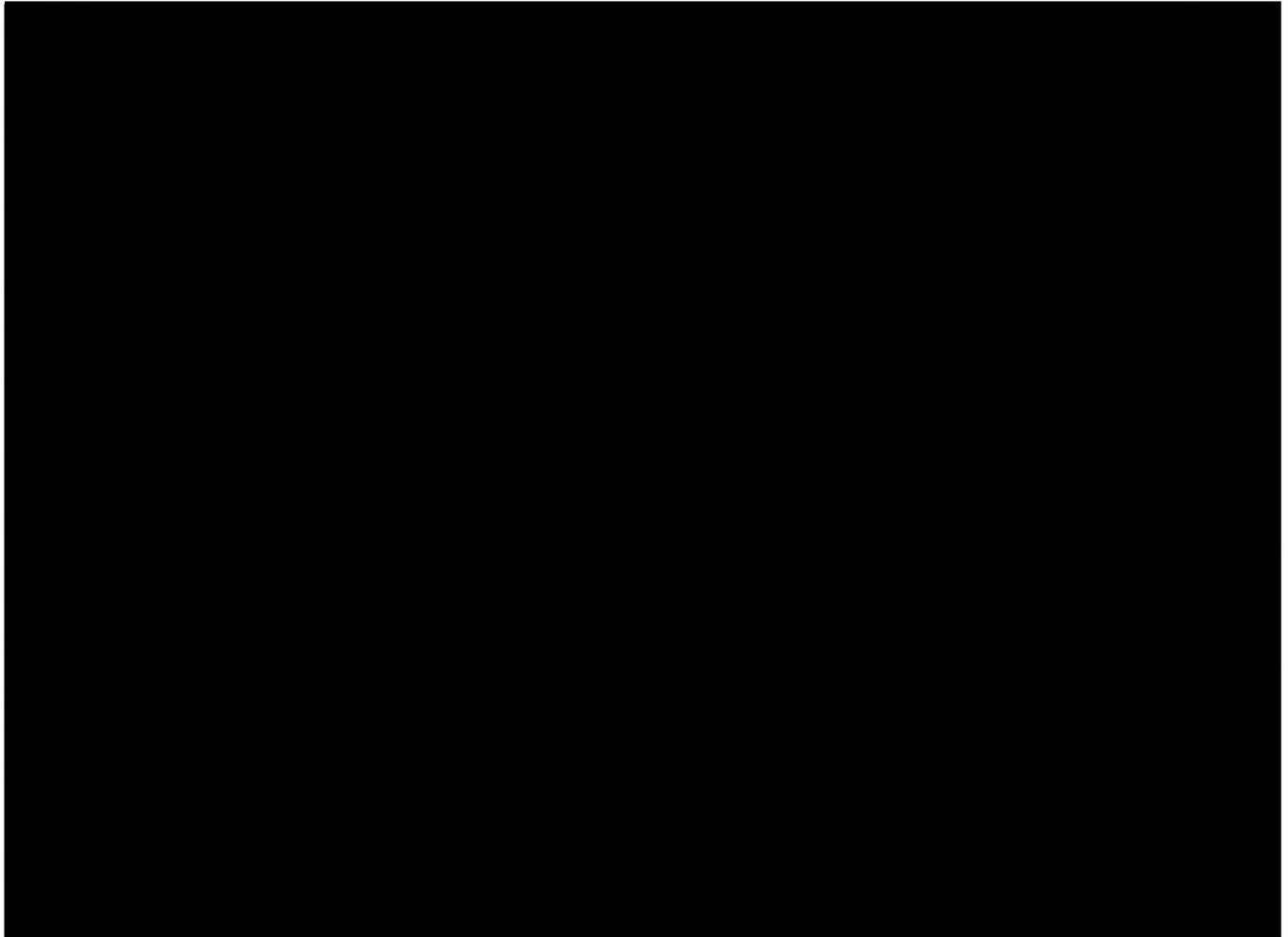








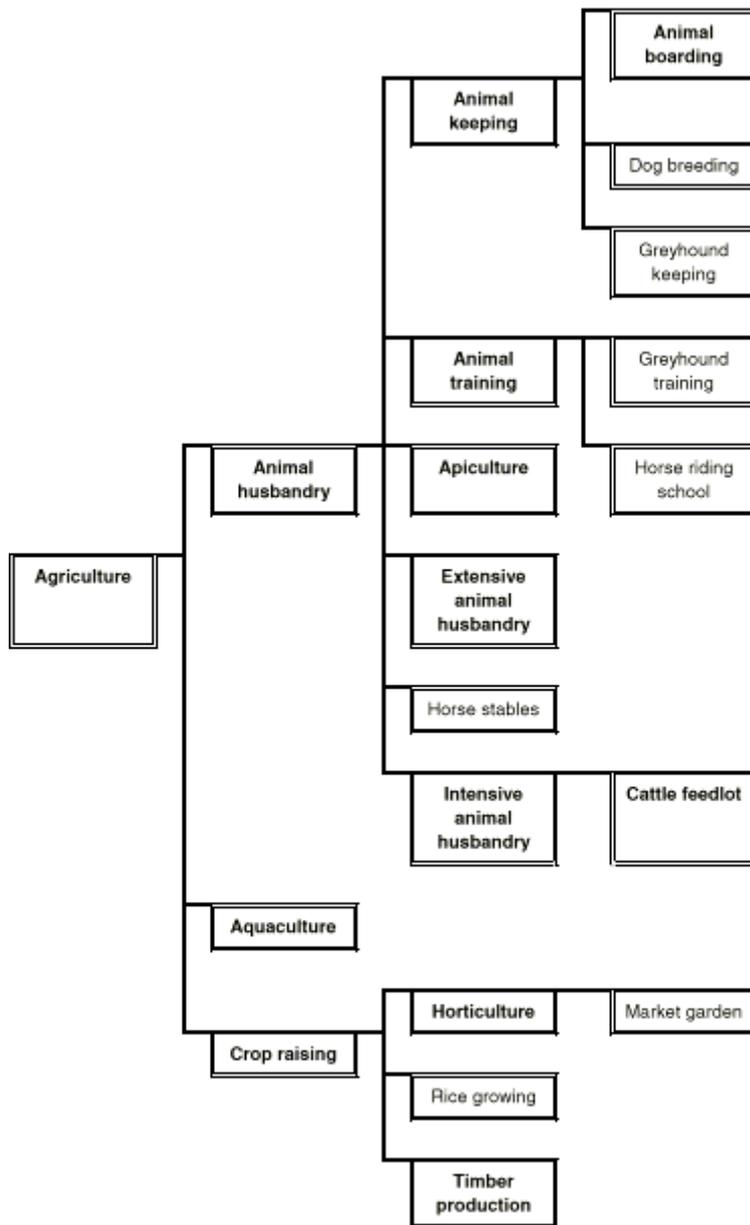




Chairperson in Bold

**APPENDIX C AGRICULTURE GROUP NESTING
DIAGRAM CLAUSE 75 VPPS**

Agriculture group



**APPENDIX D EXTRACT FROM REPORT
OF THE ADVISORY COMMITTEE ON
THE VPPS : SECTION 6.4 'RURAL
SMALL LOT EXCISIONS'**

Rural Zones - cont'd

6.4 RURAL SMALL LOT EXCISIONS

The flexibility which the rural zones in the VPPs offer councils to specify minimum subdivision sizes for land within their municipality, depending on the nature of that land and the policy outcomes for that type of land which the council wishes to achieve, are perceived by many submissions to be threatened by the excision provisions found within each rural zone. Each zone has virtually identical provisions relating to permits for subdivision, which include the ability to grant a permit to create a smaller lot than the minimum subdivision size if:

- *The subdivision is to excise an existing dwelling or excise a lot for a dwelling. Only two lots may be created and each lot must be at least 0.4 ha. An agreement under Section 173 of the Act must be entered into with the owner of each lot created which ensures that the land may not be further subdivided under this provision. The agreement must be registered on title. If the land contains more than one dwelling, each dwelling may be excised under this provision.*

Notwithstanding the minimum lot size for general subdivision within each zone, there is no requirement attached to the rural lot excision clause that a minimum area of land must be available for subdivision. None of the zones have any tenement provisions. Thus every lot on every property included within these zones has potential for subdivision provided there is at least 0.8 hectares available (as each small lot created must be at least 0.4 hectares). There is no maximum size of lot to be created specified, whether or not the lot is to be used for a dwelling. Nor is there a requirement that one of the lots meets the minimum lot size for the zone. In these circumstances, there is concern that widespread subdivision of lots could seriously erode the preferred minimum lot size envisaged to prevail in the zone.

Although the provision states that only two lots may be created (or in effect, one additional lot), and a Section 173 Agreement would preclude further subdivision, the effect of the purported safeguard is negated by the ability, if the land contains more than one dwelling, to excise each dwelling under this provision. As each zone includes a discretion to permit multiple dwellings on a lot, the concern is that if a landowner wishes to carry out multiple excisions, an appropriate process to follow would be to apply for multiple dwellings on the lot, followed by subdivision.

There is also concern that whilst the Section 173 Agreement to preclude further subdivision is a form of future tenement control, this form of tenement control is less than secure, as Section 173 Agreements can be amended or abandoned by agreement.

The overwhelming concern is that the net effect of the rural lot excision provision will be to effectively undermine whatever minimum subdivision area is specified for a zone. Not only would it effectively allow subdivision at twice the density provided for, but it would mean that potentially every lot over 0.8 hectares in area, whatever the minimum subdivision size, could be subdivided into two lots. This would have significant ramifications for planning policy in non-urban areas.

Rural Zones - cont'd

In considering submissions to remove the provision for rural excisions from the rural zones, it is interesting to note that the majority of councils expressing concern about them were either provincial cities or councils on the fringe of metropolitan Melbourne (Ballarat, Bendigo, Wyndham, Yarra Ranges, Dandenong, Casey, Hume, Maroondah, Kingston, Mornington Peninsula, Whittlesea, Nillumbik and Surf Coast). The Committee considers that this is evidence that the pressures for small lot subdivision of non-urban land at the fringe of urban areas are different from subdivision pressures in more remote farming districts.

At the fringe of the metropolitan area and of large regional centres, there are pressures by urban dwellers for the creation of small rural lots for the construction of dwellings in order that a non-urban lifestyle can be pursued. Similar pressures can arise in areas of high scenic value or close to recreational facilities having good access to centres of population. In more remote farming areas, there are pressures by farmers for small lot subdivisions arising from their desire to sell off portions of farms to other farmers, to provide sites for farm managers and farmers' family dwellings, and to raise capital to invest in the farm or to serve as the farmer's *'superannuation'*.

Traditionally, many planning schemes have permitted small lot rural excisions where they have been *'needed'* by a member of the farmer's family or for the running of the property. Experience has demonstrated however, that this requirement is frequently merely a device and excised lots are not used by the excising farmer but more often sold as a tradeable commodity on the open market. Even if they are *'needed'* in the short term by the farmer or his family, there is no requirement that they remain within their ownership or control, nor ability to ensure this.

The problems associated with dispersed small lot subdivision in non-urban areas include:

- conflicting lifestyles and expectations of ex-urban and farming land owners;
- opposition by ex-urban land owners to traditional farming practices;
- poor land management of small lots;
- increased demands for urban-based services in outlying areas which cannot be provided in a cost-effective way;
- increased land values;
- long-term loss of valuable farmland;
- detriment to environmental or landscape values by the proliferation of houses and associated outbuildings and earthworks.

The planning problems associated with small lot rural subdivision are of an incremental nature, much like development in floodplains or demands upon infrastructure. It is the cumulative effect which is the problem, rather than any individual subdivision. The Committee therefore considers that the issue of small lot rural subdivisions needs to be considered from the perspective of:

- the basis on which they may be permitted under the VPPs;
- the degree to which they will aid in implementing policy;
- the areas where problems with them are most likely to arise.

Rural Zones - cont'd**BASES ON WHICH EXCISIONS MAY BE PERMITTED**

Considering the first of these issues - the bases on which rural lot excisions may be permitted - it is important to remember that this type of subdivision is subject to permit. It is therefore subject to discretion and consequently susceptible to influence by the SPPF, the relevant MSS and local policy provisions. It can also be refused. The matters which 'must' be considered, as appropriate, in making the decision are extensive (see Clauses 35.01-6, 35.02-6 and 35.03-6). They are more extensive than for the consideration of subdivision applications in any other zones in the VPPs and there are significant distinctions in the matters to be considered between the rural zones themselves. The decision guidelines are further supplemented by the General Provisions relating to subdivision at Clauses 65.01 and 65.02.

In the Committee's view, the fear of an outbreak of small lot excisions undermining the cause and effect of the rural zones is not a fear so much about the controls in the VPPs, but more a fear that responsible authorities will be less than diligent in applying the decision guidelines, will not generate suitable local policies to govern their consideration and will be unduly influenced by local politics in granting permits. This fear is articulated by Mitchell Shire Council in its submission to:

... put some certainty back into the schemes, and not rely upon a political decision making process.

The new Rural Zones have reintroduced many provisions which were taken out of schemes by local Councils because of the abuse of such controls, and the difficulties associated with the regulation of such controls, now we seem to have taken a backward step.

In line with the position the Committee has expressed about the shift that will be necessary in attitude towards the exercise of discretion under the VPPs, the Committee can only observe that the extent to which a council indulges in 'political', rather than 'professional', decision making will be up to it. Whereas in the past, the extent to which political decision making could be exercised was controlled by rules and prohibitions within planning schemes, the ground rules have now been changed. Planning controls no longer provide a set of rules but a framework within which decisions based on policy considerations must be made. The regime set up in the three rural zones in the VPPs for considering small lot excision applications is onerous and can be supplemented by local policies. Nillumbik has provided a useful example. Councils should be encouraged to develop local policies for dealing with these applications. This can be done without transgressing the direction in the *Manual for the Victoria Planning Provisions* that local policies are not controls. They cannot say *must* or *shall*, nor should they purport to prohibit any particular use or development. On the other hand, they can specify outcomes or objectives by which applications should be measured. If an application would be inconsistent with such outcomes or objectives then it should not be permitted .

Rural Zones - cont'd**IMPLEMENTING POLICY**

With respect to the second of the issues - the policy and purpose of the zones - the Committee has some concerns.

The purpose of the Rural Zone is to provide for agriculture. It is the zone which will be applied across large parts of country Victoria, particularly in the 'really rural' areas. Many parts of these really rural areas of Victoria are depopulating. Farms are being amalgamated and the average size of farm holdings is actually increasing, whatever the underlying pattern of subdivision. The traditional pattern of old farmers excising a lot for their retirement remains true for large parts of Victoria, with the difference being that the remaining farm holding is now more likely to be sold to another farmer than to be passed on to the son/daughter. The SPPF on agriculture recognises and seeks to protect productive farmland which is of high quality and strategic significance in the local or regional context. At the same time, support should be given to assist genuine farming enterprises to adjust flexibly to make changes (see Clause 17.05).

This situation is in contrast to the urban fringe areas, not only around Melbourne but around most major country towns. People can afford larger lots and, particularly in country regions, this offers a rural/residential lifestyle that many find attractive. In one respect this is the other end of the 'diversity and housing choice' spectrum which is encouraged by the SPPF: *'planning is to recognise the need for, and as far as possible contribute towards ... diversity of choice'* (see Clause 13). In addition, many people with limited incomes (e.g. pensioners) move to country towns and fringe areas because they can purchase relatively cheap accommodation and perceive there to be a cheaper lifestyle. The Rural Living Zone caters for these sets of aspirations. Its primary purpose is to be provide for residential use in a rural environment.

The main purpose of the Environmental Rural Zone is not to provide for agriculture or residential use but to conserve and to permanently maintain the environment. Use and development within the zone, whether for agriculture or residential, is subservient to this purpose and must take into account the environmental sensitivity and biodiversity of the locality.

In the Rural Zone there is a policy argument for allowing the genuine farmer to excise a small lot where it can be demonstrated to promote farming purposes or to allow for the farmers' traditional 'superannuation', provided the other decision guidelines which must be taken into consideration are satisfied. However, to avoid the primary purpose of the Zone and the SPPF on agriculture from being undermined, the Committee supports the submission by the Rural City of Ararat (68) (one of the really rural municipalities), that where a small lot excision occurs, one of the lots must be at least the minimum subdivision area specified for the land. This mechanism will assist in ensuring that the provision is only used by genuine farmers and not by people who are out to exploit the provision.

Rural Zones - cont'd

In the Environmental Rural Zone and the Rural Living Zone the primary purpose is not for farming. Therefore, in the Committee's opinion, the purpose of allowing a small lot excision to assist the genuine farmer is not applicable. If there are any genuine farmers left in these areas with large holdings, they have the ability to carry out a conventional subdivision. The subdivision minimum lot size will usually be smaller than in the Rural Zone. However, to allow subdivisions of a much smaller size than the minimum area already permitted, is to open the provision to exploitation where the main purpose will simply be to gain another small lot for living purposes. In the Committee's opinion, if subdivision is to occur in these zones, it should be in accordance with the primary purpose of the zone and in accordance with the normal minimum subdivision size, otherwise the practical outcome will be to effectively double rural densities in areas where the greatest pressure for further subdivision exists. The Committee considers that if councils make a policy decision that a particular area is suitable for increased residential density, it should either alter the minimum subdivision size for that zone or rezone the land, possibly to Low Density Residential. Effective rezoning should not be allowed to occur by stealth through an exploitation of the rural lot excision provision. Already there is evidence from the Shire of Nillumbik for instance, that there are a large number of enquiries already before the Shire in relation to small lot subdivision under the VPPs.

MULTIPLE SMALL LOT EXCISIONS

Some submissions have queried the potential ambiguity of the rural small lot excision provision where it says:

Only two lots may be created and each lot must be at least 0.4 hectare.

It is suggested that this could be interpreted as allowing two small lots to be created each of 0.4 ha.

In the Committee's opinion, and after discussion with DOI, this is not what was intended. The provision may only be used once to carry out one subdivision of two lots. One of those lots created must be at least 0.4 ha. This potential ambiguity should be removed by specifically stating that only one additional lot may be created.

The other concern submissions raised was the potential to circumvent this condition by the opportunity that: *'If the land contains more than one dwelling, each dwelling may be excised under this provision.'* Because more than one dwelling may be permitted on a rural lot, there is concern that landowners may obtain permits for multiple dwellings then subdivide off each one.

Again, the Committee considers that this is a concern more directed to councils' diligence and professionalism in the exercise of their discretion than to the existence of the discretion.

Rural Zones - cont'd

It is the potential impacts of the dwellings themselves, which need to be assessed at the time the dwellings are permitted, which are usually more important than their ownership. Will there be any difference in outcome if two families live in two dwellings on a property whether those dwellings are in single or multiple ownership?

Councils should consider the pressures for subdivision at the time they make a decision about whether to grant a permit for a second or subsequent dwelling. It is a known fact that most banks are reluctant to lend for the construction of a new dwelling without the security of a separate title. Consequently, there will invariably be pressure for subdivision if permission for more than one dwelling on a property is permitted. In this era of motor vehicle ownership and non contiguous farm ownership, old arguments of farm workers and family members *'needing'* to live on the farm no longer hold true. Therefore councils need to be rigorous in their analysis of reasons given for applications rather than simply accepting them at face value, or because they find it difficult to say no to people with whom they feel compassionate or who may be personally acquainted or known to them.

Likewise, councils need to be rigorous in their analysis of the type of dwellings involved and whether any subsequent application for subdivision is justified. For example, a farmer wishing to establish a host farm or bed and breakfast enterprise by providing small self-contained cottages should not be denied a permit simply because they classify as dwellings. Conversely, the fact that they are dwellings should not subsequently be used to justify an application for subdivision.

In line with the Committee's approach to the VPPs as a whole, it does not consider that the ability to excise multiple dwellings should be removed from the small lot excision provision where it exists in the Rural Zone. It considers that it offers a flexibility in genuine cases to support policy objectives for agricultural areas and that the onus will be on councils to professionally assess all applications to ensure their consistency with such objectives. However, in non-urban zones other than the Rural Zone, the Committee considers that the same policy objectives do not exist. The pressure for residential subdivision is so much greater in these locations that the Committee considers subdivision policy should be governed by the standard subdivision provision of the zones. In the Rural Zone, any applications for additional dwellings should be considered solely on their merits without the grant of a permit carrying any implication of an automatic opportunity for a small lot subdivision. Nor should such application, however, carry the likelihood of refusal because of this fact either. It will be vital in such cases for councils to really think about what is the critical decision - i.e. the house, not the subdivision.

COMMITTEE'S CONCLUSIONS ABOUT RURAL SMALL LOT EXCISIONS

The conclusion of the Committee is that there is justification for enabling excisions from rural properties where this is required for reasons of land transfer to another farm or to provide, in limited circumstances, for new dwelling sites associated with

Rural Zones - cont'd

rural use of land in the Rural Zone. The same justification does not arise in either the Environmental Rural Zone or the Rural Living Zone where the primary purpose of the zones is not for farming or associated activities. Just because farming may occur within the zone should not obscure what its primary purpose is or be allowed to justify the type of small lot subdivision likely to occur and which would undermine the primary purpose of these zones and their other subdivision provisions. For these reasons, the Committee recommends that the small lot excision provision be deleted from the Environmental Rural Zone and the Rural Living Zone.

It considers this recommendation will remove a serious weakness in the VPPs. It will represent an improvement to their operation which will better achieve the planning reform objective of focussing on State and local strategic directions.

In the Rural Zone, an additional condition requiring that one of the lots should be at least the minimum size permitted for subdivision under the normal zone provisions should be included. This will assist in ensuring that the prevailing lot size for the zone is not eroded. Any potential ambiguity that the provision may be used twice, rather than once only as intended, should be removed.

The concerns that some councils had about the need to impose an upper size limit on the lot to be excised in order to avoid undermining the minimum lot size for the zone, are effectively dealt with by the requirement that one of the lots must be the minimum size permitted for subdivision under the normal zone provisions.

As a final comment, the Committee notes that although it has not recommended deleting the small lot excision provision from the Rural Zone, it should not be assumed that the provision creates a **right** to a small lot excision. Councils should prepare policies to guide their decision making on this subject in order to minimise the adverse effects of dispersed small lot subdivision and to ensure that the provision is only used in the case of the genuine farmer; where it will support the primary use of the zone; and where all other decision guidelines are satisfactorily complied with.

RECOMMENDATION**Clause 35.01-4 – Subdivision**

Amend Clause 35.01-4 by deleting the last dot point and replacing as follows:

- ’ *The subdivision is to create a lot for either:*
- *an existing dwelling;*
 -
 - *a dwelling which is allowed by the scheme or for which a permit has been granted.*

Rural Zones - cont'd

Only one additional lot may ever be created using this provision. Each lot must be at least 0.4 hectare and one lot must be at least any area specified for the land in the schedule to this zone or, if no area is specified, at least 40 hectares. An agreement under Section 173 of the Act must be entered into with the owner of each lot created which ensures that the land may not be further subdivided under this provision. The agreement must be registered on title. If the land contains more than one dwelling, each dwelling may be excised under this provision.

Clause 35.02-4 and Clause 35.03-4 – Subdivision

Delete the last dot point in Clause 35.02-4 and Clause 35.03-4.

**APPENDIX E EXTRACT FROM REPORT OF THE
ADVISORY COMMITTEE ON THE VPPS:
SECTION 6.3 'NEED FOR ADDITIONAL
RURAL ZONES'**

Rural Zones - cont'd**6.3 NEED FOR ADDITIONAL RURAL ZONES****ZONE PURPOSES**

First, the Committee refers back to its discussion about policy in Chapter 2 and, in particular, its discussion about the role of the VPPs and the role of policy.

The quotation above from the submission by the Shire of Yarra Ranges exemplifies the failure by many councils to grasp the fundamental shift in approach to planning decision making represented by the VPPs and the planning reform program. This attitude still sees the zone controls as the sole basis for guiding decision making. In fact, under the VPPs, zone controls merely provide a framework and it is policy which will now need to be the principal guide in decision making.

Councils expressing these concerns appear to overlook that the first purpose in every zone and overlay is:

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

The recreational role and particular landscape value of rural areas referred to by Mornington Peninsula Shire Council are the sort of objectives which should be identified in the Local Planning Policy Framework. The LPPF is just as much part of the planning scheme as the other more general purposes of the rural zones. It provides the opportunity to be quite specific about the planning outcomes which a council wishes to achieve for particular areas within its municipality. These outcomes may recognise the particular value of different types of agricultural areas (e.g. intensive agriculture, irrigation, dairying etc.), or areas where agricultural production combined with landscape or other values represent a quality which needs to be recognised in the LPPF (e.g. Yarra Valley and parts of the Mornington Peninsula). These values or qualities may be in addition to the specific environmental outcomes which are required to be specified in the schedule to the Environmental Rural Zone (if this is the applicable zone).

A number of submissions (MAV (26), Surf Coast (28), National Trust (35), Hume (58), Mornington Peninsula (82), DNRE (87) and Whittlesea (105)) asked for the inclusion of a Rural Conservation Zone to apply to areas of outstanding environmental significance. DNRE notes an emerging practice in favour of the application of one or more overlays to provide high levels of protection in certain areas (e.g. Mornington Peninsula) rather than the application of the Environmental Rural Zone. It is queried whether councils are using overlays in these circumstances as 'de facto' zone controls. On this point DNRE states:

Rural Zones - cont'd

DNRE would be keen to avoid the latter, particularly if it results in a large number of permit applications which are subject to referral and which are unlikely to succeed.

DNRE regards the ERZ [Environmental Rural Zone] as an important 'tool' in the VPP and considers that new format schemes would benefit from fuller advice to councils about the comparative advantages and disadvantages of choosing the ERZ to achieve local land use objectives and to minimise unwanted permit applications.

These observations reinforce the Committee's view that councils should be encouraged to appreciate and rely upon the strength which their LPPF will assume in new format planning schemes. In the Committee's view, if the small lot excision provision is removed from the Environmental Rural Zone, as the Committee recommends, it will significantly improve the potential of the Environmental Rural Zone to achieve its purpose and to be applied in areas of outstanding environmental significance just as effectively as the type of conservation zone referred to by the above submitters.

To the extent it is claimed that the rural zones in the VPPs fail to provide adequately for the range of policy outcomes which current rural zones provide for, the Committee considers submissions about the adequacy and number of rural zones are unjustified. Three broad categories of zones are provided for - agricultural, environmental and living - which describe the primary characteristic of each zone. It does not mean that elements of each characteristic may not be found within other zones, nor that the zones will not reflect other qualities and values, but no submission has convinced the Committee that there is any policy outcome or objective which could not be provided for within the ambit of the rural zones as they presently stand.

The Committee acknowledges that the strength of the LPPF in decision making has yet to be tested and that unless the weight attached to it, which the Committee considers is inherent in the structure of the VPPs and the rationale for the planning reform program, is substantive and determinative, the Committee's conclusions on this point may prove to be overly optimistic. However, that risk underlies the whole of the Committee's approach in this report. The Committee has accepted the fundamental premise of the planning reform program to be the establishment of a focus on State and local strategic directions which will provide the bases for controls in planning schemes and guidance to decision making. It accepts that the VPPs are also based on this fundamental premise. Without allowing an opportunity for this premise to be tested, to recommend a different approach to the framing of planning controls for the rural areas would be premature.

Rural Zones - cont'd**RANGE OF USES IN RURAL ZONES**

In terms of the range of uses permitted in the rural zones, the ability to grant a permit does not mean that a permit should, or necessarily always will be, granted. No implication favouring the grant of a permit should be drawn from the fact that a permit may be applied for. The outcome of the exercise of any discretion should depend on the policy objectives for the particular area, rather than whether the use is to be found within Section 2 of the Table of uses for the particular zone.

In any event, the range of uses for which a permit is needed or which are prohibited, particularly in the Environmental Rural Zone and the Rural Living Zone (which are the two most sensitive rural zones), are of considerable significance. For example, agriculture is a Section 2 use in both zones. This compares to the situation existing currently in most rural zones, even those applying to areas where the Environmental Rural Zone and the Rural Living Zone are likely to be applied, where agriculture is a Section 1 use. Sawmill, industry and intensive animal husbandry are also Section 3 uses in these zones.

The subdivision provisions enable a range of different minimum lot sizes to be specified according to the nature of the land in question. This will enable a far more sensitive approach to be taken than under many existing planning schemes where only a single subdivision minimum lot size may be specified in a zone or else a different zone must be created. The VPPs enable varying minimum lot sizes to be incorporated within the one zone. Likewise, a dwelling is only a Section 1 use in the Rural Zone and the Rural Living Zone if the lot is at least a minimum size specified in the schedule to the zone, otherwise a permit is required. A permit is required for **all** dwellings in the Environmental Rural Zone. These provisions also give a council considerable control in identifying when and where residential use is appropriate.

ADEQUACY OF RURAL ZONES

There are no submissions which, in the Committee's view, present convincing justification for an additional rural zone. The variations provided for within the zones by means of the details in the schedules to each zone, taken together with the variety of overlays which may also be applied to land, present a range of control and guidance to decision making which the Committee regards as adequate and appropriate for virtually every circumstance it can envisage. The combination of controls under the VPPs will not replicate the range of controls under the existing planning regime, but they are not intended to. They provide the framework within which the councils' policies can be implemented, subject to the Committee's comments about the small lot excision provision.

**EXCERPTS FROM THE FINAL REPORT:
NEW FORMAT PLANNING SCHEMES. APRIL 1999.
HELEN GIBSON
CHIEF PANEL MEMBER, PLANNING PANELS VICTORIA.**

The panels' experience in dealing with the new format planning schemes leads to the conclusion that, in rural areas, the greatest challenges, which will face planning in the new millennium, will be to:

- maintain agricultural land in productive use;
- ensure an ongoing supply of water for irrigation and stock purposes; and
- manage water supply catchments to ensure an adequate supply of high quality water for domestic consumption.

The greatest threat in this respect is the growth of residential use and the conflicts this creates.

The result is that agriculture cannot be regarded as a benign activity, but is one with potential to cause substantial detriment to surrounding uses, particularly residential, through noise, traffic, odour, spray drift, runoff and visual impact. Conversely, agriculture is also being adversely impacted by surrounding uses through the spread of plant and animal pests..... and complaints about agricultural practices.

These land holdings are being fragmented in ownership, with new owners frequently purchasing them for residential purposes. They move in with quite different expectations about what constitutes rural amenity and what farming means in practice compared to farmers themselves.

The panels consider that unresolved conflicts between residential use and agriculture have the potential to inhibit the growth of agriculture and the contribution it can make to the economy, or create ongoing dissension and dissatisfaction within communities.

Many previous planning schemes have controlled the proliferation of residential uses in rural areas by including tenement provisions, which have limited the fragmentation of lots in the one ownership by limiting the number of potential houses.

The planning problems associated with small lot rural subdivision are of an incremental nature, much like development in flood plains or demands upon infrastructure. It is the cumulative effect that is the problem, rather than any individual subdivision.

The greatest threat to agriculture is to take productive land out of production by converting it to residential use. The pressure for this arises from two primary sources.

One is the increased cost of land when its value for residential purposes exceeds its value for agricultural purposes. The second is by a failure to manage conflicts between agricultural use and residential use, so it simply becomes too hard to continue farming.

The solution to the broad problem of the loss of productive agricultural land is to limit, where possible, the proliferation of residential use within agricultural areas, and to state clearly within the MSS the priorities the Council sees as applying in different areas. In this respect, it needs to be remembered that the objectives of the Rural Zone make no mention of residential use. It is the purpose of the Rural Living Zone to provide for residential use in a rural environment.

It is therefore recommended that the SPPF should be reviewed to better recognise the role that all forms of productive agricultural land play in maintaining and expanding the State's agricultural base, not just high quality agricultural land.

DOI should encourage Councils to develop mechanisms in the form of policies and other initiatives by which to deal with pressures, which may result in the loss of productive agricultural land from production.

The panels also believe that recognition should be given to the contribution that all forms of agricultural production make to the overall economy, as distinct from the returns to individual landowners.

It has long been a central tenet of our planning system that planning is not intended to protect individuals from the effects of competition.¹¹ The purpose of the planning system should be to protect resources, in this case productive agricultural land, to enable it to be used in a sustainable way. The system should also recognise that agriculture, in common with most activities, is susceptible to change. Just because one activity ceases to be attractive because of low returns or management problems (for example, grazing), does not mean that the land ceases to be suitable for all forms of agriculture and should therefore be subdivided for rural residential purposes. These were the sort of pressures faced by the Yarra Valley 20 years ago. Fortunately the pressures were resisted. A different form of agriculture in the form of viticulture gradually took over, resulting in a thriving wine industry, which today brings far more economic benefit to the region and Victoria than residential use of the land was ever likely to do.

The issue is whether greater emphasis needs to be given in certain locations to the primacy of agriculture over residential uses. This could be achieved by the creation of an Agriculture Zone. The primary purpose of the zone would be the same as the current Rural Zone, but the name of the zone would better reflect this purpose. Dwellings would be more strictly controlled and become Section 2 uses. In some way the nexus between subdivision and the expectation this gives rise to in terms of the right to construct a dwelling would need to be broken.

Submission to Macedon Ranges Shire Council

Rural Land use strategy



This draft proposal on Rural Land use is too restrictive and inflexible. Particularly in relation to the construction of new dwellings in the farming zone where way too many conditions need to be satisfied. No consideration or allowance is given the size of allotments or the existing demographics.

It will impact badly on the current values of properties in the farming zone. Values which council has been using to calculate rates. My farm property of some [REDACTED] plus hectares is surrounded by smaller subdivisions ranging from [REDACTED]. It would be grossly inequitable and discriminatory to farmers such as myself to be denied the opportunity to sell areas of land to a prospective buyer with the uncertainty that they may not be able to build a dwelling on that land. If this proposal was passed it would in effect devalue my land which could have an adverse flow on in respect of any finance and create uncertainty for any future sales. There are many farming activities being conducted on small allotments in the area such as, Vineyards, Equestrian and select Livestock breeding. With the improvement of genetics, intensive livestock breeding is now more possible than ever.

It is clear from the draft documents that the object is to prevent further small subdivisions within the farming zone. No allowance has been made for current large stand-alone allotments of between 50 and 100 hectares capable of sustaining a farm enterprise to be able build a dwelling as a right without extensive and onerous requirements. This will prevent owners of larger land holding being able reduce their property to more manageable levels and reinvest the proceeds of a sale back into the remaining farm.

It will create uncertainty and confusion for both buyers and sellers, not knowing at the time of sale/purchase if any infrastructure including dwellings can be built on the property to support farming operations regardless of the size of the property. The number of requirements to build a dwelling in the farming zone are extremely onerous and would prevent most people looking to set up a new farm from even considering. It would appear that Council has attempted to place as many barriers in the way as possible. If implemented as currently indicated it would mean that owners of farm land would effectively lose control of their own land and be unable to plan for the future. This is happening when broad acre farms are becoming less viable. Expansion is not possible in my case due to being surrounded by rural living and hobby farm allotments.

It is simply wrong that the same conditions for the construction of a dwelling on 20 to 40 hectares of land be applied to larger areas of 80 to 100 hectares. These larger areas would support a stand-alone farming enterprise, but would need an on-site dwelling to provide the necessary support for that farming operation. A land area of 80 to 100 hectares would support a significant number of livestock

and would benefit from on-site living as it would provide greater opportunity for land and pasture improvement and increase the productivity. The presence of a dwelling and the associated activities would reduce the numbers of wildlife that impact substantially on the grazing productivity. For example it would cause kangaroos to move back to their traditional bushland habitat without the need for culling etc. which is difficult to conduct due to the presence of Rural Living and Hobby Farm dwellings.

The problem has been in the past where Council has allowed land in farming areas to be subdivided into 10 to 20 hectare lots. You cannot reverse the mistakes of the past by forcing remaining farmers to lock up large areas of land which could be used more productively with the building of a smaller farming enterprise. I point out that ship has already sailed on this issue.

For land areas in excess of 200 acres/80ha the right to construct a dwelling should remain. Previous policy allowed the construction of a dwelling as a right on areas of 100acres/40ha. An area 200 acres/80ha is twice that size. On these larger property areas some type of farming activity would be conducted but they would require infrastructure and dwellings. This proposed dwelling policy will stifle new and productive farming activity.

██████████ there are █ distinct areas each in excess of █ acres with one separated from the main farm infrastructure and surrounded by small allotments. This particular area of some █ acres (█ hectares) has road access on █ sides and is surrounded by rural living allotments of 10 and 20 hectares on one side and hobby farming allotments of 30 -35 hectares on the other side. It makes no sense at all given the demographics that ██████████ that the right to build a dwelling on an area of 95 hectares should be confronted with such demanding regulation and could now be denied. To create a separate farm with a dwelling and necessary infrastructure would improve the management of the land and even reduce the bushfire risk. On areas of this size a dwelling and infrastructure could be suitably located so as to have minimum impact of the land scape. It should be noted that the ██████████ comprises of Rural Living allotments of 10 to 20 hectares and Hobby farm allotments of 30 to 40 hectares. It would be completely uncharacteristic with the demographics of the area that my ██████████ ██████████ be unable to be built upon. This is not a situation where I am looking to further subdivide the land but simply be able construct a dwelling which would ultimately improve productivity.

These new regulations will create a problem where I may not be able to sell the land at all due to the uncertainty any prospective buyer would have in being able to construct a dwelling. Given the current situation of my farm being surrounded by much smaller subdivisions it would again be discriminatory and unfair to expect that my farm land be maintained in its current form in order to provide a landscape vista, just because I have continued to farm and not subdivided and sold as others have in the past. It would in effect make remaining broad acre farmers pay a price for previous decisions.

A right to build clause for larger land holdings in the farming zone without the need for an onerous planning process needs to be retained and contain a greater degree of flexibility.

I would like to comment on the number of necessary requirements that all need to be meet in order for a dwelling to be constructed.

- An area of road frontage would be necessary however new cross-overs and driveways may need to be constructed but should not be a constraint to the dwelling construction.

- The mix of surrounding allotments will determine if land consolidation is practical or possible. This should not be a constraint, particularly if the area of land in question is significant larger than those surrounding and can support its own farming activity. [REDACTED] [REDACTED] hectare rural living allotments on one side and [REDACTED] hectare allotments on the other. People have purchased these surrounding allotments because of their smaller size and manageability. They are most unlikely to want to expand their holding as their main income is from other sources.
- If a rural living area is already in existence it makes no sense at all that a now out of character large allotment of land within that area must be retained in its current state and be prevented from the construction of a dwelling which would actually be more in keeping with the area. A dwelling on a significantly larger area of land would also be much less intrusive on the landscape.
- Larger areas of land allow more scope for larger agricultural activities. For example, [REDACTED] above mentioned area of some [REDACTED] could carry a significant number of livestock requiring continuous care, supervision and infrastructure. This emphasises the point larger areas of land should be treated with less regulation.
- Larger allotments naturally provide more opportunity for the siting of dwellings and infrastructure and therefore minimise any impact of surrounding properties/landscape and again should be treated with less regulation.
- It is generally accepted that new buildings in rural/bushfire zones meet the required building standards. Larger areas allow more opportunity for the siting of any dwellings and infrastructure and would minimise the bushfire risk. More intense management of an area would also reduce the bushfire risk to surrounding properties.
- The important and crucial point here is that productive agricultural pursuits that require the building of an on farm dwelling will not even be considered due to the uncertainty these onerous and restrictive regulations will create. There needs to be much less regulation and more flexibility for larger land areas of (200acres) 80 to 100 hectares.

Regards

[REDACTED]

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Draft Rural Land Use Strategy
Date: Monday, 27 September 2021 10:13:45 AM
Attachments: [MRSC No. 2.docx](#)

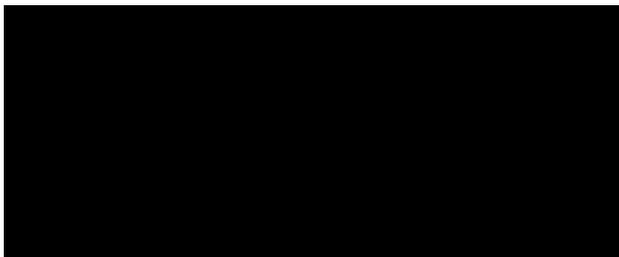
The attached is submitted after discussions with Jack Wiltshire (23 September) and is in addition to my earlier submission dated 26th August and recorded as submission No. 16.

Kind Regards

[REDACTED]

Submission to Macedon Ranges Shire Council

Rural Land use strategy



The following is submitted after discussions with Jack Wiltshire (23 September) and is in addition to my earlier submission dated 26th August and recorded as submission No. 16.

I believe that Council's draft strategies for Agriculture and Dwellings are actually at odds with each other. In the Agricultural summary it refers to:

"Agriculture being more diverse both in scale and type as farm businesses adapt to the challenges, particularly land use conflict and farm viability, of operating in a fragmented landscape."

Fragmentation is caused by allowing the **subdivision** of larger allotments of 50 to 100 hectares into smaller allotments of 10 to 30 hectares. The building of a dwelling and appropriate infrastructure on these larger existing allotments of 50 to 100 hectares will not cause further fragmentation of the farming zone but will enhance agricultural opportunity and productivity in line with Council's strategy referred to above. These larger allotments allow greater flexibility for the appropriate siting of dwellings with less impact on the landscape. The draft strategy would seem to suggest that (even for larger areas) that denying construction of a dwelling in the farming zone, will actually produce a better agricultural/farming outcome. I do not consider this to be the case.

From a farming perspective much better land and stock management can be conducted from onsite living (dwellings) as opposed to remote use of the land. Making it much easier and efficient to deal with some the conflict issues the strategy document raises such as stock containment, domestic dog attacks and weed control, activities conducted on adjoining rural living allotments, along with actual animal husbandry itself.

Even though Council places considerable value on agriculture within the shire ("agriculture is a small economic sector that plays a significant role in the landscape and identify of Macedon Ranges and its attraction as a tourism destination'), it would appear that underlining objective is more focused on landscapes, tourism and conversation rather than actual farming. There seems to be an attempt to lock up existing farm land in its current state, with little consideration for current or future occupants.

In order to achieve the above agricultural strategy the dwelling policy requires a much greater degree of flexibility and take into account differing situations and circumstances. The dwellings in the farming zone strategy is too heavy handed, particularly where there is a requirement to satisfy **all** of some 15 dot points, with no mention of how the requirements could be varied for particular circumstances. The statement that *agricultural activities require permanent and continuous care, supervision or security* is particularly concerning.

I believe that the Rural Land Use strategy documents need to be significantly amended to produce a much better outcome for current and future occupants of the land.

From: [REDACTED]
 To: [Strategic Planning](#)
 Subject: RLUO Objection
 Date: Friday, 27 August 2021 5:16:29 AM

Rural Land Use Strategy - [REDACTED]

The proposed change of Zoning (FZ>RCZ) in this area is completely unnecessary.

The area where our property is situated has been farmed continually for over 150 years. Why would it need to change at this point in history? Australia is going to need farms especially close to cities. [REDACTED] is located 1 hour from 3 of Victoria's largest cities – Melbourne, Bendigo and Ballarat.

Smaller farms with a farmer living onsite as a general rule use less chemicals, water and fuel as compared with large scale farms. Land is better cared for. Animal husbandry is improved. Physical deterrents rather than chemicals can be used to control weeds and pest animals. Being able to act quickly if there is a problem is the key.

We feel that the current zoning with all of its restrictions is enough to protect the area.

We do however feel that Lifestyle Properties/Holiday Houses have no place in FZ areas and should not be allowed. All FZ properties should have to produce food. Existing farms should be encouraged to develop Farm Management Plans and to move towards the new codes for buildings. In the UK, where I lived for a decade, there are strict rules around farming ie. If you live on a farm you must farm – a certain amount of chickens or animals or a certain amount of fruit trees, some sort of food production. If you farm in an area of natural beauty you must farm in a certain way – 'conservation farms' these farms must farm in an organic principled way - no chemicals, crop rotation, etc.

We would like to propose a Farming White Card – new (and existing) property owners in the area should be made to do a course on responsible farming and bushfire management before moving onto their land.

Water

Collecting water into the reservoirs is fine but generally people in cities and towns waste so much water. We are concerned that waste water in Melbourne is still being pumped into the ocean. Fresh water should remain on the land so it can be reused.

Water used on high country as in [REDACTED] [REDACTED] will invariably end up at the bottom of the hill and into the reservoir. Farms on hills in catchment areas should have more access to water whether stored in dams, bores or pumped from reservoirs as it will end up back in the reservoir. Water improves farms and farming. If the Water Authorities are concerned about Blue-Green Algae and like put rules in place for farms not to use chemicals and process sewerage but don't take the farmland away.

Responsible irrigation – night watering to avoid evaporation, direct watering, polytunnels and greenhouses should be encouraged

Factories and industrial estates should have their own treatment plants so their sewerage is uncontaminated when it goes into the communal system.

Biodegradable products should be the only household cleaning products used – we run [REDACTED] [REDACTED] and they are all we use, they work and don't damage the environment. Our water treatment plant is always clear.

Wildlife and Biodiversity

[REDACTED] years ago, when we came to this derelict farm property there were no worms, few birds and a lot of gorse. By cleaning up the landscape, having low impact grazing animals, using organic fertilisers, the biodiversity improves year on year. This year we have platypus for the first time but the platypus have chosen the streams and rills we have created on the farmed portion of the property to make their burrows because it's safer and the dams, streams and wetland areas are

a great food source. Every year, more bird species arrive, we now have over 50 species visiting us regularly. Fungi and grasses have also diversified here particularly in the farmed portion which is about 30% of the property.

Organically principled, responsible farming improves biodiversity. NOTE: We do not plough.

Having dams and streams on farms encourages wildlife as water is vital to their survival. If it is all captured at the reservoir where it's fenced and has no trees there will be no wildlife.

If the council is concerned about wildlife why is nothing ever done about pest animals – foxes, sparrows, rabbits, myna are all on the increase and forcing out native species. The deaths of birds and animals both wild and farmed by foxes is outrageous, this year it has been particularly bad.

The soil is not wonderful here and we are still recovering it after decades of Super Phosphate use but by changing farming techniques and using food plants and animals suitable for the environment it allows food production to be more successful.

People must be on the land to care for it properly.

Forest areas need to be managed. The forests in the area have very few native animals because there is no water in them. The gum trees are of a poor species – Messmate and Spearmint that have grown back after logging and bushfires back in history. The trees are flimsy and regularly fall down, I have noticed that birds do not nest in these trees. [REDACTED] was a forestry area. Protection of the forest areas is fine but they should be improved and even replanted.

Further query:

The Equine part of the proposal – horses for horse racing give nothing back to the people in general and is not a long term solution for arable land. A very small minority of Australians are even interested or partake in this kind of gambling. Racehorse feed uses excessive chemicals and water in its creation. The amount of cleared land a horse stud needs as outlined in this draft statement is ridiculous, a single farm needs to be '700 – 1000Ha' that is waste of land especially if it has to be cleared.

We would like a one-to-one meeting on our property so the Town Planners can actually see our version of farming and conservation in person.

Being on the [REDACTED] of shire we feel we have been sidelined by the council.

We would like to know the real reason why MRSC wants to change the zoning here.

Kind regards

[REDACTED]

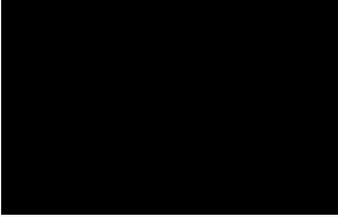
From: [REDACTED]
To: [Strategic Planning](#)
Cc: [Macedon Ranges Shire Council](#)
Subject: Letter to council.
Date: Friday, 27 August 2021 11:57:39 AM
Attachments: [Letter to council.docx](#)

To Whom It May Concern,

Please find attached my letter addressing my concerns about rezoning the farmland.

Yours sincerely,

[REDACTED]



26th August 2021

Macedon Range Shire Council
Strategic Planning & Environment,
Rural Land Use Strategy,
P.O Box 151
Kyneton, VIC, 3444

Have your say
Submission for Rural Land Strategy

I am writing to offer my feedback to the Draft Land Use Strategy as a resident that will be directly impacted by the recommendations within this strategy.

Firstly, I am disappointed with the level of consultation and information regarding this strategy, particularly as I am in an area that is being considered for a rezone from Farming Zone (FZ) to Rural Conservation Zone (RCZ). The first time I was made aware that this strategy even existed was upon receiving the information card in the mail and the small article in the Midland Express dated 20th July 2021. I was not directly approached to participate in the Rural Conservation Zone Survey that took place in June 2019. Although it appears I may have had an opportunity to complete the 2017 Farming Zone Survey. I do not believe a survey conducted four years ago can be considered as adequate consultation for a strategy with implications such as this.

Whilst I have read the strategy and accompanying documents and watched the Zoom information session as a general ratepayer with no planning experience, it has not been made clear exactly how the change from FZ to RCZ will impact me in my day-to-day operations, land management requirements or the cost of my rates. In discussion with neighbours, all of whom are within the impacted area, none of us have been directly contacted or provided with information on the impact of this draft strategy.

Our land has been used for farming for well over 100 years and I strongly believe that it should remain zoned farming and not change to an RCZ.

Currently I own and manage  acres that I run cattle and sheep on as a supplement to my income.

I am trying to keep my property bushfire safe by keeping grass down by lightly grazing stock, weed control, eradicating gorse and blackberries therefore keeping parts of the ground of the bush areas clean and clear as firebreaks. While also leaving other sections of the bush natural and safe for wildlife habitat as well as keeping wildlife and flora safe by rabbit, fox and feral cat control.

If the zoning on my land is changed from FZ to RCZ one of my main concerns that I would Council to address is how they can guarantee that the value of my land will not be diminished by the change of zone from FZ to RCZ; particularly given that it appears with the changes it will be harder for potential future landholders to utilise the land for primary purpose, agriculture and animal production purposes.

My family's land has been used for farming for over 100 years, providing food and fiber and it is my intention to pass this land on to future generations to continue this usage. Based on the draft strategy, it appears Council will be able to refuse the issue of a permit for such activity for future landholders; can Council confirm that it will reasonably consider the past use of the land to ensure the sustainability of operations such as mine and my family?

Is it also able to guarantee that if this strategy is adopted at some point in the future, I will not be required to apply for a permit to operate my small holding as I have been for the past 100 years?

Lastly, I would like to express my deepest disappointment in the timing this. "Have Your Say" to the "Rural Land Use Strategy", while our state and country is dealing with a global pandemic, the Council thought it was an appropriate time to proceed with this matter. Everyday people like me are dealing with far more important issues such as; lockdowns, business closures, loss of income, home schooling, limited access to loved ones and health and mental health issues. I strongly urge the Council to defer this matter until a more suitable time in the future when we, as a community, can have a better consultation and everyone who is affected by this matter can get together freely, have their say and have their questions and concerns addressed clearly and properly.

Kingly acknowledge this receipt of this email.

██████████

STRATEGIC PLANNING MRSC
P.O. Box 151 KYNETON
SUBMISSION

RECEIVED 24 AUG 2021

[REDACTED] AGO WE
DEVELOPED [REDACTED]

OFF [REDACTED]

WHICH HAVE ALL SOLD AND
IN THREE YEARS ARE MAKING DOUBLE
PRICE NOW. I DO NOT KNOW HOW
YOUNG PEOPLE ARE GOING TO GET A
START IN LIFE NOW. WE CONTRIBUTED
[REDACTED] AT END OF [REDACTED]

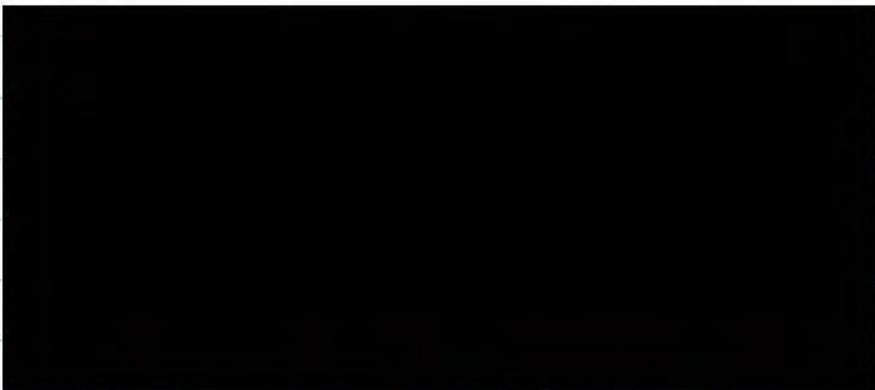
[REDACTED] NOT STARTED. I TOLD RICK
TRAFFICANTE PLANNING OFFICER THERE
IS ANOTHER OUTLET FOR TRAFFIC ON
FIRST [REDACTED] THERE IS
A SERVICE ROAD UNDER [REDACTED]
THAT COMES OUT ON [REDACTED]
AND LAND OWNER OWNS ALL LAND TO
THE [REDACTED]

PROPERTY DEVELOPERS HAVE BEEN
SCOURING LOOKING FOR LAND TO THE
SOUTHWEST OF TOWN FOR DEVELOPMENT
PROBABLY FROM TIP OFFS FROM
GOVERNMENT AS THEY WANT DEVELOPMENT
FOR PEOPLE. MANY ARE ON

SMALL ACERAGES AND ONLY NEED A CHANGE IN BUILDING REGULATIONS AS MANY HAVE HOUSES ON THEM IN MOST AREAS DRAINAGE WATER DOES NOT GO INTO RESERVOIRS

IF A [REDACTED] GOES IN YOU MAY NEED A BRIDGING LOAN FROM GOVERNMENT OR IT COULD BE A BRIDGE TO FAR.

HAVE A GOOD PLAN BE CONSTRUCTIVE



Have your say on the draft **Rural Land Use Strategy**

We have prepared the draft Rural Land Use Strategy and want your feedback.

The strategy will help provide direction for the future use and development of land currently in the Farming Zone and Rural Conservation Zone to ensure the unique attributes of the land are protected.

The recommendations in the draft strategy are based on an analysis of the land, and the results of surveys previously conducted with residents and landholders.



How to have your say

View the documents

View the draft strategy online at mrsc.vic.gov.au/yoursay

Talk to us

- Contact us for a one-on-one discussion with the Strategic Planning team
- Join in the discussion at our upcoming online Q and A session 7pm, 11 August 2021
- Meet us at the Woodend Farmers Market on 7 August 2021 or at Riddells Creek Farmers Market on 21 August 2021.

Make a submission

Make a written submission either online or by writing to us.

Contact us

Phone: (03) 5422 0333

Email: strategicplanning@mrsc.vic.gov.au

Mail: PO Box 151 Kyneton Victoria 3444

**Submissions close
Monday 30 August 2021**

Submission 19

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REZONING PUSH

Housing plans for farmland

By SHANNON TWOMEY

FARMLAND in northern Victoria and Gippsland could soon be rezoned and turned into housing estates.

Planning applications for developments at Nagambie, Echuca, and Toongabbie are currently on public exhibition – a process that allows the public to make a submission on the proposals.

At Nagambie, developer

CRC Constructions is proposing to rezone 41ha of farmland to build an estate with 250 houses.

The land is on the west side of High St and Lobbs Lane.

Strathbogie Shire mayor Chris Raeburn said the area was experiencing a shortage of houses to buy and rent.

“We have a growing population but also have to be respectful of what the community wants,” Mr Raeburn said.

“People do enjoy the area for the rural sector and quiet life.”

At Echuca, the Campaspe Shire Council is proposing to rezone farmland for the Echuca West Precinct Structure Plan, a 615ha site that will accommodate 5000 houses.

In its application, the council says Echuca’s population growth has led to a residential land supply shortage.

Mayor Chrissy Weller said

property owners in the rezoning area all wanted to be involved.

“A lot of work has gone into this project, the housing blocks aren’t tiny,” Ms Weller said.

“We have a growing population but also need more housing to accommodate workers.”

In Gippsland, the Latrobe City Council is proposing to rezone farmland at Toongabbie, Hazlewood North and Flynn

for its rural living strategy. In its application the council writes: “It is estimated that Latrobe City has a shortfall of 102 rural living lots (204ha) to meet the 15-year supply required.”

While the public can have their say about the proposed developments, Victorian Planning Minister Richard Wynne will ultimately decide if the planning schemes are amended and farmland is rezoned.

Victorian Farmers Federation president Emma Germano said farmers were impacted by the lack of accommodation in towns too.

“That’s a difficult situation for the staff farmers have working on farms,” Ms Germano said.

“We want to see a strategic overview for rezoning farmland which considers the long term impacts rather than a piece-by-piece approach.”

Conflicting Covid rules, vaccination confusion create operation nightmare for processors

Abattoirs on knife-edge

By PETER HUNT

AUSTRALIA'S meat and dairy supply chains are once again at risk of major disruptions.

Insiders say state health departments and chief health officers are delivering conflicting, ever-changing advice on shutting down work-sites where just a single worker has contracted the Covid-19

treading on egg shells. I'm not sure where it's all heading".

Further complicating the issue is that vaccination rates among meat workers vary enormously from site to site and state to state, while dairy processors say they have no data on how many of their workers are vaccinated.

Australian Meat Industry Council chief Patrick Hutchinson said in some states all in-

were originally classified as high-risk workers and a priority population under Phase 1B of the national Covid vaccine rollout for Pfizer doses, given its three-week turnaround.

But Mr Hutchinson said that prioritisation seemed to have now "gone out the window".

Mr Fletcher said he and his colleagues had to "kick up a

workers were vaccinated.

Within the dairy industry processors initially told *The Weekly Times* they had no idea how many of their workers had been vaccinated before referring questions to the Australian Dairy Products Association.

ADPF executive officer Janine Waller said dairy workers were not listed under Phase 1B of the vaccine rollout, so vaccination was not the

and associated cold-chain transportation became eligible for vaccination when Phase 1B of the Commonwealth's Covid vaccination rollout began in March.

"From May, Victoria ensured priority access to the Pfizer vaccine for these cohorts irrespective of age," a spokeswoman said.

As for lockdowns there appears to be no consistent or

when we have eight chief health officers and departments across Australia, all with different and changing views."

Federal Agriculture Minister David Littleproud said his department was closely following the evolving national situation.

He said the department sought to ensure its regulatory role in the meat and food prod-

Council's home-build crush

By PETER HUNT

MACEDON Ranges Shire has pre-empted the Victorian Government review into extinguishing the rights of landholders to build homes on 40ha or more within the farming zone without a planning permit.

The Shire has already released a draft Rural Land Use Strategy that aims to extinguish the right of 419 landholders to build homes on their properties within the farming zone, with submissions due by August 30.



The move comes despite the State Government not being due to finalise its position

on the 40ha rule until mid-2022, after it completes public consultation on the issue as part of its Melbourne's Green Wedges and Agricultural Land position paper.

As it stands the consultation paper proposes dumping the 40ha rule on all farm-zoned land within 100km of Melbourne, with 879 individuals, community and lobby groups lodging submissions for and against the proposal.

The office of Planning Minister Richard Wynne said "there have been no decisions made on whether proposals in

the Green Wedges and Agricultural Land discussion paper will proceed".

But the Minister refused to answer a question on whether he would use his powers to reject Macedon Shire's bid until the Government finalised its position, once the consultation process was completed next year.

The council's draft strategy states "it is proposed that the minimum lot size for a dwelling without a permit requirement be set at 0ha".

7 Macedon Ranges farmer and real estate lawyer Randall

Gerkens said it appeared Macedon Ranges Shire was charging ahead with its own strategy, without considering the outcome of the Government's consultation or its economic impact on landholders' property values.

Planners have previously told *The Weekly Times* losing the 40ha right would add \$20,000 or more to the cost of building a home on 40ha or more, assuming council granted approval.

Mr Gerkens said council planners refused to answer his questions on what analysis

they had done on the impact of stripping landholders of their right to build a home on 40ha or more without a planning permit. "It's statutory requirement that any authority proposing a planning scheme amendment is obliged to consider the economic impacts of the change," Mr Gerkens said.

Section 12 of Victoria's Planning and Environment Act (1987) states "in preparing a planning scheme or amendment, a planning authority must take into account its social effects and economic effects".

Feedback from customers is uniformly positive. They speak of ease of operation, features such as film break sensors, the speed of bale transfer, and the Vario's ability to make different size bales. As for the bottom line, consider the fuel and labour savings by using the same machine to bale and wrap.

Locally, George Apted, owner of Apteds Farm Services, worked for years with a **McHale V660 baler (now the V6750)** before upgrading to the Fusion Vario baler wrapper. He provides full farm contracting to customers north of Melbourne and up into the Goulburn Valley.

George's mission for the new baler wrapper was simple – increase output at a reduced cost – which was something of a challenge, given the variety of terrain the machine would be required to operate in. The Fusion Vario came up trumps, again and again.

"Our local dealer promised the Fusion would bale and wrap 70 bales an hour," George said, "and it certainly does that. It's easy to manoeuvre and having trailer

chamber closes, the operator carries on working as the machine automatically starts the wrapping process.

The **Fusion Vario can wrap bales** from 1.1 metres up to 1.45 metres, with the patented tip roller adjusting its height in line with bale size, thereby ensuring the plastic always goes onto the centre of the bale, regardless of bale diameter.

"Customers love the density and shape of the bales and the high quality of the final product," said George, "and when we leave the paddock, it's all done. There's no waiting for a wrapper and no contamination either because the bales never touch the ground."

Another feature that has met with approval is the machine's ability to hold one bale in the wrapping cradle, meaning two bales can be dropped side-by-side in the paddock. This halves the time spent picking up bales.

INC 654
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Support
connect



Submission 19

AIR FORCE CENTENARY

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AUSTRALIA

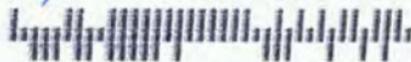
STRATEGIC PLANNING
MACEDON RANGES COUNCIL

P.O. Box 151

K YANETON

3 4 4 4

RECEIVED 24 AUG 2021



From: [REDACTED]
To: [Macedon Ranges Shire Council](#)
Subject: MRSC Rural land Use Strategy Plan
Date: Saturday, 28 August 2021 2:07:27 PM
Attachments: [MRSC Rural land Use Strategy Plan.docx](#)

Please find attached submission concerning above.

27th August, 2021

Macedon Ranges Shire Council

P.O. Box 151

KYNETON 3444

Dear Sir/Madam,

Re: **Draft Rural Land Use Strategy Plan**

We have read through the above plan and need to clarify how this plan is going to effect us!

We have [redacted] parcels of land between [redacted]

Both of us have lived all our lives in this area in fact on these parcels of land and it is our wish that our children will be able to enjoy the land as we do. In fact our families have a combined total of over [redacted] years of farming this particular land, having moved here in [redacted]. [redacted] children live locally and take a great interest in farming. Genuine farming not hobby farming!

The [redacted] parcel is [redacted] where we live, currently there is one residence on the land, there are [redacted] on this title. Our [redacted] blocks and one 80 acre block all with residences. In the future there may be a need or a wish to build a second residence on the property, be it for one of our children to enjoy independent farming or to assist us to continue to farm. Will this be possible?

The [redacted] is a [redacted] This land has [redacted] frontage. Will it be possible to build on this land as it stands?

Given the 4 titles would it be possible to build more than one residence ? I would point out that the property to the [redacted] is a 40 acre block, followed by 2 more blocks of about 20 or 30 acres, all with at least one residence.

The [redacted] parcel is [redacted] where there is an existing house and outbuildings. This block has [redacted] frontage also. The residence is well maintained but aged and in time may need to be replaced. Would this be possible? Would we be faced with a barrage of questions regarding the nature of agriculture, the use of the land etc. which I believe neighbors have faced?

It would appear that all of the land mentioned above is included in the area marked "irrigation".

In 2002 we had to have a replacement bore sunk as neighbors had "pumped us dry". We saw a wasteful use of precious ground water, given that our neighbors were watering grass ground simply for appearances. At times the watering was carried out in the heat of the day giving little or no benefit. The area marked for irrigation is certainly not suitable for growing vegetables or irrigation

as the basalt country does not hold water, hence whilst we hear of the “beautiful agriculture land” history tells us that there have been no successful commercial market gardens in this area.

Referring back to the Agriculture Summary five dot points are mentioned as examples of the Impacts of Rural Land Use on Agriculture having the long history of farming in the area I cannot agree that we have been impacted by the issues raised. It would appear that these points may have been put together from a brain storming meeting not from actually consulting with those farming in the area.

I believe we have farmed all the land referred to as viably as possible, we maintain our property and both the land and stock are well cared for. We understand that Council must oversee future development but they do need to look after the custodians of the land and allow them to farm as they wish and know so well, without listening to consultants who do not understand the heart and soul of a farming family and the absolute need to be able to allow future generations to grow, manage and maintain what has been put in place.

We have unsuccessfully, tried to make an appointment to have a member of the Planning team come to our property to explain our situation. We fully understand that the Covid restrictions make face to face contact difficult but we do look forward to meeting with a member of the team as soon as possible to go through the concerns that we have. Whilst we are aware that, now days, it is not conditional that staff of the Macedon Ranges Shire live within the Shire we have grave concerns that the people making such important decisions concerning “locals and the local area” are not familiar with the area at all. We were advised that only two members of the MRSC planning team live within the Shire which is very sad and distressing that such life changing decisions for families are being made by people with no history or feel for the area.

We look forward to hearing from you, when the lockdown has been lifted to make a time to discuss these very important issues on site.

We can be contact on [REDACTED].

Yours Sincerely

[REDACTED]

From: [Redacted]
To: [Strategic Planning](#)
Cc: [Redacted]
Subject: [Redacted] to Macedon Ranges
 Shire Council - Draft Rural Land Use Strategy
Date: Tuesday, 31 August 2021 12:42:18 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
 [Redacted] - [20210830.pdf](#)

Dear Council,

Macedon Ranges Shire Council - Draft Rural Land Use Strategy

Please see attached a written submission from the Resources Branch within the Department of Jobs, Precincts and Regions in relation to the above Strategy.

Kind Regards,

[Redacted Signature]

[Redacted Signature]

[LinkedIn](#) | [YouTube](#) | [Twitter](#)

We acknowledge the traditional Aboriginal owners of country throughout Victoria, their ongoing connection to this land and we pay our respects to their culture and their Elders past, present and future.

Government of Victoria, Victoria, Australia.

This email, and any attachments, may contain privileged and confidential information. If you are not the intended recipient, you may not distribute or reproduce this e-mail or the attachments. If you have received this message in error, please notify us by return email.



Department of Jobs, Precincts and Regions

Ref: 21/107318
 YR: **Draft Macedon Ranges Rural Land Use Strategy**

GPO Box 4509
 Melbourne,
 Victoria 3001 Australia
 Telephone + [REDACTED]
 DX 210074

Chief Executive Officer
 Macedon Ranges Shire Council
 PO Box 151
 KYNETON Vic 3444

By email strategicplanning@mrsc.vic.gov.au

Dear Sir/Madam

RE: DRAFT MACEDON RANGES RURAL LAND USE STRATEGY

Thank you for the opportunity to comment on the draft Macedon Ranges Rural Land Use Strategy.

The Resources Branch of the Department of Jobs Precincts and Regions (DJPR), under the oversight of the Extractives Strategy Taskforce, is executing Helping Victoria Grow: Extractive Resources Strategy which includes actions to identify and secure strategically important extractive resources in Victoria's Planning Provisions (VPPs). The Resources Branch encourages planning authorities to consider extractive resources in their strategic planning documents.

Extractive Industry Interest Areas (EIAs) were developed by the Geological Survey of Victoria (GSV) as an indicator of potential extractive resource prospectivity, that may be suitable for extractive industry, although quarries cannot be established as-of-right and are still required to obtain the relevant approvals under the *Mineral Resources (Sustainable Development) Act 1990* (MRSDA) and *Planning and Environment Act 1987*. Macedon Ranges Shire contains one EIA identified for its quality and thickness of basalt, and lack of overburden. The EIA covers an area of approximately 10,000 hectares along the southern border of the Shire, east of Clarkefield.

Work Authorities (WAs) are issued by the Resources Branch under the MRSDA to enable quarries to operate. There are eight current WAs covering an area of over 340 hectares within the Shire. There is also one proposed WA.

It is important to recognise that extractive industries are considered temporary land uses within rural landscapes.

At the end of the life of a quarry, it can be rehabilitated in a way that blends into the surrounding landscape's character or restored to a landform for an appropriate alternative land use, thereby providing a net community benefit.

The Resources Branch considers extractive industry and agriculture as mutually beneficial for each other, by recognising agriculture as a compatible use within quarry buffer areas, which in turn assists in protecting agricultural land from more sensitive uses (i.e., dwellings). It is also recognised that some agricultural activities such as piggeries have their own buffer areas to sensitive uses.

The Resources Branch has reviewed the draft Macedon Ranges Rural Land Use Strategy and requires specific references to extractive industries and resources, particularly given the existing EIIA near Clarkefield. The document needs to give greater prominence to strategic extractive resources in the Shire, including the existing EIIA near Clarkefield, given that appropriately planned extractive industry operations meet a vital need in urban and rural development, along with playing a key role in the state's post-COVID recovery efforts.

The following points are made in support of this:

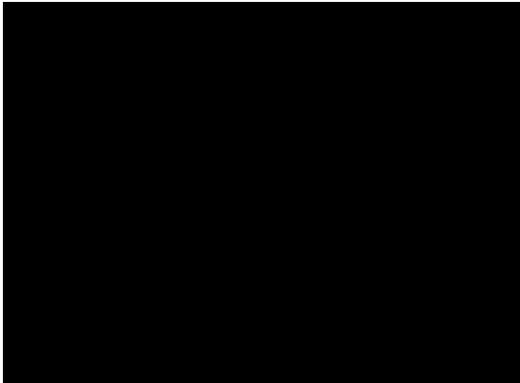
- a) Figure 2 'Macedon Ranges Planning Statement Framework Plan' must show the existing EIIA near Clarkefield and current Work Authority sites, to ensure the location and extent of these are easily discoverable by community, developers, council, and council planners. It is acknowledged that the community can be sensitive to these activities and management around such uses requires care.
- b) There is a notice trigger for land near EIAs and Work Authorities for specified use and development applications in Clause 52.09 of the Victorian Planning Provisions (VPPs). The Rural Land Use Strategy also needs to appropriately address Clause 14.03-1S Resource exploration and extraction of the VPPs.
- c) Under Strategic Objective 1 Agriculture, the report makes excellent observations of how non-agricultural uses can compromise commercial agricultural uses if not properly managed. Extractive industry is a legitimate rural use which, as stated, is considered complementary to agriculture. The following additional paragraph is offered for this section to provide a fair and balanced management approach, consistent with State Planning Policy:

"Extractive industries within Macedon Ranges Shire are considered necessary to provide the affordable raw materials required for use in housing, construction and infrastructure works. Locating extractive industries close to where materials are needed helps to facilitate cost-effective transportation and construction. Proximate to demand extractive resources also has environmental benefits by reducing carbon emission associated with long-distance transport. The continuation of existing quarries and establishment of new quarries into the future should be balanced with the protection of the Shire's environment, landscape, agriculture and Traditional Owner cultural values, along with ensuring a reasonable level of visual amenity for residents in the vicinity."

In conclusion, your draft Rural Land Use Strategy only partly reflects the complexity of the Shire's rural planning environment. It needs to better incorporate extractive industry which forms a legitimate and integral part of the rural landscape. With appropriate management rural land uses and extractive industry can effectively co-exist.

A large black rectangular redaction box covering the signature area.

Yours sincerely

A large black rectangular redaction box covering the signature area.

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Submission: Draft Rural Land Use Strategy
Date: Tuesday, 31 August 2021 7:41:09 AM
Attachments: [image484909.jpg](#)

Dear Strategic Planning Team,

Thank you for the opportunity to provide feedback.

The writer supports a significant portion of the strategy other than the Rural Conservation Zoning (RCZ).

Rural Conservation Zoning (RCZ)

The RCZ is restrictive and does not consider the future of agriculture nor has it taken a significant look into the past.

Unfortunately, the RMCG strategy seems to make various assumptions about what farms do and don't do that fall within the RCZ. For starters, on the smaller land holdings and farms, there has been a long history of pasture improvement on lands and/or bushfire management in farming activities. The suggestion for farmers to now provide further plans is yet another burden on farmers who have over recent years been significantly encumbered by Local, State and Federal changing requirements.

There are draconian policies that need to be rectified including 'place of assembly' which limits tourism in RCZ. Further, the change in zoning to RCZ may not affect the rights of the farmers who have 'existing use rights' but what about the next generation of farmers. Why should 'red tape' be applied for the new owners seeking to continue or diversify agricultural production in the region.

Smaller land holdings are at the forefront of agricultural innovation and protection of natural resources in this country. The close proximity to the populations make the Macedon Ranges well placed to cultivate the ever increasing demand for ecologically friendly food, grow niche rare produce (for example heritage animal breeds and plants) while offering jobs to the region. It also appears to restrict the new form of demand from industry for the cultivation of products specifically for commission (for example, small scale barley production for hops produced locally could not be grown under the RCZ without a permit).

Recommendations

As you appreciate, State policy requires protection of productive farmland. It is foreseeable to the Shire that by blanketing land as RCZ you are restricting the future of agricultural as the RCZ makes it plain that most agricultural uses require a planning permit. The proposed planning zones would mean that close to 50% of the Shire would fall within the restrictive RCZ.

The Shire should call for further submissions once the planning scheme amendments are in draft form. Otherwise, the ratepayers cannot fully appreciate the proposed changes.

[REDACTED]

[REDACTED]

[REDACTED]



From: [REDACTED]
To: [Strategic Planning](#)
Subject: Draft Rural Land Use Strategy submission
Date: Monday, 30 August 2021 8:44:44 PM
Attachments: [Rural land use strategy submission.docx](#)

Attention: Leanne Khan

Please find attached a brief submission in relation to the Council's Draft Rural Land Use Strategy for Council's consideration.

Kind Regards

[REDACTED]



30 August 2021

Leanne Khan
Macedon Ranges Shire Council
strategicplanning@mrsc.vic.gov.au

Dear Leanne

As a resident of the Rural Conservation Zone of the Macedon Ranges, and a planner, it is pleasing to see Council updating the rural land use strategies for the Shire. We have lived here for █ years now, having bought our █ parcel back in █. We farm our land (beef cattle) and also lease █ other paddocks in both the Macedon Ranges and Hepburn Shire for our livestock. Both my husband and I work (one full time, one part time) so farming is not our primary source of income.

I note in reading the draft strategy that it is intended to now make all Farming Zoned land in the MRSC a minimum lot size of 100ha, which is a change to the existing map in the Schedule. We also note that there is not intended to be much change to where the RCZ and FZ apply.





Land in the areas circled yellow above is zoned RCZ, with land immediately adjacent zoned FZ as it is within the Hepburn Shire. This land is primarily used for farming purposes. Agriculture is a permit required use in the RCZ, so much of the agricultural use of the land in these areas operates with existing use rights. It would be beneficial to see some coordination in approach to land use zoning of rural land across the shire boundaries to encourage a consistency of outcomes in the use and development of agricultural land.

It was also noted that the draft strategy doesn't reference the State Government's ongoing project 'Planning for Melbourne's green wedges and agricultural land', which has been through consultation and the outcome of those findings is still to be released. It would be interesting to consider the relationship between council's Strategy for the MRSC area in conjunction with this State government review of planning controls, given the land in the Macedon Ranges is within 100km of central Melbourne and as such is likely to be considered as important productive agricultural land.

Thanks for consulting on this project, and we look forward to being informed of further outcomes of the Rural Land Use Strategy.

Sincerely,

From: [REDACTED]
To: [Strategic Planning](#)
Cc: [REDACTED]
Subject: SUBMISSION TO RURAL LAND USE STRATEGY
Date: Monday, 30 August 2021 7:35:39 PM
Attachments: [image001.jpg](#)
[submission.docx](#)
Importance: High

Hi,

Please find attached our submission for consideration. Please do not hesitate to contact me if you needed.

Kind Regards,



away from us with Covid. Please give us some hope that the present farm zone ruling will be removed and give us the right to use our land as those on other acreages of similar size have.

Yours sincerely,



From: [REDACTED]
To: [Strategic Planning](#)
Subject: Draft Rural Land Use Strategy Plan - Submission
Date: Monday, 30 August 2021 6:15:59 PM

Thank you for the opportunity to make a submission on the draft RLUS Plan.

Farm: I do so as a farmer, having purchased my original farm at [REDACTED] ago. I progressively consolidated it with two adjoining farming properties, one from a deceased estate, the other from a mortgagee in possession, to a total of around [REDACTED] acres ([REDACTED] hectares). It has been reduced in size to around [REDACTED] hectares. It has been used for cattle and sheep raising for over 100 years, previously for broadacre oats and wheat production.

I learnt of the survey through the circular card posted to my address. I can see it was prepared by RM Consulting Group in September 2019, which begs the questions, why are interested persons being restricted to such a relatively short time to make submissions and were invitations published previously, well before 2019, perhaps in the Midland Express, to explain a revision to the existing planning regime was proposed and the rationale for such a revision ?

Plan too complex: Although the Plan has been in effect 'subdivided' into discrete sections (Equine, Tourism etc.) it is extremely comprehensive and difficult to understand because of its complexity. I say that as a practising lawyer with current experience in challenging the Victorian State Government and its planning regime on issues related to biodiversity and conservation, to challenge incompetent work by its consultants. I favour conservation and biodiversity, as do, I believe, most farmers.

I also say this as I have telephoned six local farmers and two consultants (Real Estate (Rtd.) and Farm Supplies) today. Four were unaware of the Survey and when told it was 68 pages in length, all replied it was too much of an effort to make a submission. I gave them the details and encouraged them to submit.

Maps: The Maps are far too small to be easily understood, especially as they do not show road names. A Zoom-in facility should have been provided, to allow precise identification of a property's location. Can that be arranged ?

For example, due to its small size of illustrated lots, Figure 4 is extremely difficult to assess. Figure 9 shows areas proposed for rezoning, with from FZ to RCZ of interest to me, but it is difficult to assess whether my farm is impacted. I reserve my position on that aspect of the Plan.

Farmer engagement: The Plan refers to a Stage 1 "in the Farming Zone" 2017 stakeholder engagement (page 2), but no farmer "stakeholders" seem to have been "engaged" – (insufficient resources are mentioned) and equally so with the Rural Land Use Stakeholder "Engagement" (page 3), when no farmers are mentioned, among a plethora of 'stakeholders' - is that document available for review so that its merit can be objectively assessed ?

Planning Permit: Am I correct in understanding the Plan requires that all FZ developments which include a dwelling will now require a Planning Permit ("minimum lot size is 0 ha" – why cannot plain English be used ?). Why is that not plainly stated ?

If I am correct, I object to this as imposing an onerous financial burden on farmers and, incidentally, reducing the capital value of the farm property. This is notwithstanding the alleged increasing value of agricultural land in the Shire, on the grounds of its proximity to Melbourne.

Farm Management Plan: I believe the current requirement for a Farm Management Plan, to accompany a planning permit application, is an artificial construct because in my experience in selling three small lots (2 x 40 acres and 1 x 60 acres) of relatively poor quality land a decade ago, the FMPs were not monitored for compliance. This is a bureaucratic imposition, adding to the time and cost of development, with no tangible benefit to the vendor/farmer or to the community.

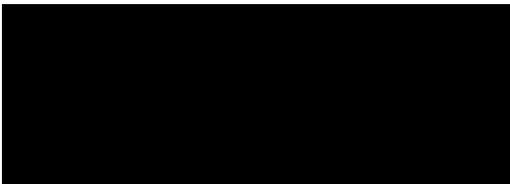
The comments on Rural Dwellings on page 16 are confusing. Was there a change in the FZ requirements in 2013 which is now proposed to be reversed or is an alternative approach proposed? I cannot find any such an alternative in the Plan, so I reserve my position on this aspect, for clarification.

Implementation: Page 28 sets out FZ strategy objectives — the Implementation of the Plan is described from page 44-45, but not in a definitive sense - we all know “the devil is in the detail”. The implementation is merely termed “decision guidelines” ... “to guide the assessment of the applications”. Surely this will result in uncertainty and a legal morass? Will these Guidelines be formulated in precise terms as local Planning Scheme requirements, with the decision maker to be the Council’s planning staff? That would seem a preferable approach, to introduce a measure of certainty and reduce legal costs.

Overlays – Schedule 2 – Roadside Vegetation: This should be cancelled. It does *not* identify significant roadside vegetation and it creates a bushfire hazard: the removal of dead or fallen vegetation should be allowed for personal non-commercial use.

Thank you for the opportunity to make a submission.

Sincerely



From: [REDACTED]
To: [Strategic Planning](#)
Cc: [REDACTED]
Subject: Response to Rural Land Use Strategy
Date: Monday, 30 August 2021 12:24:28 PM
Attachments: [Response to Rural land Use Strategy_Final.docx](#)

Hello,

Please find attached our response to the Rural Land Use Strategy. Please respond by return email confirming you have received our response.

Kind Regards

[REDACTED]

Date: 29 August 2021

Subject: Rural Land Use Strategy

Strategic Planning,

As requested by the Macedon Ranges Shire Council (MRSC) we take this opportunity to submit a submission concerning the proposed Rural Land Use Strategy.

Post reading said document we note multiple references (approx. 15) to ensuring that potable water quality is maintained by appropriate farming techniques and the effective management of wastewater, including effluent.

We endorse that significant environmental control and note that it strategically relates to the Council Plan priority to “protect the natural environment.” A pivotal instrument to achieve this strategic end is undoubtedly the, also referenced, MRSC council’s Domestic Wastewater Management Plan 2019 (DWMP).

Our research into the DWMP demonstrates that the MRSC has developed a DWMP in 2019 and currently this document is listed as endorsed / implemented. Investigation into said document reveals that the State Environment Protection Policy (Waters of Victoria) (SEPP) required Councils to prepare a DWMP in conjunction with the relevant water corporations. Further investigation has revealed that Greater Western Water (GWW) have stated that “councils Domestic Wastewater Management Plan does not meet the requirements within the ministerial guidelines”. This we believe makes the document null and void, which is critical when you consider the consequences of not having such a keystone document valid when implementing the Rural Land Use Strategy especially when MRSC deem it a strategic instrument required to “protect the natural environment”.

Our additional commentary pertains to retrospective decisions. We have the firm belief that the MRSC should not introduce strategies that are retrospective, without individual consultation with the parties impacted. Said practice has the potential to have a devastating impact on existing landowners and is ethically and morally wrong. If it is perceived that retrospective decisions are required to protect the natural environment then the appropriate compensation, established via individual consultation, is required for the landowners affected by these decisions.

We thank you for the opportunity to provide feedback and look forward to further consultation as soon as practical.

Kind regards,

2021 Draft Rural Land Use Strategy



26 August 2021

[REDACTED] is a farmer producing prime lambs, processed in [REDACTED] for the Melbourne market. His family has owned [REDACTED] and he purchased it from his father in [REDACTED]. The farm has 23% of the land area devoted to conservation and agroforestry trees and is a net greenhouse gas sink to the tune of 250 tonnes CO₂ equivalent per year.

**Submission summary**

The Draft Rural Land Use Strategy takes a traditional approach to land use across the Macedon Ranges Shire's 135,000 hectares farming and rural conservation zones. Importantly it provides a policy framework to protect this area from development into rural living and residential zones which would mean total loss of rural land for future agriculture use and for critical peri-

urban ecosystem functions such as water quality, flora and fauna enhancement, climate change mitigation and landscape amenity.

Apart from this positive policy setting, the Draft Strategy fails to identify the land use initiatives needed across the two zones to meet the challenges the area faces over the next 70 years. The omissions in the Strategy include:

- * Failure to recognise climate change mitigation and adaptation strategies available for combating the Climate Emergency identified by the IPCC.
- * Failure to recognise that rural land use is not solely about managing agricultural production but also about managing ecosystem functions and landscapes which the community wants protected and enhanced.
- * That land use for agriculture and life style are not incompatible but are transitory and both roles involve land and water stewardship for future generations.
- * An incorrect interpretation of climate change modelling on land use in the shire up to 2070.
- * That the shire is well placed up to at least 2070 to continue local food production with low food miles to consumers in Australia's second largest city. The shire's importance as a food producer will increase as climate change impacts accelerate and diminish regions in the north of state ability to produce food for Melbourne.
- * Failure to understand how pasture, crop, horticulture agronomy is constantly changing to meet the challenges of resilient, environmentally responsible food production in the era of climate change.
- * Failure to recognise carbon farming and biodiversity farming as legitimate land uses across the farming and rural conservation zones. And that these pursuits have potential to become income sources in their own rights for participating land owners.
- * Failure to implement sufficient buffer zones and restrictions such as service road speed limits between farming and residential/ rural living zones to prevent negative impacts on agriculture, biodiversity and safety.
- * Failure to highlight and incentivise a culture amongst all rural land owners regarding their responsibilities towards land, water, biodiversity and climate change mitigation stewardship.
- * Failure to point out that land, water, and environment neglect is not a legitimate land use.
- * Today's decision makers on the Council cannot forecast the extent of factors associated with climate, human population growth (in Victoria and the world), energy availability, biodiversity, natural assets, disease epidemics, and human well-being that will come into play over the next century to change the balance of competing land uses across the shire's rural and conservation zones. Once land is lost to rural use through housing and rural living sub-division, it is unlikely to be returned. Their decisions on land use will have impacts for generations to come.
- * Community attitudes and expectations for rural land use are shifting from owners with a personal rights focus to owners who are empathetic custodians for future generations so that outcomes for nature, climate change, food production and landscape amenity are enhanced and protected while implementing actions to counter climate change.

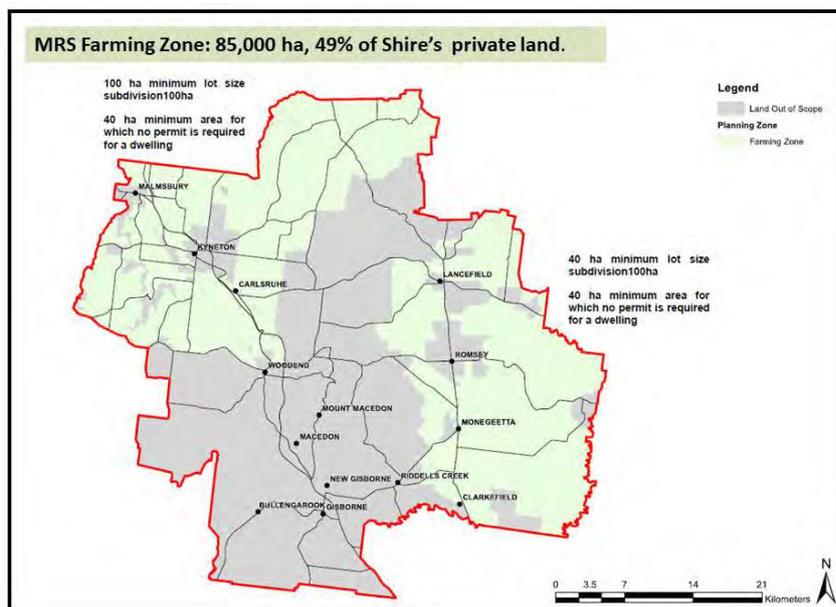
The submission

The draft Rural Land Use Strategy will need to provide a framework to:
 Prioritise and balance rural land use aspirations.
 Respond to local circumstances and communities.
 Clarify the land use and development opportunities for rural land.

It also needs to address climate change adaptation and mitigation strategies and respond to climate change impacts on rural land ecosystems functions such as wildlife biodiversity and local food production.

Key background information to consider in developing a land use strategy is to recognise not only contemporary trends but also the impacts of climate change on natural resources value and local food production demands into the future.

In the Farming Zone

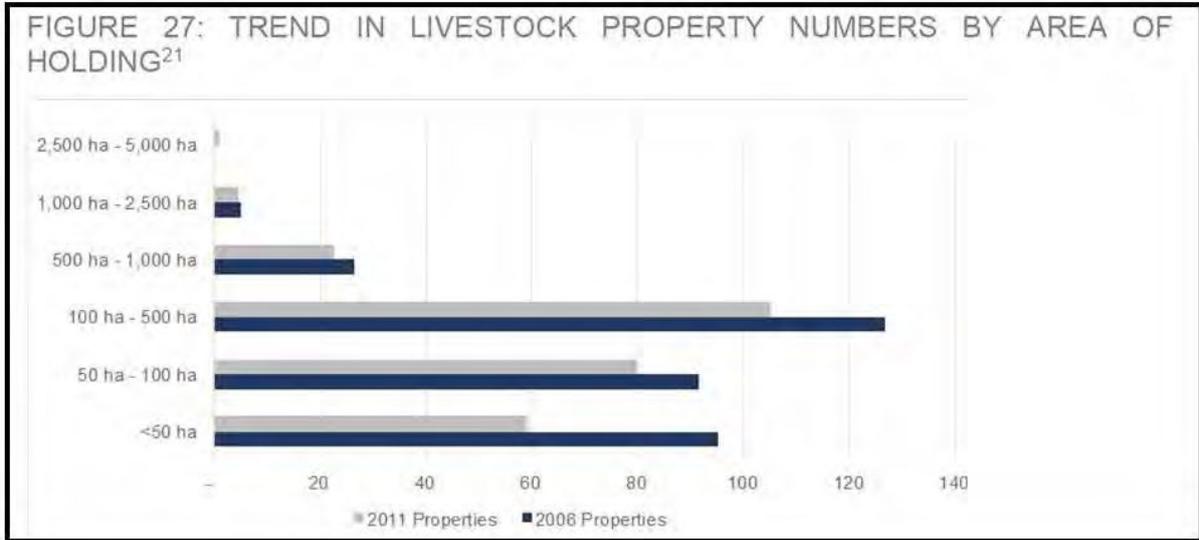


48% of land owners earn income from agriculture. Of these 72% turned over less than \$50,000 per year.

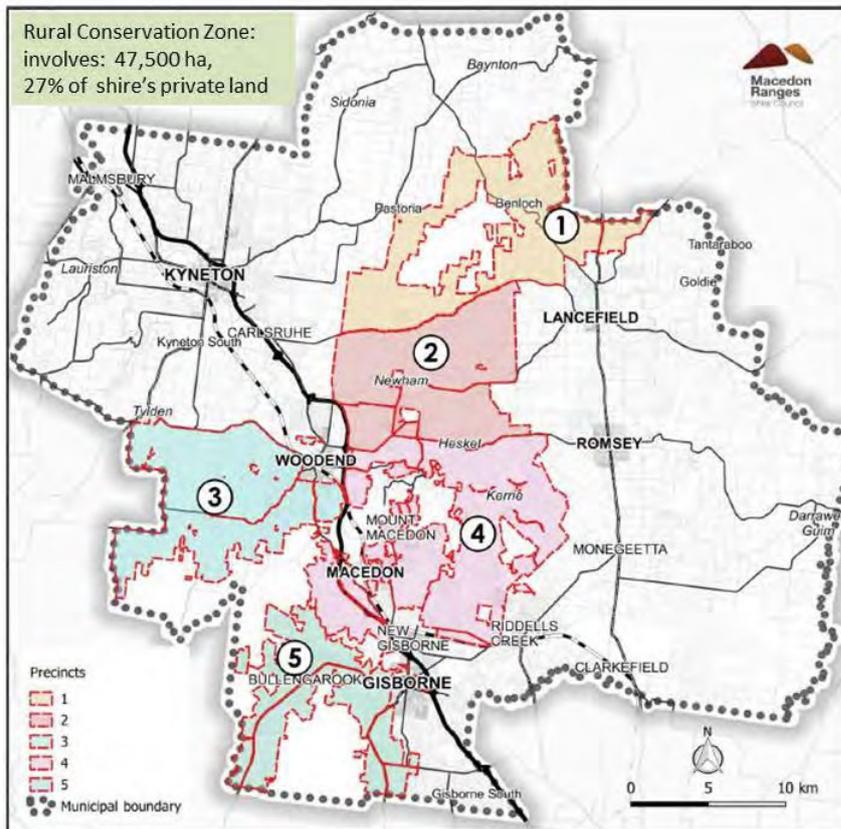
The predominant agricultural land use is livestock grazing for cattle and sheep production and a comparatively smaller area of land is used for production of broad acre crops, hay making and viticulture.

Around 400 farm businesses in Macedon Ranges were reported in the Australian Bureau of Statistics agricultural census, down from 470 in 2006.

Most farms are less than 100ha



In the Rural Conservation Zone:



20% of landholders earn income from the land, primarily from agriculture

67% of landholders own less than 10ha

<u>Total area of land holdings</u>				
<u>Macedon Ranges - 2019 Rural Conservation Zone Survey</u>				
<i>(Number and percent of respondents providing a response)</i>				
<i>Area</i>	<i>Landowners</i>		<i>Earn income*</i>	
	<i>Number</i>	<i>Percent</i>	<i>Yes</i>	<i>No</i>
Less than 4 hectares	350	44.6%	9.9%	52.4%
4 to less than 10 hectares	181	23.1%	12.8%	25.1%
10 to less than 40 hectares	162	20.6%	32.6%	17.9%
40 to less than 100 hectares	60	7.6%	25.5%	3.7%
100 to less than 500 hectares	27	3.4%	15.6%	0.8%
500 hectares or more	5	0.6%	3.5%	0.0%
Not stated	14		4	10
Total	799	100%	145	651

() Earn income from business on the land*

“The importance of agriculture to the Shire’s economy has diminished, and provided 5% of employment and 5% of output in 2016. ... The rural areas are host to highly valued and important environmental and landscape values and potable water supply catchments, and protection and enhancement of these values is widely supported” (Draft Rural Land Use Strategy page 3)

Climate change

The Macedon Ranges Shire Council has declared a climate emergency and rural land use is impacted in a range of different ways. However, the impacts for land use are likely to be less than in other regions of the state. The Department of Environment, Land, Water and Planning (DELWP) in its “Protecting strategic agricultural land in Melbourne’s peri-urban area” 2019 discussion paper states:

“Climate change is raising average temperatures in Victoria and reducing overall winter and spring rainfall. Areas south of the Great Dividing Range, including green wedge and peri-urban areas, are forecast to experience less impacts from climate change than northern and western Victoria¹. Farms in this region also have potential

access to recycled water from treatment plants, which has the potential to make them relatively drought resistant. As farming becomes harder in other parts of Victoria, we will rely more on agricultural land in green wedge and peri-urban areas to grow food.”

The favourable rainfall position for land uses across the shire’s farming and rural living zones despite climate change is demonstrated in Deakin University’s Land Suitability Assessment in Melbourne’s Green Wedge and Peri-Urban Areas study in 2018. Given the worst case climate change scenario predicted by IPCC, most of the Macedon Ranges Shire can anticipate average annual rainfall above 600mm by 2070. Such annual rainfall, while it will be variable provides landowners with considerable confidence that their land uses can be maintained for agriculture, carbon sequestration and biodiversity enhancement.

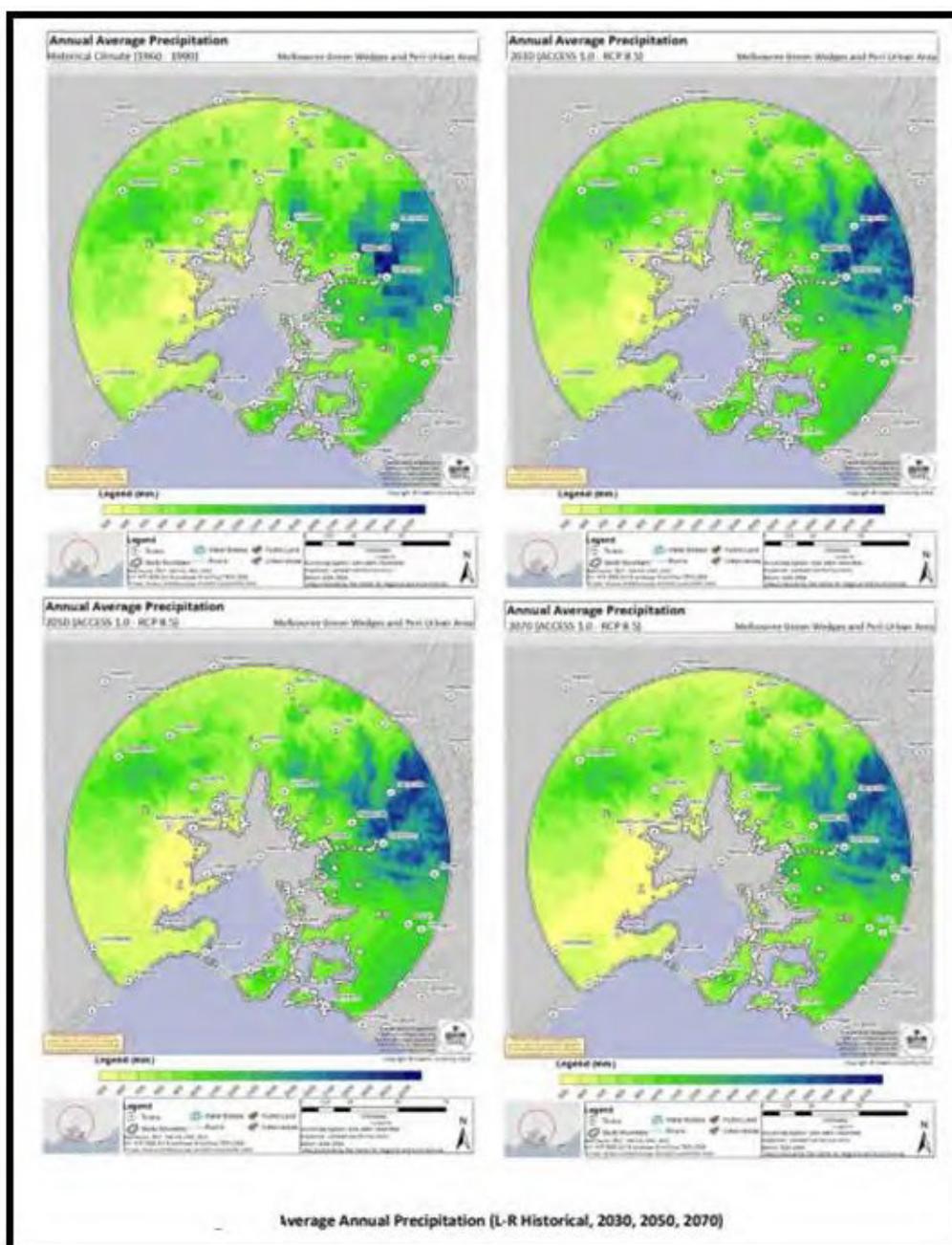


Figure: Average annual precipitation across Melbourne's peri urban zone comparing historical rainfall to what is anticipated under climate change for 2030, 2050 and 2070. Source: Deakin University's Land Suitability Assessment in Melbourne's Green Wedge and Peri-Urban Areas study in 2018

(Note: Future climate projections were developed through the use of the CSIRO ACCESS 1.0 Global Climate Change Model (GCM). This was run through the emissions scenarios or Representative Concentration Pathways (RCP), 8.5 for the years 2030, 2050 and 2070. RCP8.5 is a scenario in which global temperatures reach on average, temperatures that are 4C warmer than pre-industrial averages by 2100. It is the highest representative concentration pathway as described by the Intergovernmental Panel on Climate Change.)

The confidence rural owners can have for a wide range of land uses in the Shire is demonstrated by Deakin University predictions for the area of land suitable to grow perennial ryegrass. Perennial ryegrass is considered by agronomists as a pasture species suitable for districts with moderate to high and relatively reliable rainfall. It is grown across southern Victoria but only under irrigation in northern Victoria. In the Deakin study there is little difference between the area suitable for perennial ryegrass in the Macedon Ranges Shire historically to what it will be in 2070.

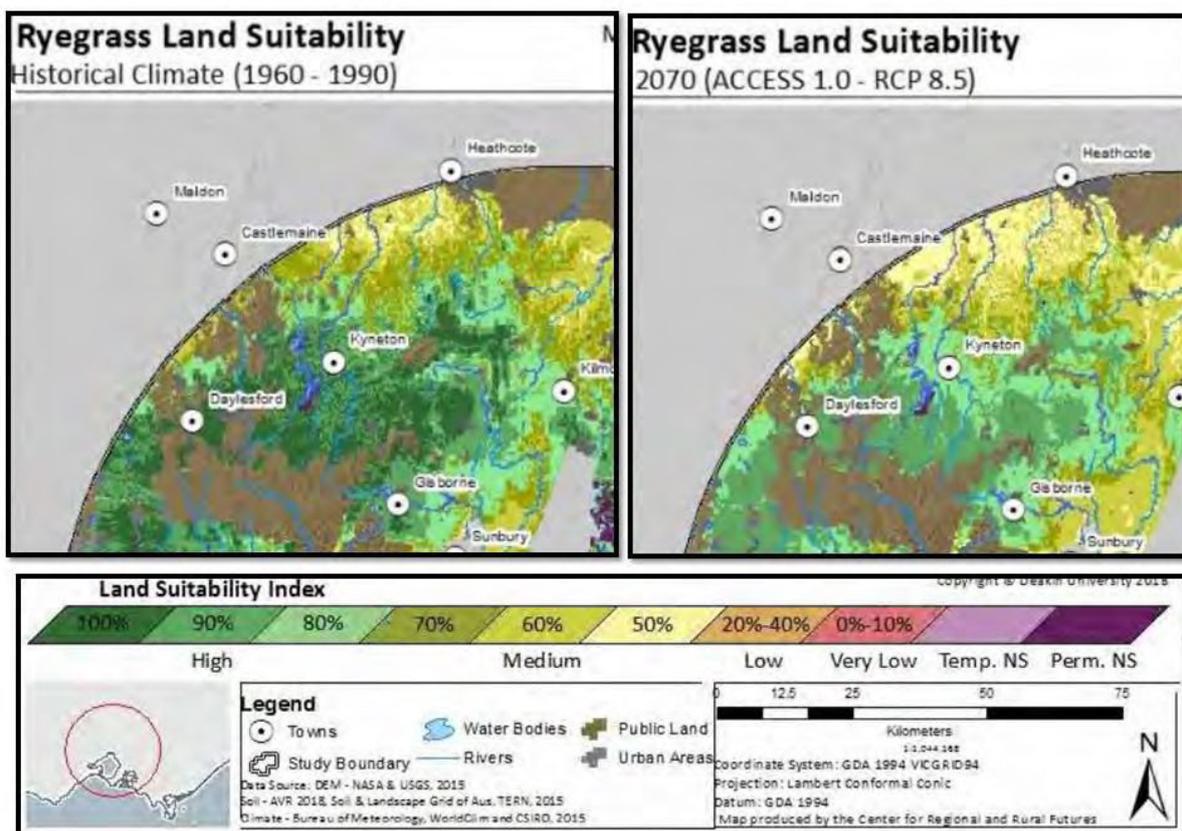


Figure: Perennial ryegrass land suitability in Macedon Ranges comparing historical situation to 2070. This pasture indicator species reflects rainfall amount and seasonal duration will support a wide range of land uses in the farming and rural living zones. Source: Deakin University's Land Suitability Assessment in Melbourne's Green Wedge and Peri-Urban Areas study in 2018.

Local food production

The Deakin University Melbourne peri-urban land suitability study contends that urban sprawl and its impact on agriculture and food production is an issue all over the world and has been the subject of much research.

“Jan Brueckner (University of Illinois) argued that urban spatial expansion is the result of a growing population, rising incomes and declining transport costs, and therefore urban sprawl is simply the market deciding that land is more valuable for urban uses than it is for other uses such as agriculture. The situation can potentially be reversed if agriculture becomes a more valuable land use.”

Brueckner’s model has been operating in Macedon Ranges shire in recent years. Melbourne’s population has grown, incomes have risen and transport costs have declined. Covid has added a new dimension to the model with more people working from home and ‘escaping’ Melbourne and its potential for lock-down. Together with plentiful land the market has decided that peri-urban Melbourne’s land is more valuable for lifestyle rather than agriculture.

The Study said Brueckner’s model lacks consideration of the likely impacts of climate change on the future value of land for a particular use.

“As we have seen in this and other recent studies, climate change will most likely result in the suitability of Green Wedge and Peri-Urban areas of Melbourne for agricultural production increasing over time, while the suitability of more traditional agricultural zones in the north of the state decline. Therefore, if Melbourne’s urban expansion continues into a climate-changed future, the area available for food production will effectively be squeezed from north and south.

“In this situation, the future market value of peri-urban land for food production is substantially higher than it is relative to today. This premise is underpinned by the fact that soil is a finite resource and is generally lost to food production once subjected to urban land-use.”

The study identified the geographical areas projected to have the most suitable biophysical conditions (e.g. soil, water, landscape, climate) and greatest versatility into a climate-changed future. The Macedon Ranges shire areas identified are:

- * Parts of the Central Highlands region, including Daylesford and surrounds, through to Tylden/Woodend and Kyneton in the north;
- * Gisborne and areas north bounded by Kilmore and Tooborac.

These locations generally encompass areas of high suitability (80% and higher) for more than one food commodity when considering the twelve commodities assessed in the study.

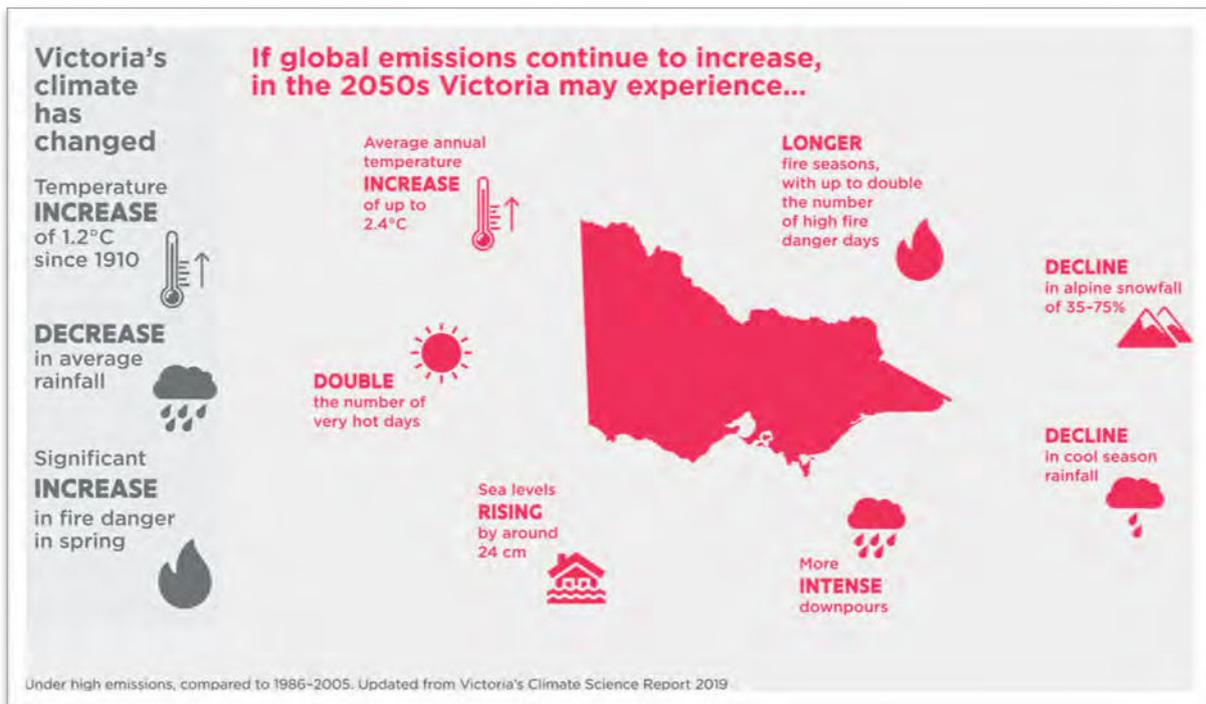


Figure: Current and projected climate change impacts for Victoria under high emissions. Source: Primary Production Climate Change Adaptation Action Plan 2021 – 2026

The state government's "Primary Production Climate Change Adaptation Action Plan 2021 – 2026" highlights how climate change has cross-system risks which impact all rural landowners irrespective of being a business or rural lifestyle. Some of the cross-system climate change risks relevant to rural land use owners in the shire identified in the Plan are:

- * Food security
- * Nuisance and harmful algal blooms
- * Flash flooding
- * Water quality
- * Water availability
- * Weeds and pests
- * Bushfire
- * Land use planning and social change
- * Food safety

The Plan maintains that while climate change has risks it presents new opportunities for land owners and some of these can be implemented across life style as well as farming zones. The Plan highlights new land uses, for instance:

- harnessing businesses' strengths and ability to adapt to changing market and environmental conditions, and motivation to take advantage of new growing and harvesting conditions, management practices and land uses
- diversifying and strengthening business productivity by finding new income sources via alternate land uses, renewable energy generation, or through value adding, processing and developing new markets

- collaborating at the regional level and along value chains on actions that increase the share of local inputs and reuse waste products (the circular economy approach).

The stand out climate change mitigation opportunity and new land use across Macedon Ranges Shire farming and rural living zones is carbon farming. That involves sequestration of CO₂ from the atmosphere into plants such as agroforests or conservation plantings, and into soil. Carbon Farming is closely associated with another emerging new land use relevant to the shire, biodiversity farming. Both have commercial potential as society and businesses increasingly value land owners whose management contributes to improving ecosystem functions for the benefit of future generations.

Policy settings around rural land use

Macedon Ranges' rural areas are recognised in State Policy for their:

- * Geographic and landscape qualities
- * Importance as a tourist destination
- * Contribution to food production
- * Environmental and cultural heritage qualities.

The Local Planning Policy Framework aligns with State policy and sets out a vision and directions for land in the Farming Zone to ensure:

- * The rural areas are attractive and productive rural landscapes
- * Agriculture is an important part of the local character and economy
- * Development is managed to ensure that water supply catchments, environmental values, landscapes are protected and separation between settlements is maintained.

The Loddon Mallee South Regional Growth Plan provides a land use plan for the region to guide growth and change for the next 20 years. Principles and directions relevant to land use in the Macedon Ranges Shire are:

- * Manage settlement growth to limit the impact on agricultural productivity, natural resources and ecological values.

- * Support and develop emerging and potential growth sectors such as tourism, renewable energy, resource recovery and other green industries.

- * Protect water quality and quantity.

- * Protect and improve the condition of the region's important environmental assets such as the forests, wetlands and rivers.

- * Manage settlement growth to limit the impact on agricultural productivity, natural resources and environmental assets.

- * Maintain the non-urban breaks between settlements.

*Minimise the impacts of land use change and development on areas with significant environmental assets.

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

*Support ongoing adaptation and flexibility for the agricultural sector.

*Facilitate ongoing agricultural productivity and new opportunities that respond to the potential impacts of climate change.

*Encourage and facilitate development in renewable energy, waste to energy, carbon sequestration and other new energy opportunities.

Farming zone review

In June 2020 the Shire released a Farming Zone Review undertaken by RMCG. This review identified many issues raised by land owners. The review has been used as the basis for the Rural Land Use Strategy.



Page 49 states: *“Multiple neighbours, particularly non-farming neighbours (results in) land use conflicts and needs time spent to engage and negotiate over farm operations” (note original text did not make sense).*

But many issues associated with farming and lifestyle neighbours are unresolved:

* failing to control pest weeds and animals and destroy/remove harbor for rabbit warrens and fox dens

* inappropriate buildings from a landscape perspective plus excessive litter such as inoperable vehicles and machinery, structural materials like corrugated iron

* failing to negotiate over mutual obligations for stock proof boundary fences and livestock biosecurity

* inappropriate vehicle use such as dirt bikes without mufflers, often unregistered, using local minor roads and isolated public land for recreation. As well light plane airfields in the farming zone have impacts on the environment (greenhouse emissions, noise) and biodiversity (birds of prey).



Figure: Irrespective of rural land zoning and use, the Shire has failed to ensure all owners manage land appropriately to improve ecosystem functions and not neglect their responsibilities associated with declared weeds such as gorse, blackberries, Montpellier broom and pest animals such as foxes, rabbits and feral cats. Photo: [REDACTED]

Page 49 continues: “Clear separation between housing and rural land is required. A buffer between farms and houses is important. Education of new residents to understand what it means for a resident to live in a rural area to manage expectations.”

This failed to happen in at least one residential development, Romsey’s Lomandra Estate. Its southern boundary along Knox road is a Farming Zone. There is no buffer between the houses and the farming land apart from Knox road. This leads to potential conflict with urban residents over dogs wandering on farm land and amongst vulnerable livestock particularly lambs; farmer’s fox control using shooting and 1080 baits both of concern about safety of people and pet dogs; farmer’s herbicide spraying concern over safety for humans and garden; litter blowing into farm land; unsafe vehicle speed on adjacent roads being used for shortcuts into the

estate – these roads still have a default 100km/hr maximum speed limit which is inappropriate for the safety of humans walking and riding bikes and horses, and wildlife that has been encouraged to return to farm land through landowners participating in Land for Wildlife and landcare revegetation projects.



Figure: Lomandra estate Romsey has no effective buffer zone between it and the farming zone on the southern side of Knox road. Wildlife from the farming zone are regularly killed and injured due to increased traffic using connecting farming zone minor service roads with a default 100km/hr speed limit to access the estate. Road kills reflect how new residents are unfamiliar with nature and are yet to develop empathy around their driving behaviour towards wildlife and livestock. Photo: [REDACTED]

In the Farming Zone Review 2020 data is presented about the gross value of agricultural production, about farm size, and percentage household income generated from agriculture. It fails to recognise the holistic and ecological responsibilities associated with land ownership, be it for farming or lifestyle.

It gives no recognition to the fact that best practice farming is just as much about managing a property's ecosystem functions as it is about producing food and fibre. This means farm land ownership irrespective of being for farming or lifestyle is required to take account of and be managed for ecosystem functions such as protecting and enhancing biodiversity, protecting soil health and structure, protecting water quality and preventing soil erosion by wind or water, and minimising greenhouse gas emissions.

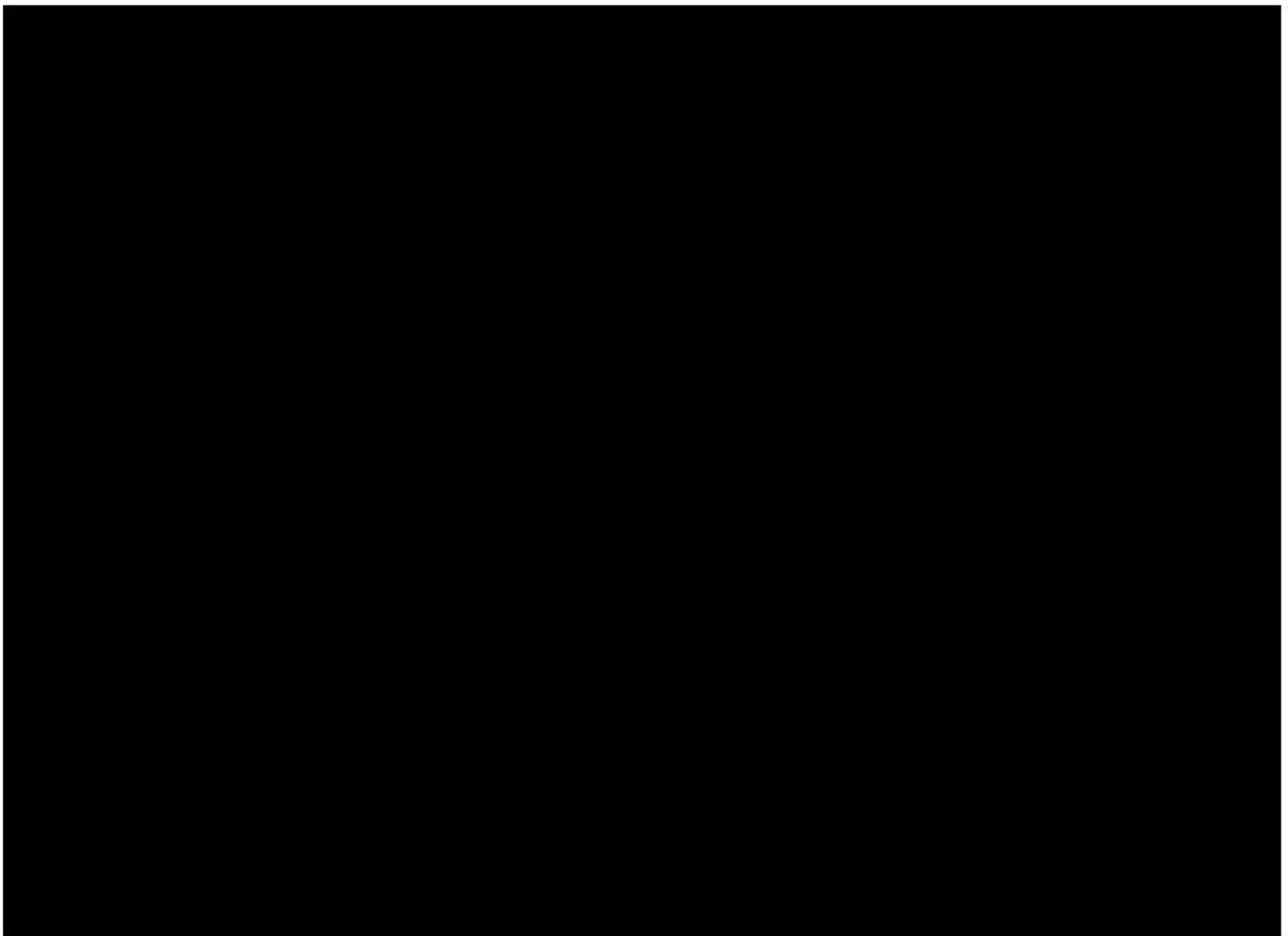


Figure: Use of rural land in the farming and rural conservation zones can be multi-functional. [REDACTED] is managed for: wildlife and plant biodiversity improvement; water quality; local low food miles quality red meat; soil health and soil organic carbon; climate resilient pastures; and carbon farming with timber and conservation forestry to be a net greenhouse gas sink. Photos [REDACTED]

The change in approach from farming for productivity to achieving holistic outcomes in association with food and fibre production is demonstrated in the federal government's 2021 Agriculture Biodiversity Stewardship Package.

The Department of Agriculture, Water and the Environment stated that the package will "...reward farmers for protecting biodiversity and identify other sustainability opportunities. Environmental markets and certification systems can reward farmers for protecting and improving biodiversity. They can diversify and boost farm income, providing alternative income sources to build resilience".

There are four components to the package:

* Carbon + Biodiversity Pilot where Farmers who undertake plantings for carbon can receive additional payments for maximising the biodiversity.

* Enhancing Remnant Vegetation Pilot. Successful farmers would receive payments to protect, manage and enhance high conservation value remnant native vegetation on-farm.

* The Australian Farm Biodiversity Certification Scheme. The voluntary Australian Farm Biodiversity Certification Scheme will allow Australian farmers to showcase best practice natural resource management to sustain and build biodiversity. Certification will enable consumers to identify Australian produce from farms that sustain our biodiversity and promote community recognition of farmers' agricultural stewardship.

* The Biodiversity Trading Platform. This will enable farmers to connect with buyers of biodiversity outcomes and kick-start private sector biodiversity markets.



Carbon + Biodiversity Pilot

- Component of the Australian Government's Agriculture Stewardship Package
- 6 Natural Resource Management (NRM) Regions chosen (one in each state)
- Environmental planting projects eligible to receive:
 - Cash payments for biodiversity benefits they provide (also reduces establishment costs for farmers)
 - Carbon credits for CO2 sequestration (free to trade via the Emissions Reduction Fund)

Figure: A new era in rural land use is emerging where income from outputs other than food and fibre will become common as governments and businesses seek to offset greenhouse gas emissions and raise their status as responsible corporate identities that care for nature and biodiversity. Source: Professor David Lindenmayer, National Landcare Conference August 2021.

How serious biodiversity protection and enhancement is becoming to businesses is demonstrated by The World Economic Forum's "The Global Risks Report 2020". In the chapter on the importance of protecting and enhancing biodiversity it states "Biodiversity and nature's contribution to people...are the bedrock of our food, clean water and energy... Biodiversity loss has also come to threaten the foundations of our economy."

A survey of the Forum's members demonstrated that climate change and biodiversity loss were amongst the most important risks they faced by both likelihood and impact.

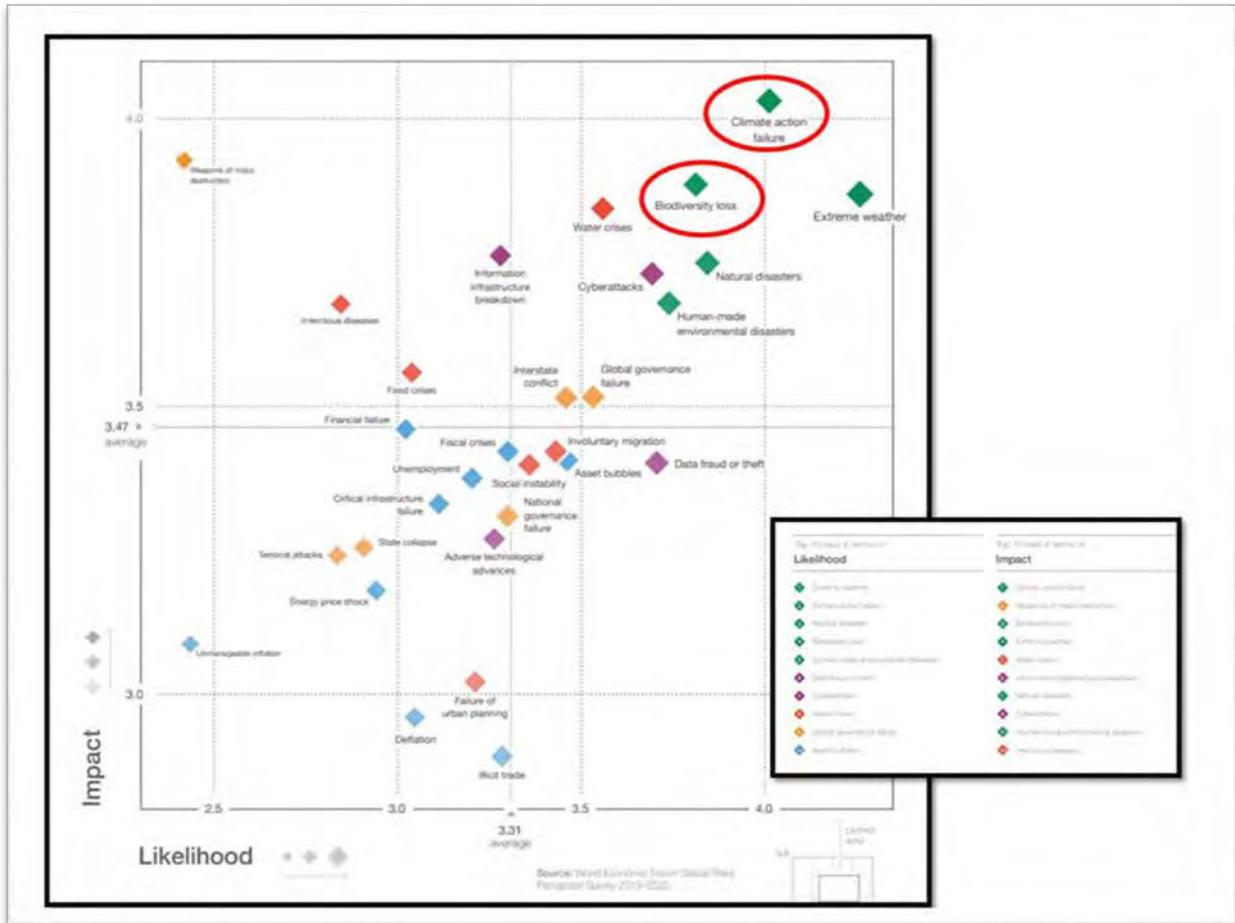


Figure: Biodiversity loss is now considered by business as a significant and likely risk, not far behind climate change. Source: The Global Risks Report, World Economic Forum 2020.

The change in attitude towards biodiversity protection and enhancement is relevant across all rural land use in the Macedon Ranges Shire, irrespective of it being used for farming or lifestyle.

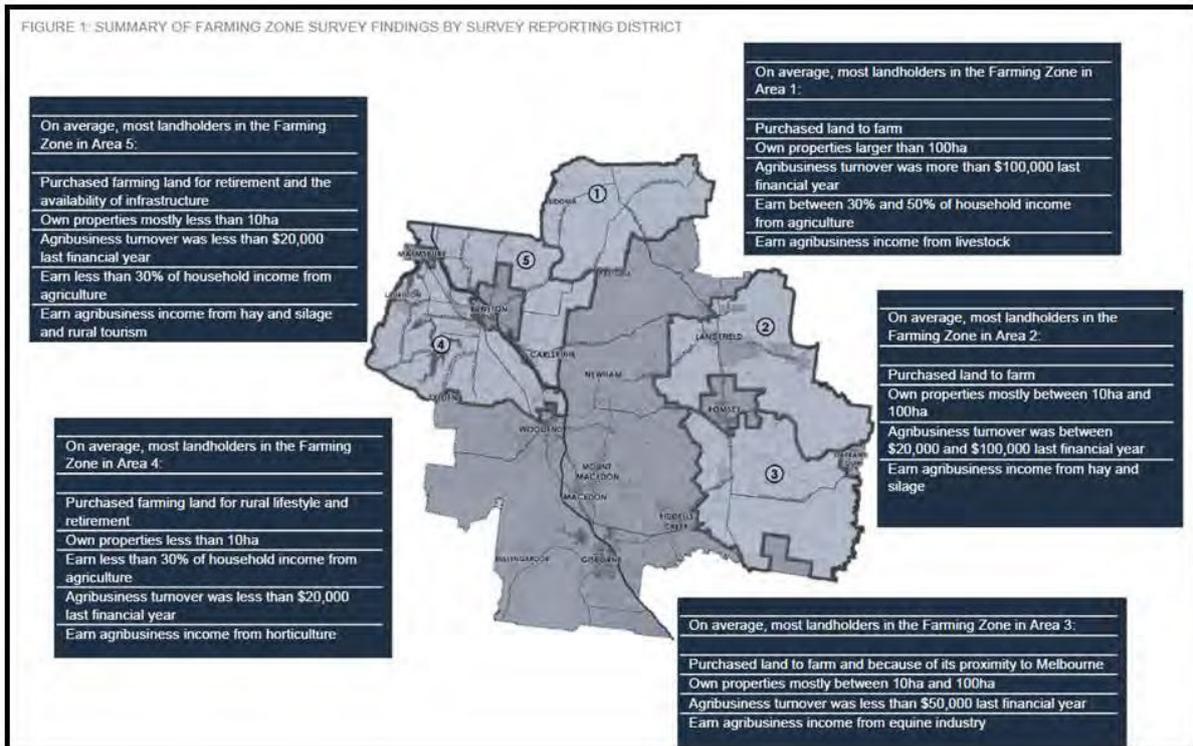


Figure: Previous farming reviews for the Shire have taken a ‘silo’ perspective to agricultural metrics concentrating on farm size and income. Future strategies need to take a combined metrics approach where a combination of factors are considered such as land and water ecosystem functions stewardship, climate change abatement, biodiversity, food productivity, animal welfare and farm greenhouse gas balance in evaluating rural land management and direction. Source: Macedon Ranges Farming Zone Review 2020.

Lower emissions and carbon farming

Best practice farming has been moving over the last 30 years toward ecological sustainability as well as profitability, high quality food production, and high level of animal welfare. In the last 10 years another two metrics have been added to best practice, these are particularly important in the ruminant livestock sector which predominates in the Macedon Ranges Shire. They are lowering livestock greenhouse gas emissions and carbon farming to sequester CO₂. These are not mutually exclusive metrics they work in combination to produce optimum outcomes across the entire farm.

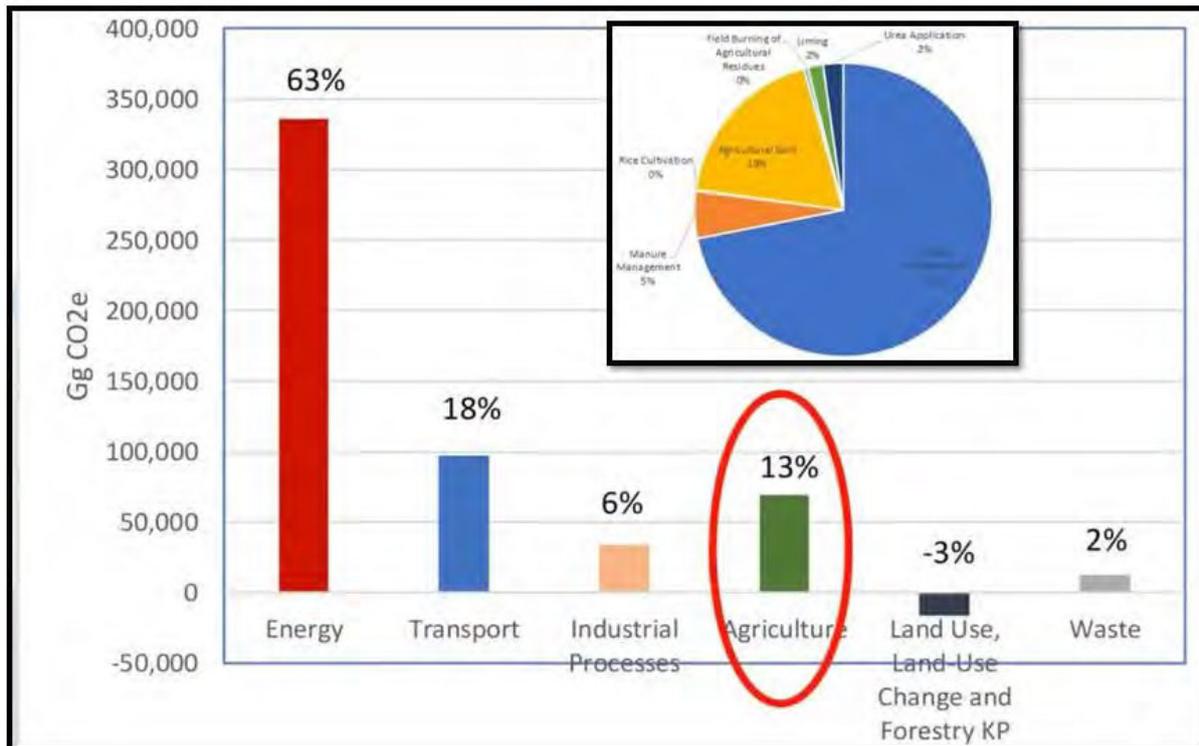


Figure: Australia's greenhouse gas annual emissions profile shows agriculture is responsible for 13% of the total. The agricultural emissions profile is dominated by enteric methane production from ruminant livestock which accounts for 72% of total emissions (inset). Source: Professor Richard Eckard, University of Melbourne, June 2019 webinar.

Holistic metrics for farm land require a radical broadening of what constitutes agricultural outputs especially in Macedon Ranges Shire where the trend in ownership is away from producing food and fibre in a commercially profitable business towards owning land for lifestyle, with no requirement for agricultural profitability.

It is important to recognise that the current trend in land ownership is likely to be transitory and future generations of land owners may change direction and utilise land of such high soil quality, total annual rainfall and relative rainfall reliability despite climate change, for food and fibre production more than for lifestyle. The key here is that the Shire's land use planning policy retains as much if not all of the current 135,000 hectares of farming zone and rural conservation zone in its present state and does not allow it to become rural lifestyle and residential land.

Today's decision makers on the Council can have no idea of the factors associated with climate, human population growth (in Victoria and the world), energy availability, biodiversity, human and animal epidemics that will come into play over the next century to change the need for local food and fibre production wherever there is space to grow it. Once land is lost to agriculture through housing, it is unlikely to be returned. Their decisions on land use will have impacts for generations to come.

Change of rural land use from agriculture to lifestyle should not be a permanent loss of land to future food and fibre production, rather a temporary change. Its return to agriculture if needed will require different management and the vegetation profile adjusted but the land is still available for the purpose.

In the meantime rural lifestyle use of agricultural land presents the shire with an opportunity to assist in meeting the local and Australia's objectives such as the ruminant meat industries carbon neutral status by 2030 and the state's net zero emissions by 2050. The Macedon Ranges Shire Council has a policy for zero net emissions from its own operations by 2030, but seems to have no emissions objectives for its farming, conservation, rural living and residential zones.

Its farming zone and rural conservation zone have enormous potential to become a major greenhouse gas sink while protecting and enhancing the region's biodiversity, opportunities enhanced by the current trend from agriculture production to rural lifestyle. The federal government's 2021 Agriculture Biodiversity Stewardship Package reflects the progress being made in this direction.

That's because the greatest opportunity for greenhouse gas sequestration, particularly CO₂, comes from abatement be it protecting and enhancing remnant vegetation or revegetation of previously cleared or naturally treeless land. Farming Zone areas 1, 2 and 3, and Rural Conservation Zone precincts 1, 2, and 3 have enormous scope for both these abatement processes in conjunction with agriculture or with lifestyle land use.

Lifestyle use of land which has food and fibre production capability is a missed opportunity for that purpose but for greenhouse gas abatement it can significantly out-perform farming. There are three reasons for this:

- * Lifestyle farmers have few if any ruminant livestock on their properties so the principal contributor to agricultural greenhouse gas emissions, methane, is not being generated on these farms by sheep and cattle.
- * Lifestyle farmers are more likely to revegetate paddocks, so depending on the extent this is undertaken, have the potential for their properties to become net greenhouse gas sinks or at least neutral.
- * Lifestyle farmers are not using farm machinery and fertilisers for pastures which have potential for significant greenhouse gas emissions such as CO₂ and NO₂.

Two University of Melbourne farm case studies with high and low productivity objectives highlight the importance of holistic thinking and management to achieve multiple outcomes for ecosystem functions, for greenhouse gas abatement and food and fibre production.

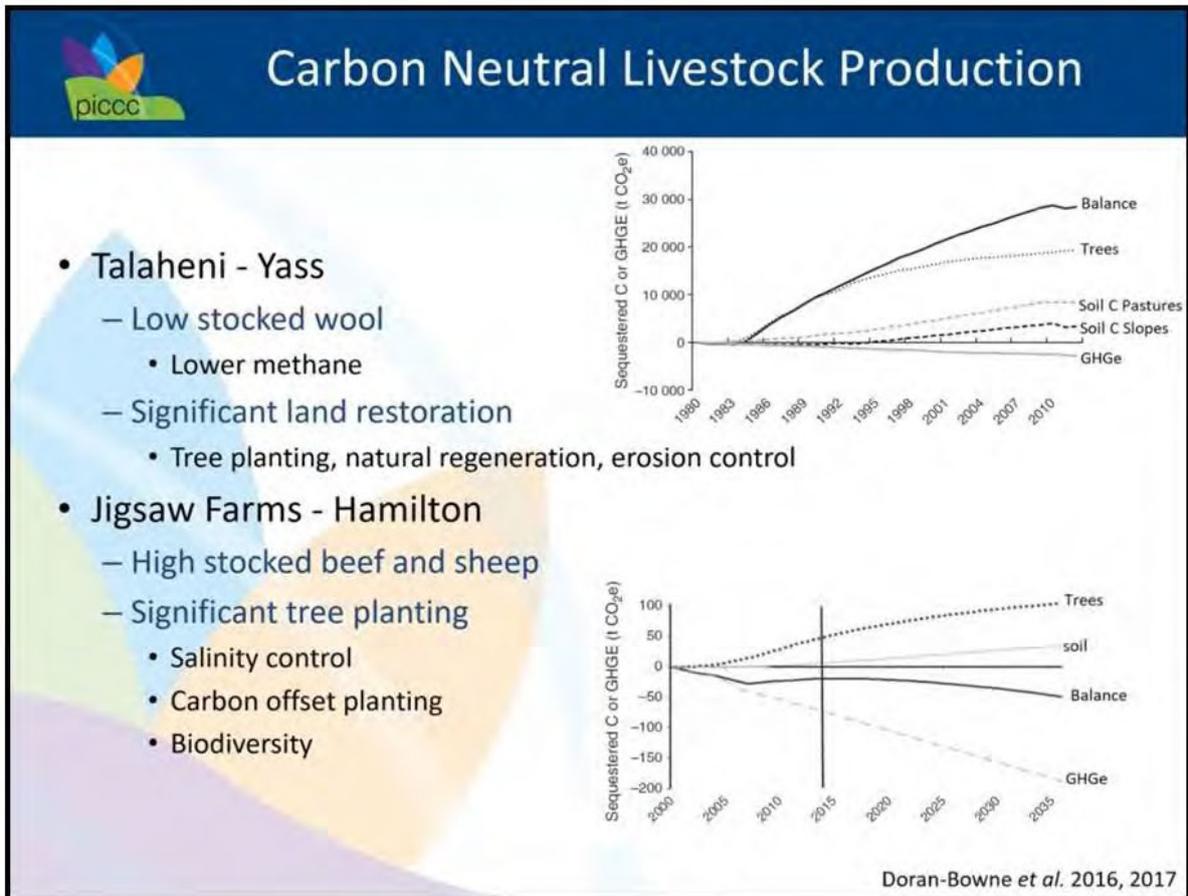


Figure: Carbon neutral livestock production is possible for large and small farms and even lifestyle farms when holistic thinking is implemented. In this University of Melbourne study the major impact on each farm's carbon sequestration balance was tree planting. It also positively impacted other ecosystem functions. Source: Professor Richard Eckard, University of Melbourne, webinar June 2019.

Lifestyle farming also has some unrecognised positives when it comes to maintaining and enhancing ecosystem functions across agricultural land in this Shire. That's because most of the Shire has relatively high rainfall (above 600mm annually), moderately long growing season rainfall, moderately mild temperature range, and potential for reasonable summer rainfall even with projections made for climate change impacts up to 2070. These climate features combined with soil type, soil pH and soil fertility have ensured the Shire has endemic perennial pastures species, bent grass, sweet vernal grass and Yorkshire fog grass.

Bent grass "hidden" value

In productive livestock farming businesses these are unwanted perennial grass species because of their low productivity, low palatability, and invasive and choking (legumes cannot compete) nature. Livestock farmers aiming for higher productivity per hectare as reflected in year round carrying capacity of above 12 dry sheep equivalents per hectare are regularly required to renovate pastures by re-introducing higher productivity perennials and legume species on which their livestock will grow

more efficiently and in the process reduce their greenhouse gas emissions per kg of live weight gain.

In contrast, lifestyle farmers' use of land is not constrained by these low productivity and palatability perennial grass species. Most have no interest in livestock production based on grazing these pasture species or if they do manage ruminant livestock on their properties the low livestock carrying capacity of 4 to 6 DSE/ha are considered satisfactory in a non-commercial setting and the animals can be given purchased hay and concentrates when insufficient pasture exists during drought seasons and cold, wet winters.

The value of these three low productivity pasture species is their ability to maintain a high level of ground cover year round and in drought years. Bent grass in particular excels in this respect as it spreads by seed and rhizomes and when lightly grazed or ungrazed forms a herbage mat over the soil. This protects the soil from water and wind erosion, and the soil food web (biology below and on the surface). Rainfall is also captured as the pasture mat and roots act like a sponge that collects and holds rainfall. Runoff water from these bent grass mat pastures is also usually clean as soil and manure is less exposed to erosion.

The persistence of these perennial grass species associated with landowners' lack of interest to remove them means most soils in which they grow have moderate to high soil organic matter and soil organic carbon (SOC). Soil testing conducted in association with two farmer discussion groups run by the Port Phillip and Westernport CMA in Macedon Ranges Shire shows bent grass dominant pastures have SOC above 4% which is considered high for the soil types and climate in the Shire.

The critical point is that while lifestyle land ownership is not supporting commercial agriculture, providing it is retained under existing policy settings which prevent further subdivision in both zones, it can act as an ecosystem functions "caretaker" until circumstances change and more high quality farming land is required for local, low food miles, low emissions food and fibre production. It is not difficult to convert low productivity perennial pastures into high productivity, low emissions for production via livestock or cropping or horticulture.



Figure: Lifestyle ownership in its current policy settings in the Farming and Rural Conservation zones can be an effective method for ‘caretaking’ farm land while its use for food and fibre production is not required. Left, bent grass dominated pasture with a livestock carrying capacity of around 4 - 6dse/ha and high livestock emission per kg of live weight gain. Right: Multi-species perennial pasture with legumes, herbs and grasses with a year round livestock carrying capacity of 14 – 16 dse/ha and low livestock methane emissions per kg of live weight gain. Conversion is not difficult but requires knowledge of pasture species, grazing management, and understanding of sources of farm greenhouse gas emissions. Photos: [REDACTED]

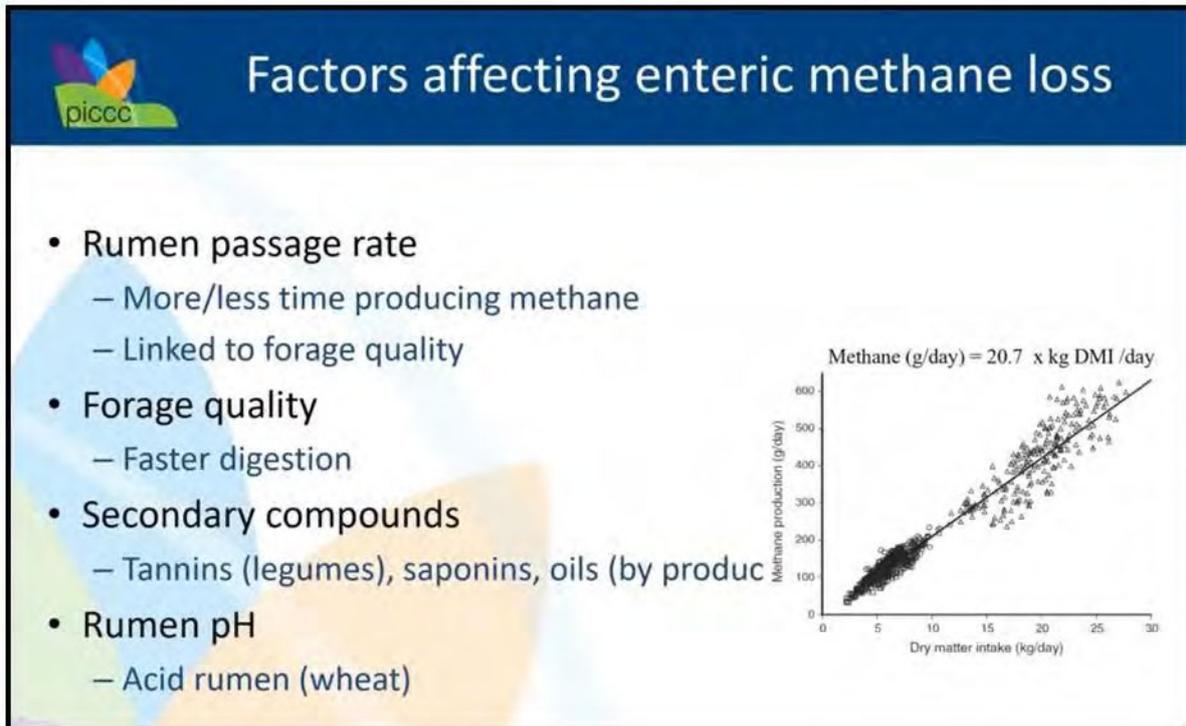


Figure: Existing bent grass dominant pastures in the Shire are low quality requiring high dry matter intake per kg of live weight gain and slow digestion, both adding to enteric emissions. In contrast high quality pastures have high nutrient density resulting in lower dietary intake per kg of live weight gain and faster digestion, both lowering emissions. Source: Professor Richard Eckard, University of Melbourne, webinar October 2019.

While bent grass, sweet vernal and Yorkshire fog grass have ecosystem function advantages for lifestyle farms they do have some negatives. Their invasive and surface mat characteristic is a negative for potential spread of native grass and forb species so plant species diversity is generally low. Another issue is their prolific seed head and organic matter mat can become a significant fire risk during summer as the plants senesce in January with hot weather and are not summer active, that is they have limited ability to regrow in response to small summer rainfall events. They will regrow with prolonged and high summer rainfall.

Macedon Ranges Shire has sufficient summer rainfall in most years to allow summer growing perennial grass, herb and legume varieties to be included in mixes or as specialist summer pastures. These summer growing pasture species like chicory and lucerne not only have high feed quality faster digestion but can also act a livestock fire refuge when a threat is approaching.



Figure: Lambs grazing lucerne chicory pasture in February. Not only does this pasture mix allow for minimum greenhouse gas emissions it also acts as a fire refuge. Compare the grass dominant pasture in the adjacent paddock with its dry fuel load. Photo: [REDACTED]

Carbon farming with tree planting

Farm forestry or tree planting policy for the shire is another important omission in the Farming Zone Review when it comes to embracing a wider definition of agriculture and for tackling climate change and achieving net zero emissions by 2030. Tree planting is the most practical method for landowners to be involved in carbon farming and it applies equally across the farming zone and farm conservation zone. The sort of tree planting that should be encouraged across the shire's 135,000ha of rural land can be described as small scale high value forestry or boutique forestry.

Alternatively, forestry can be conservation orientated to increase biodiversity and water quality with no harvesting. The difference between agro-forestry planting and conservation planting is the former involves silviculture to manage tree form and growth and fire prevention, while the latter involves no particular management and minimal fire prevention strategy.

University of Melbourne farm case study analyses have shown that farm forestry for timber or conservation purposes can sequester sufficient CO₂ to achieve carbon neutral or carbon sink status for a farm irrespective of agricultural enterprises involved. Low agricultural output farms and lifestyle farms which are increasing in the shire have enormous potential to become net carbon sinks through tree planting for forestry and/or conservation.

Cathy Waters Principal Research Scientist and Leader Climate Research (Climate Branch) NSW Department of Primary Industries, told a July 2021 Charles Sturt

University conference that tree planting in various forms provides an import mechanism for the livestock sector of offset methane emissions.

“This potential can be realised through the integration of on-farm sequestration with existing agricultural land use. For example, abatement estimates of ~ 17.9 Mt CO₂ e (between 2020 and 2030) can be achieved through tree planting (in NSW) e.g. direct seeding or planting tube-stock of mixed native species as shelter belts, forage shrubs or for rehabilitation of degraded areas. Targeted activities that enhance remnant vegetation, riparian areas and drainage lines, provide erosion control and reverse land degradation may positively impact livestock production. No single solution, but a portfolio of solutions is required to transition livestock industries to become a low (or possibly negative) emissions sector.”

Waters illustrated the impact tree planting can make on reducing emissions with a graph to show how it compares to other options such improved grazing management and application of biochar.

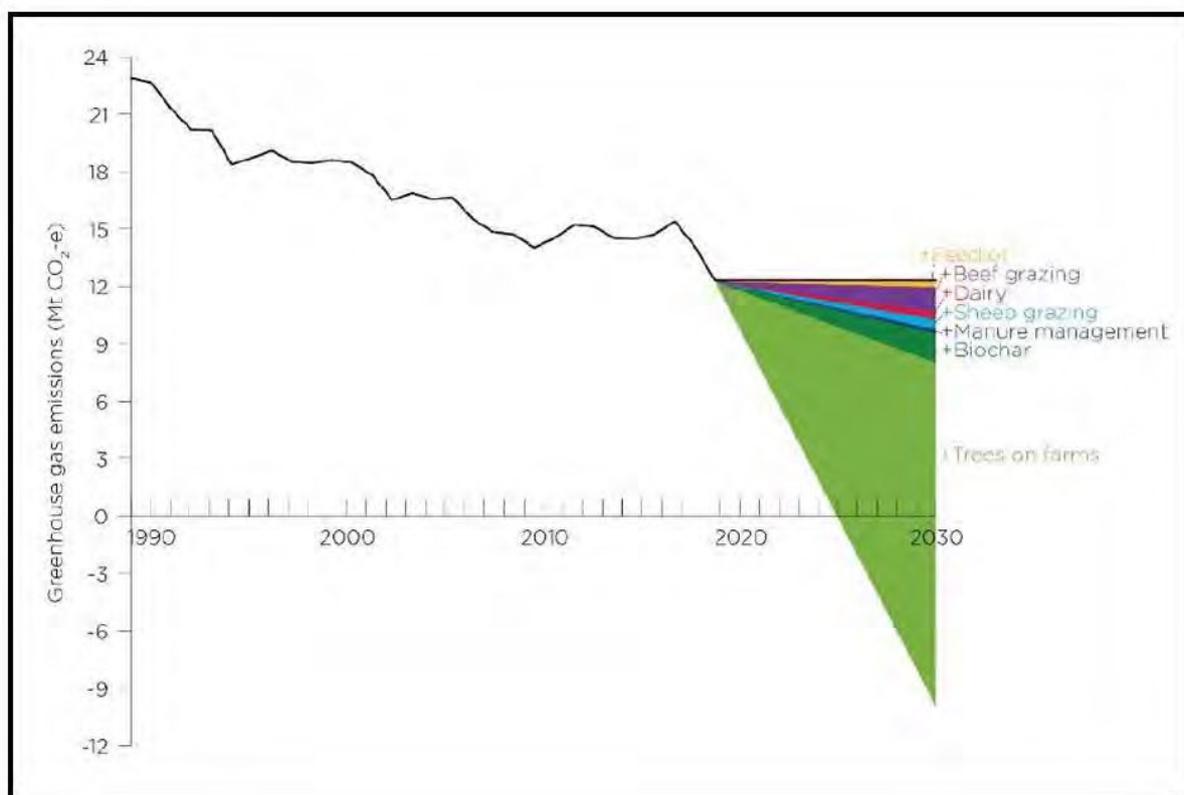


Figure: Long-term NSW emissions from enteric methane (black line). Predicted relative contribution of livestock emissions reduction and sequestration options. Livestock emissions reductions estimates are at 2030 and sequestration with trees on farms are cumulative changes from 2020 to 2030. Source: Cathy Waters Charles Sturt University Graham Centre conference, July 2021.

Waters also pointed out that carbon farming under the Federal Governments Emissions Reduction fund has seen extensive changes in land-use across Australia.

“Many land managers in western NSW and an increasing number of farmers in higher rainfall areas are entering carbon markets. The sale of Australian Carbon Credits (ACCUs) through the Federal Government’s Emissions Reduction Fund has helped ... increase revenue streams and diversify incomes.”

She said farmers don’t have to involve themselves in carbon markets to benefit from tree planting’s environmental benefits. Food products produced in conjunction with carbon farming provides potential market advantages through the production of premium priced products, environmental labelling e.g. Carbon Neutral Certification, or provenance labelling.



Figure: Two examples of carbon farming in the Macedon Ranges Shire farm zone. Left: Silviculture managed wood lot, pruned and thinned for high value timber products. Right: Riparian zone protection with conservation species planted both sides of creek plus additional forestry species planted on right side. These farms are making an important contribution to climate change abatement and biodiversity enhancement with and without traditional farming enterprises. Photos: [REDACTED]

Experience in the farm forestry investment industry in south west Victoria in the 1990’s and 2000’s demonstrated that farm forestry must be a balanced enterprise on any property so ecosystem functions are accommodated and not adversely affected by extreme implementation. The optimum balance for farm forestry and conservation plantings on pasture land is approximately 25% tree cover to 75% pasture or crop cover.

Landowners in the farm and conservation zones should be encouraged and even incentivised to plant up to 25% of their land area to trees for boutique agro-forestry or conservation or a combination of both. On properties with remnant vegetation already occupying 25% of the land area further tree planting may be inappropriate from a landscape and biodiversity balance and fire risk perspective.



Figure: Three carbon farming case studies in the Shire's farming zone areas 2 and 3 are already net greenhouse gas sinks as a result of tree planting over the last 20 years for conservation, agro-forestry, riparian zone protection and landscape amenity. The vast majority of the landowners in the shire whether farming or lifestyle are yet to grasp the opportunities around carbon farming (inset bottom right).

The Victorian government's Primary Production Climate Change Adaptation Action Plan 2022–2026 suggests farm-forestry is going to be important to meet growing domestic and global timber, pulp and fibre demand. That's because the Victorian Forestry Plan commits to phasing out native timber production by 2030. The plan recognises there are risks to growing trees associated with climate change, fire and ground water use but suggest local solutions are needed to overcome them. The challenges can be overcome so that the benefits of CO₂ sequestration in trees over the long-term become a realistic strategy for landowners as the Shire commits to combating the climate crisis.

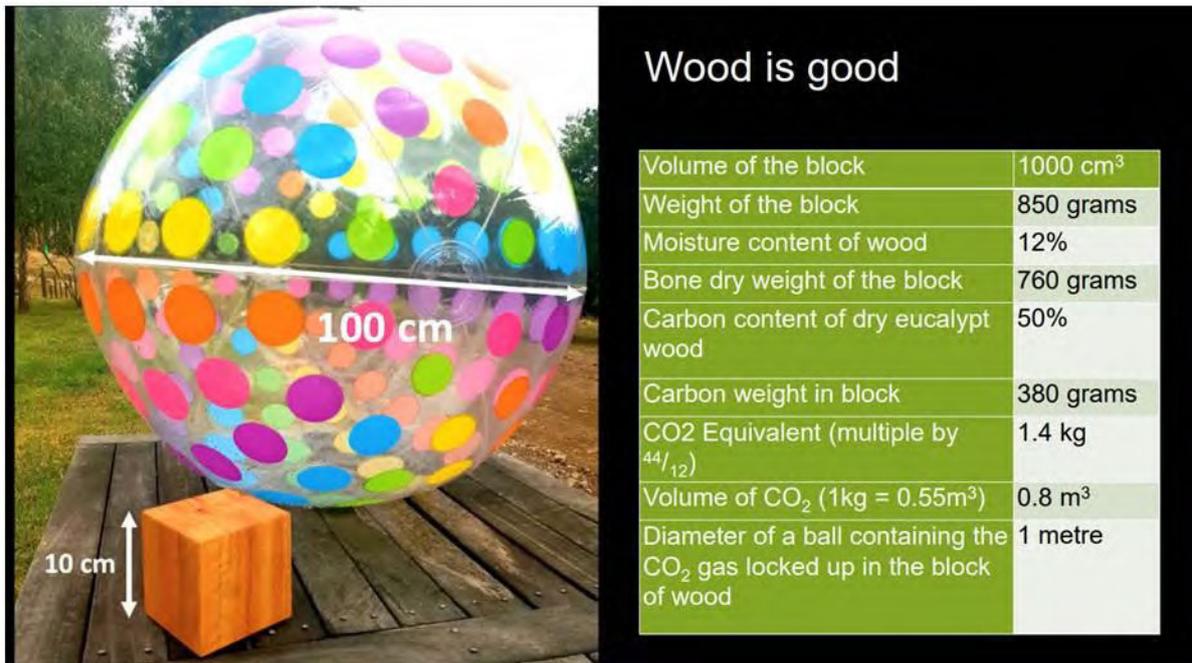


Figure: The importance of growing trees for timber and conservation to combat climate change is illustrated by University of Melbourne forester, Rowan Reid, with an analysis of the amount of CO_{2e} in a 10cm³ block of wood. Source: National Landcare Conference August 2021.

If farm forestry is adopted across the 135,000 ha in the farming and rural conservation zones there is a possibility that a carbon broker could assist groups of farmers to amalgamate forestry and conservation plantings to earn revenue through carbon markets and trade Australian Carbon Credit Units through the Federal governments Emissions Reduction Fund or on the private carbon market.

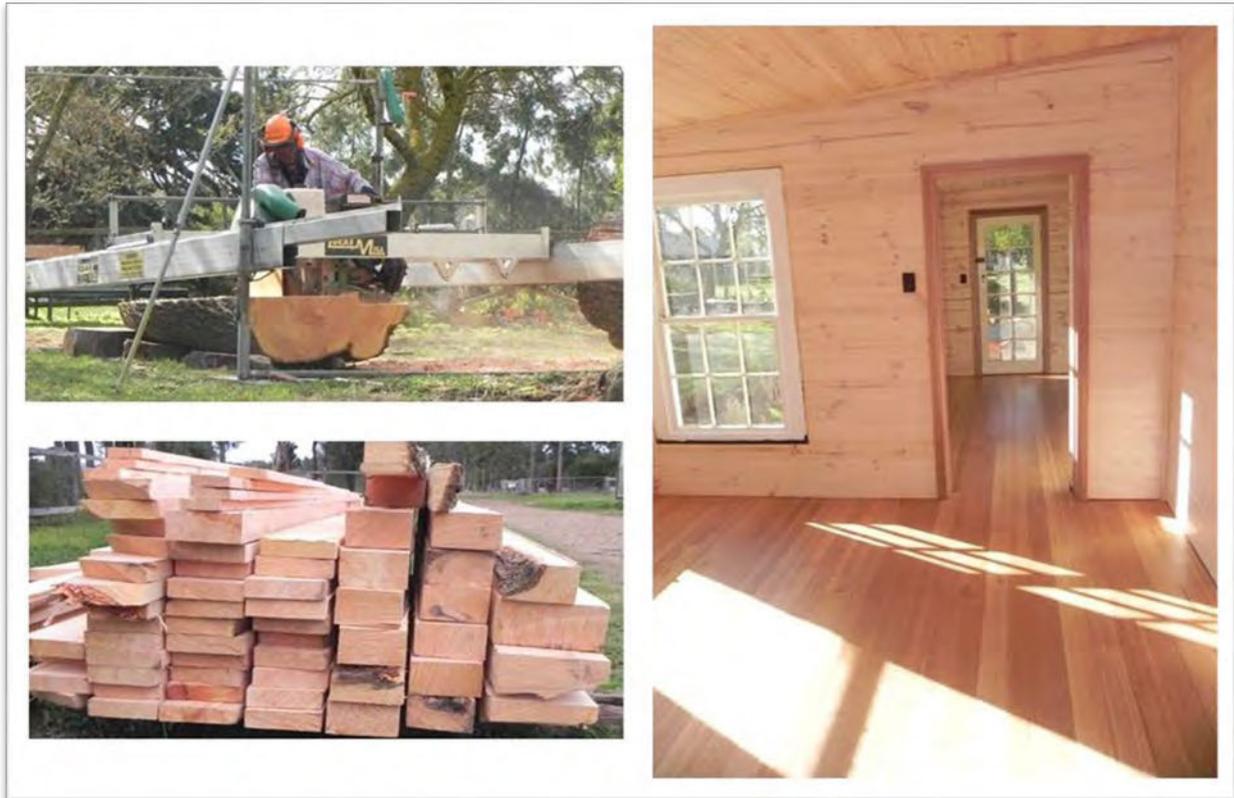


Figure: Portable saw mills are a game changer for small scale boutique farm forestry. Timber can be cut and dried on farm and used or sold for high value uses such as house floor boards and benches. Photos: [REDACTED]



The Draft Rural Land Use Strategy claims to make recommendations for promoting agriculture and protecting agricultural land. While the actions outlined help to protect rural land use from development they contain no effective avenues for uses such as carbon farming, biodiversity farming, low food miles, greenhouse gas abatement, climate resilient management and water quality.

It's strategic objective for agriculture states "Council continue to implement education, incentives and capacity building programs for rural landholders to encourage optimal and productive land management and reduce land use conflict." (page 23).

So far Council has been ineffective in capacity building as it lacks the holistic farming knowledge to achieve it amongst the majority of farming zone landholders who practice agriculture on a part-time or lifestyle basis. It has failed to reduce land use conflict by not educating new lifestyle and residential zone land owners about farming, biodiversity and greenhouse gas abatement issues associated with the farming zone. It has also failed to implement programs such as an Environmental Best Management Practice program which puts responsibility of landowners to manage land and water assets and not neglect them.

The actions for agriculture also includes "...an assessment of key local heavy vehicle routes and visitor touring routes and identify any changes required to improve safety for all road users". This is a bizarre action as most of the problems around service road use relates to the default maximum speed limit of 100km per hour which is too fast for safety of locals leaving and entering their properties, and for wildlife who cross roads and forage on their verges.

The agriculture objective outlines a difference between land use called “strategic agricultural land” and within it “productive agricultural land”. The basis on which this differentiation is undertaken defies agricultural science, soil science and climate science. The figure shows fence lines dividing farm titles as demarcation between productive and strategic agricultural, this is clearly nonsense because it has no scientific or productivity basis for the distinction. The reference to “productive agricultural land” within strategic agricultural land should be removed. All land can be productive but how productive should be based on scientific assessments.

The fact that the Draft Strategy nominates “strategic agricultural land” and “productive agricultural land” without any reference to climate change abatement highlights its focus is too narrow to assist with the way forward for rural land in the climate change era.



Figure: The demarcation between “productive agricultural land” and other “strategic agricultural land” is completely arbitrary and has no scientific, productivity per hectare, or climate abatement basis.

The Draft Strategy’s objective for Environment Hazards, Landscapes & Catchments recognises that many owners are poor managers of their land as identified in the 2019 and 2020 surveys. Council has not made any recognisable differences to these land owners’ attitudes. This Draft Strategy continues to ignore the situation.

It is interesting that it was recommended that council “support the establishment of major biolinks and enhancement of ecological connectivity by aligning council investment in environmental actions with community based projects.” While this may have happened with some biolinks council continues to resist protecting wildlife populations whose numbers have increased from vehicle road kill and injuries. Many landholders have adopted Land for Wildlife conservation programs to support biodiversity increase across the shire but without a reduction of the default 100km per hour speed limit on minor roads, animals will die or be injured.

Erecting road signs to warn drivers of wildlife have proven ineffective.

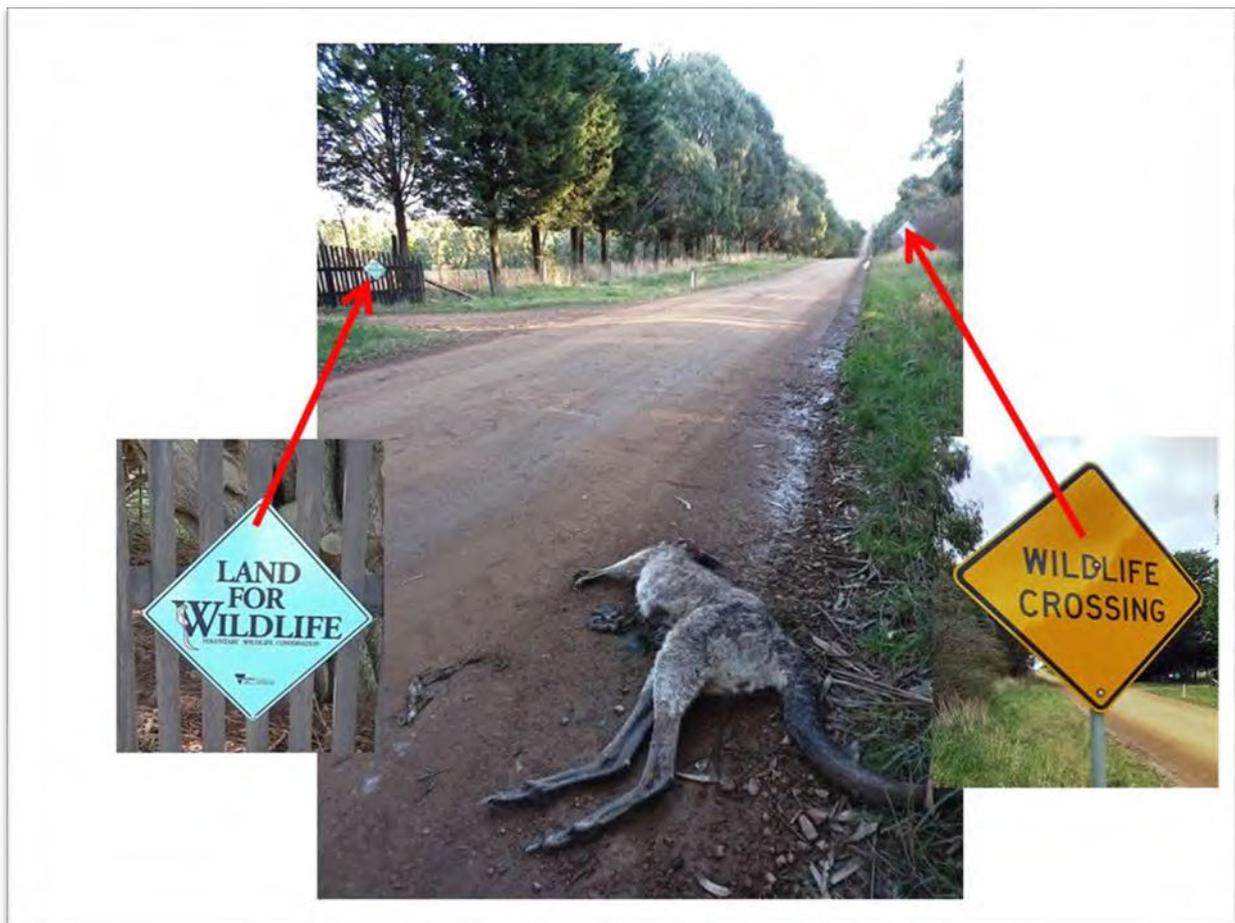


Figure: Despite encouraging wildlife protection and enhancement across farming and rural conservation zones through its Biodiversity Strategy 2018, Council has been ineffective in protecting wildlife from death and injury on minor rural roads which have a VicRoads imposed default 100km per hour maximum speed limit. Signage to alert drivers of wildlife on and adjacent to roads is ineffective with many landowners, town residents and tourists having no empathy with wildlife and understanding that at speed above 50km per hour it is virtually impossible to prevent a collision or run-over. Photos:

This objective makes reference to rural farmed landscapes “...as an important feature .. across the shire.” However there is no recognition for important landscape restoration which has taken place in parts of the farming zone where remnant

vegetation has been removed over the last 150 years. Revegetation in a range of forms such as conservation plantings and agro-forestry is an important component of rural land use but is not promoted apart from protecting remnant vegetation. In farming zone area 3 remnant vegetation is extremely rare.



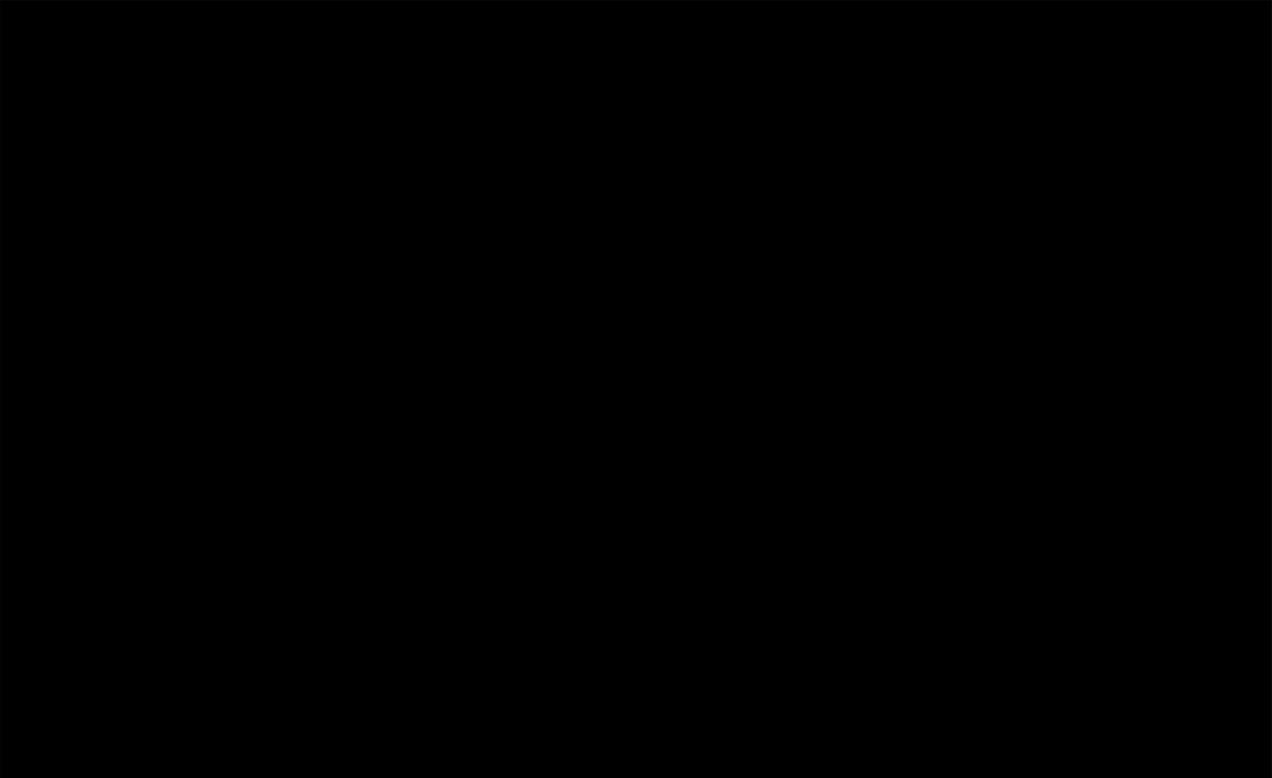
Figure: On most farming zone properties especially in area 3 remnant native vegetation is rare with most trees being pines and cypress hedges planted over the last 100 years. Some landowners have made multiple ecosystem functions improvements through revegetation for conservation and small scale agroforestry.

The environment objective refers to the importance of maintaining water quality within water supply catchments. However, there is no reference to rural land ground cover management to protect soil and nutrients being washed into creeks and rivers. Best practice land management promotes a minimum soil herbage of 1200kg of dry matter per hectare plus a minimum 70% soil cover with plant crowns and residue. No advice is provided to land owners about meeting these two requirements irrespective of what purpose the land is used for.



Figure: Two contrasting approaches to land management during a dry summer/autumn, March 2009, in the shire. Top: livestock stocking rate exceeded paddock carrying capacity for months and all surface cover has been removed so wind erosion is extreme and potential for thunderstorm soil water erosion is high. Bottom: Same day in March 2009 on a farm where paddock livestock stocking rate has been matched to paddock carrying capacity over summer and autumn ensuring ecosystem functions are protected and livestock welfare maintained. This pasture contains around 2000 kg pasture dry matter per hectare.

The objective also fails to recognise that the council's gravel road maintenance program contributes to significant creek water pollution. With an increasing population across the farming and rural conservation zones and in towns more drivers are using minor roads and their surface integrity is under constant pressure. The default 100km per hour speed limit on these road speeds up gravel surface degradation so council is constantly grading and resurfacing roads (often responding to driver complaints). The impact of rainfall after such maintenance is rainfall runoff picking up colloid and depositing it in the closest waterway. Slower maximum vehicle speed and less road maintenance are required to prevent water pollution from this source.



The Rural Land Use strategy action suggestion for best practice land management fails to understand that good land management provides its own ecosystem function and land productivity rewards. For instance ensuring livestock paddock stocking rate does not exceed paddock carrying capacity means pastures will be climate resilient, rainfall infiltration will be improved enhancing pasture growth, and the soil food web will remain vibrant irrespective of rainfall and contributing nutrients for pasture growth. Planting trees for conservation and agroforestry improves across farm landscape amenity, provides shade, shelter and food sources for livestock, bees and wildlife. These are often referred to as co-benefits best practice land management.

In Strategic Objective 3 Equine, an additional strategy should be the establishment of strategic horse manure composting facilities. Many horse farm and most training establishment owners collect manure for animal health and pasture management. The manure is usually stored in pits on site with little or no bunding to prevent nutrient loss into waterways. As well the manure is not regularly aerated, becomes anaerobic and a source of greenhouse gases and smell. An opportunity exists to collect manure as part of the Council organic recycling program and convert it into valuable compost for sale back to district land owners.

A new Rural Activity Zone

The Rural Land Use Strategy proposes an additional zone the Rural Activity Zone in part of the Farming Zone. This is unnecessary. Its proposal highlights the lack of understanding of holistic thinking now required with rural land use irrespective of the zone name. It also reflects the Strategy's historical outlook rather than a long-term view of how rural land use across the shire is changing in response to emerging impacts including climate change, population increase (peri-urban, Victoria, world), local food production demand, and demand for natural capital enhancement.

The justification for a new Rural Activity zone in the north east of the Shire between Woodend, Malmsbury and Tylden is unconvincing and possibly detrimental for the shire

To suggest that “The Farming Zone is no longer considered the most appropriate Zone for this area as agriculture, while a dominant land use, is mostly ancillary to the primary land uses including rural lifestyle and tourism” is an admission the authors views are out of touch with the future challenges of climate change, enhanced ecosystem functions, and landscape amenity. Even more concerning with this statement is the lack of clarity around what “...primary land uses...”are. How are land uses for lifestyle and tourism any different to land uses for agriculture in terms of climate change abatement and supporting ecosystem functions? Are these more or less important for lifestyle and tourism compared to agriculture?

The assertion behind this new zone is that if land use is predominantly for lifestyle or tourism instead of agriculture then there are different requirements to meet the challenges of climate change, enhanced ecosystem functions, and landscape amenity. That is a mistake as all land owners have the same shared responsibilities, scale or enterprise is not an excuse for neglect.

The zoning policy direction suggested in the Strategy is critically important to enable land uses for the above mentioned impacts but the two are not synonymous. The land uses of the future are achievable across zones irrespective of how they are named provided the threats to use such as rural land subdivision below 40ha, fewer restrictions on home and building permits, and fewer restrictions on activities unrelated to agriculture and nature (e.g. airfields, dirt bike tracks, horse stables and indoor arenas, industrial equipment storage). The key for zoning in peri-urban Macedon Ranges Shire is ensuring the land is not built on and sub divided so that its future use for food production, nature enhancement, and combating climate change is compromised.

The lack of understanding between zone policy and rural land use is reflected in a key word search in the Strategy for food production, climate change and environment, table 1.

Table 1: Incidence of key words in the Draft Rural Land Use Strategy 2021

FOOD PRODUCTION	#	CLIMATE CHANGE	#	ENVIRONMENT	#
	1		14		149
Soil cover	0	Emissions Reduction Fund	0	Land for Wildlife	0
Food miles	0	Australian Carbon Credit Unit	0	Biodiversity credits	0
Quality assurance	0	Fossil fuel	0	Weed	7
Soil carbon	0	1.5C warming	0	Agroforestry	0
Soil food web	0	Net zero emissions	0	Land stewardship	0
Soil biology	0	Ruminant emissions	0	Road kill	0
Soil nutrients	0	Methane	0	Vehicle speed	0
Soil	3	Nitrous oxide	0	Rabbits	1
Soil water holding	0	Carbon farming	0	Fox	0
Soil structure	0	Climate emergency	0	Feral cat	0
Soil erosion	0	Abatement	0	Kangaroo	0
Pasture cover	0	Carbon broker	0	Pest animal control	0
Pasture species	0	Carbon sequestration	1	Environment Best Management Practice	0
Crop species	0	Carbon dioxide	0	Stewardship	0
Agronomy	0	IPCC	0	Revegetation	1
Soil nitrogen fixation	0	Soil carbon	0	Remnant vegetation	4
Direct drill	0	El nino	0	Direct seeding	0
Perennial grasses	0	La nina	0	Ploughing	0
Pasture legumes	0	Indian ocean dipole	0	Tree	0
Soil pH	0	Drought	0	Shrub	0
Stocking rate	0	Fire	49	Native grass	3
Carrying capacity	0			Ecosystem functions	0
Livestock welfare	0			Algal blooms	0
Climate resilience	0			Natural assets	1
Property water supply	0			Dam water quality	0
Landscape amenity	1			Mental health	0
				Biodiversity loss	0

This table reflects how far away the Draft is from a land use strategy. The fact that food production is only mentioned once for a shire with around 135,000 hectares of rural land highlights the strategy's concentration on contemporary use rather than future opportunities. Even when the environment is mentioned 149 times there are no details about what land uses are involved to enhance the Shire's environment.

Climate change abatement initiatives are neglected nearly as much as food production with only 13 mentions with the major interest in this regard being fire protection. While fire minimisation and protection of assets is important the causes of increased fire risk must also be addressed with IPCC world consensus that climate warming must be restricted to 1.5C by 2050. Rural land owners have a particularly important role to play in meeting this objective.

Conclusion

The draft Rural Land Use Strategy stated at the start that it "...will need to provide a framework to:

Prioritise and balance rural land use aspirations.

Respond to local circumstances and communities.

Clarify the land use and development opportunities for rural land."

It has failed to achieve these three objectives.

Whose rural land use aspirations are being considered and over what time frame are not stated? Are aspirations different between zones?

There are few responses provided to local circumstances and communities other than the status quo with no initiatives associated with food production demands over the next 50 years. There have been no responses suggested for land uses which can achieve climate change abatement, an issue declared by the Shire as a climate emergency.

There has been no clarification about land use and development opportunities across food production, climate change and the environment.

This Draft Strategy provides land owners in the farming and rural conservation zones with little comprehension of what is expected as to their opportunities and responsibilities into the future. This is no longer a reasonable approach as the amount of land in the Shire is finite and its stewardship cannot be ignored or preferred depending on the zoning involved.

Attitudes and expectations for rural land use are shifting from a narrow personal rights focus to becoming empathetic custodians for future generations so that nature, food production and landscape amenity are enhanced and protected while implementing actions to counter climate change.

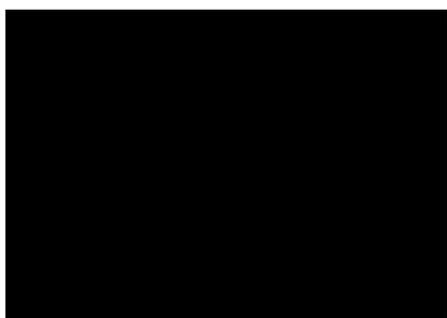
From: [REDACTED]
To: [Strategic Planning](#)
Subject: RE: [REDACTED] to the Draft Rural Land Use Plan
Date: Saturday, 4 September 2021 11:12:40 PM
Attachments: [REDACTED] [Use Strategy.docx](#)

Dear Strategic Planning (it would be nice to have the name of a person),
The Federal government's Clean Energy Regulator has just released information about a new initiative for the Emissions Reduction Fund Environmental Plantings methodology which is relevant to future rural land use in the Macedon Ranges Shire.

I have attached a short description of this initiative for inclusion in my submissions. Could you include it to my submission on page 28 or would you like me to email an updated submission with the addition include?

Sincerely

[REDACTED]



From: Strategic Planning [mailto:strategicplanning@mrsc.vic.gov.au]
Sent: Tuesday, 31 August 2021 3:47 PM
To: [REDACTED]
Subject: [REDACTED] submission to the Draft Rural Land Use Plan

Dear [REDACTED]

Thank you for your submission on the draft Rural Land Use Strategy (RLUS), it has been registered and you have been allocated Submission No. 27.

The content of your submission has been noted and will be presented to Councillors for their consideration, along with all other submissions, prior to any decision being made on what to do next with the RLUS.

We will keep you updated regarding progress of the RLUS project. Please be aware that copies of objections, letters of support, or submissions received by Council in relation to the RLUS will be made publicly available with any identifying information removed.

Yours faithfully,

Strategic Planning

Macedon Ranges Shire Council
T 03 5422 0333 | E strategicplanning@mrsc.vic.gov.au | W: www.mrsc.vic.gov.au

Working Together | Honesty | Accountability | Innovation | Respect

Macedon Ranges Shire Council acknowledges the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, present and emerging.

Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.

From: [REDACTED]
Sent: Thursday, 26 August 2021 10:08 AM
To: Strategic Planning <strategicplanning@mrsc.vic.gov.au>
Subject: [REDACTED] submission to the Draft Rural Land Use Plan

Hello,
Please find attached my submission in response to the Draft Rural Land Use Plan 2021. Please reply by email that the submission has been received.

Sincerely

[REDACTED]

[REDACTED]

Addition to [REDACTED] Use Strategy submission

4 September 2021

A new initiative to financially support small landholders participation in carbon farming was announced by the Australian Government's Clean Energy Regulator in early September 2021. It is relevant to Macedon Ranges shire farming and conservation zones as it is encouraging environmental plantings under 200ha in blocks and belts. It opens the potential for small landholders to amalgamate plantings with the support of a carbon broker and generate income through the Emissions Reduction Fund.

Initially a pilot program, it was introduced as an expert panel advising the Regulator "...identified substantial administrative and financial barriers that restrict accessibility and participation of smaller-scale projects in the ERF ... which can create challenges for farmers and other landholders whose core business is not undertaking carbon abatement projects."

As a result of the review the Regulator accepted "...several recommendations to reduce transaction costs and encourage greater uptake of ERF projects by farmers and small landholders."

The environmental planting method involves planting native species (by tube-stock or direct seeding) to establish new and permanent forest cover. A project area must have been clear of existing forest for a minimum of five years. ACCUs are issued for the carbon stored in the trees as they grow, estimated using the Full Carbon Accounting Model (FullCAM). The method is particularly relevant to landholders in the east and south of the shire where pasture land predominates.

While participating landholders can diversify income through the Emissions Reduction Fund, eligible native tree planting projects provide the wider shire with ecosystem services co-benefits such as restoring degraded land, increasing plant and animal biodiversity, increasing soil carbon, increasing soil water holding capacity, improving river and creek water quality and improving landscape amenity. The block and belt plantings will also provide shelter for livestock and pastures which will help boost productivity per hectare.

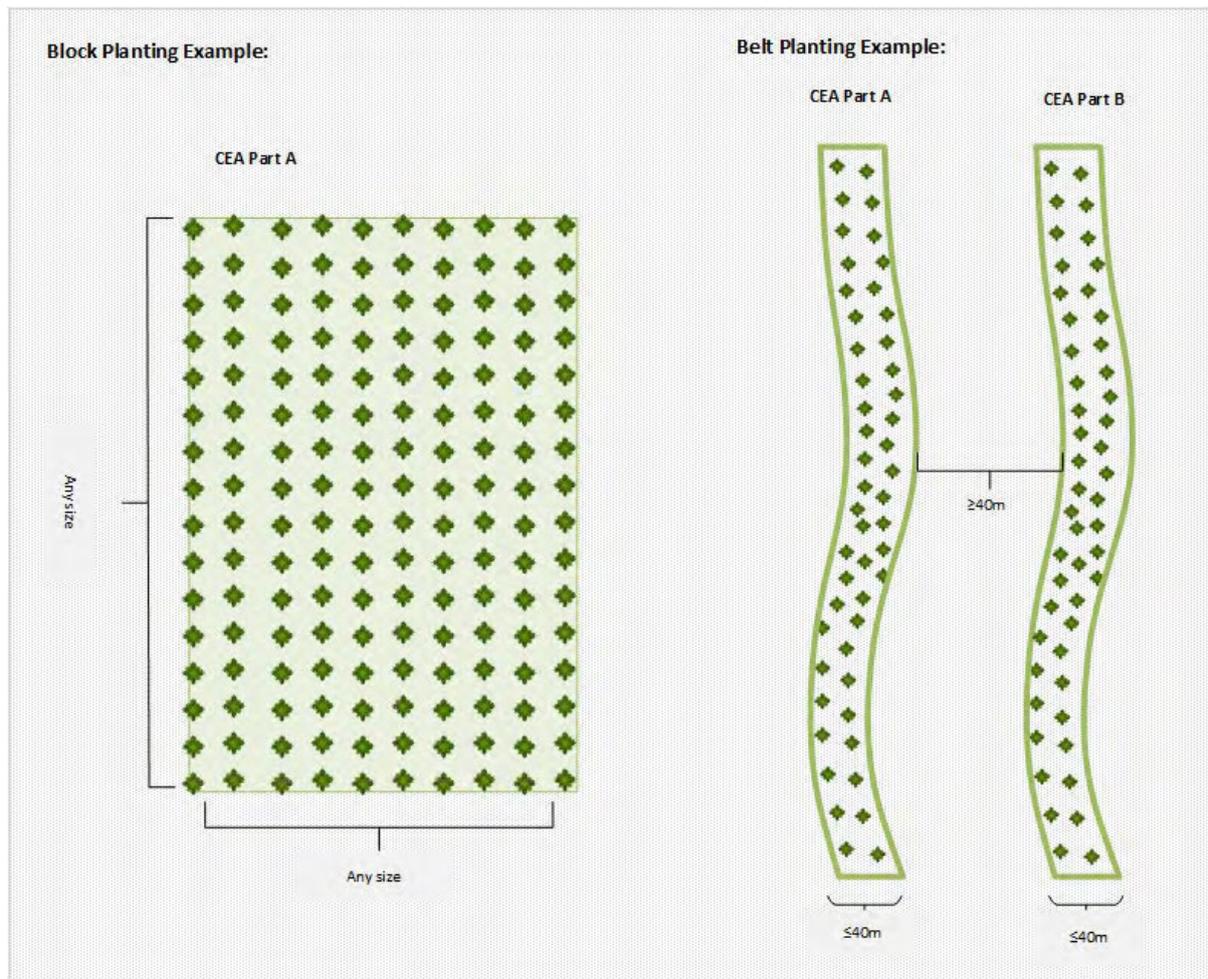


Figure: In the ERF new environmental planting pilot for small landholders block plantings can be in many different configurations including being planted in strips or alleys to follow fences or ridge lines to provide shelter to stock – the “belt” restrictions in the model apply more to how far apart the trees are planted from each other than the actual shape they are planted in. Source: Clean Energy Regulator, Streamlining the Emissions Reduction Fund – Environmental Plantings Pilot.

From: [Redacted]
To: [Leanne Khan](#)
Subject: FW: [Sender Unverified] Updated Environment Strategy feedback
Date: Thursday, 26 August 2021 7:58:04 AM

Hi Leanne,

I think this submission was intended for the Rural Land Use Strategy. Can you please pass it on to the relevant member of your team?

Thanks!

From: Macedon Ranges Shire Council—Do not reply <noreply@openforms.com>
Sent: Wednesday, 25 August 2021 7:15 PM
To: environment <environment@mrsc.vic.gov.au>
Subject: [Sender Unverified] Updated Environment Strategy feedback



Updated Environment Strategy feedback

Have your say	
Please share your feedback on the updated	<p>Please comment</p> <p>I disagree with the rezoning of land around Hanging Rock, this area is a significant environmental site and should remain a rural conservation zone.</p> <p>The Macedon Ranges community have fought long and hard for it to remain a rural conservation zone, when the government purchased this land it opened up the 'so called ' need to change the environment strategy. It will enable; conference and reception businesses close to the Rock, camping and caravan parks and places of assembly . A Farming Zone will destroy the native plants, grasses and shrubs and the increase in human activity will effect the fragile native animal population.</p> <p>The 'mixed use' which is down graded from Farming Zone will</p>

Environment Strategy:	<p>promote commercial and non-agricultural land use which will include pubs, bars, convenience shops and cooking schools. this strategy is about changing the use of land not benefiting the environment but rather those that can gain through economic development as a priority.</p> <p>this is a Distinctive Area and Landscape one which is an integral part of the view when travelling through our beautiful Macedon Ranges. Do not change our environment by changing our strategy to benefit financial means rather than protecting our unique and magnificent environment.</p>
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If you would prefer, you can also upload a written submission here	
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Tell us about you	
First name	
Last name	
Address	
Town	
Postcode	
Phone	
Mobile	
Email address	
How did you find out about this?	

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Comments on draft strategy
Date: Monday, 30 August 2021 8:09:08 AM

hi there, the draft looks pretty good to me. The survey results don't reflect the occupancy % in our rural area in the west of the shire, not many of the townies ever live or visit here, fences havent been repaired since the storm, and the gorse is out of control in alot of areas.

We are relatively new to the area, in RCZ [REDACTED] ha, running some sheep and cattle, actioning the land management plan, and recently have occupancy certificate in small house. I understand the competing interests of rural land use.

A bit off topic, in the forum a speaker mentioned 'impediments' for farmers, which reminded me that to create a hayshed (for e.g.) i have to do the fullblown planning permit (and the \$1200 approx application fee), which imho is an obstacle to something that is a basic requirement for stock feed, as long as i stick to safe construction, not unsightly, not zinc roof etc etc.

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Submission to Draft Land Use Strategy
Date: Thursday, 26 August 2021 7:41:17 AM
Attachments: [Strategic Planning submission.docx](#)

Please find attached my submission.

Regards

[REDACTED]

Sent from [Mail](#) for Windows

To the Strategic Planning Team
PO Box 151
Kyneton Victoria 3444

strategicplanning@mrc.vic.gov.au

Re: Draft Land Use Strategy

I'm writing this letter to voice my concerns about the Rural Land Use Strategy draft that seeks to update the policy direction for rural land in the Macedon Ranges Shire. In particular I take exception to your proposal, "that the minimum lot size for subdivision be 100 ha, as is currently the case for the majority of rural land in the Farming Zone." You want to take away our rights to develop on 40 ha as you have already done on crown allotments.

I point out that you do not care about existing farmers and the years they have spent improving the land as you admit that, "This lot size minimum is set, not to reflect the size of an average farm enterprise, but to break the nexus between subdivision and dwellings and afford Council the opportunity to ensure that a new dwelling in the Farming Zone is genuinely required for an agricultural purpose. Subdivision to create lots for new dwellings will be directed towards existing settlement, and away from rural areas."

I have been farming in this area since [REDACTED] When I came here the land was degraded and unproductive. In those days the vermin were rabbits. Now it is kangaroos which are out of control, eating crops, damaging fences and causing road accidents. Times have changed and where once stock could be moved along the road from [REDACTED] this is no longer possible due to the heavy traffic.

The Council is seeking to turn back the clock by imposing an arbitrary 100 ha requirement for planning rights to build. It is too late. The horse has bolted. Subdivisions of suburban proportions exist in Romsey, Lancefield, Woodend, Kyneton etc. More are being built outside Sunbury. The traffic will not disappear and increased population will not be managed by imposing subdivision restrictions on existing farms. The subdivisions at Romsey practically border my land.

If the Council really wants to consider the environment, they could look at mandating environmentally sustainable houses with green spaces. They could also look at managing our waterways better. An example is the long-term neglect of the Deep Creek. In 1985 I wrote to Romsey's water board regarding a hillside seepage from the sewerage farm. Nothing was done about it for years. Now the sewage farm is three times the original size. Due to the Council's lack of foresight in planning for overpopulation in Romsey and Lancefield, last year Western Water wanted to discharge water directly into the Deep Creek. Rather than restricting farmers' rights, the Council should be looking hard at the management of Western Water which recently "irrigated" surrounding land in the wettest winter we've had for decades.

Farming has now thankfully become more sustainable thanks to a rise in export demand. However, small-scale farming which is currently viable in the Macedon Ranges is threatened by the Council's consequential effect of lowering property values. These retrospective planning permits are also damaging to the mental health of hard-working farmers. It takes a lot of hope and effort to maintain a productive farm. In the era of the 50s and 60s the worst form of land ownership was absentee landowners. This is what your "draft proposal" will encourage.

Yours sincerely

[REDACTED]

From: [REDACTED]
To: [Strategic Planning](#)
Subject: MRSC Draft Rural Land Use Strategy - submission
Date: Wednesday, 25 August 2021 4:47:02 PM

Good afternoon,

I would like to make the following submission on Council's Draft Rural Land Use Strategy .

THE GOOD

1. Dwellings in the Farming Zone: The draft Strategy is closing a loophole that has allowed houses to be built on lots over 40ha in the Farming Zone without a planning permit (note that the State government is already proposing the same thing in its current review of Green Wedges and peri urban areas).
2. 100ha minimum subdivision size – Farming Zone: In principle it would be a good move. Currently the Farming Zone has two minimum subdivision sizes: 100ha across the north and west, and 40ha everywhere else. The Strategy confusingly mixes these up, so that when it says the 100ha minimum will be retained in the Farming Zone, the whole thing is really unclear.
3. Some small areas rezoned from Farming to Rural Conservation Zone (Figure 9, page 34): These are along the Shire's western boundary between Tylden and Lauriston, at Pipers Creek, and near Baynton. These are said to reflect biolink areas but are a poor return on the draft Strategy's demolition of the Cobaw Biolink (see 4 below).

THE BAD

The following changes are the greatest threat in decades to the integrity of the Shire's rural areas, natural resources, landscapes and environment.

4. Rezoning Rural Conservation Zone around Hanging Rock and in the Cobaw Biolink to Farming Zone – see maps: page 12 existing, page 52 proposed rezones (affects the area between Romsey Road (Woodend) north to the Cobaws, and from the Calder Freeway almost to Lancefield) . In the past, Council referred to this "The Range and The Rock" area as the Shire's most sensitive. It includes the land surrounding Hanging Rock, the Cobaw Biolink, 2 drinking water catchments and some critical landscapes and biodiversity values. For almost 20 years it has all been zoned Rural Conservation (which prioritises environment and landscape), but the Strategy is rezoning it to Farming Zone (which prioritises agriculture but also allows some other "heavy" uses).

Regardless of flora, fauna and habitat values, the draft Strategy proposes to replace the Cobaw Biolink's Rural Conservation Zone (RCZ) with Farming Zone (FZ) and a new overlay (the overlay can only address development, not how the land is used). The Farming Zone's focus is agriculture and it allows a lot of agricultural-related uses without a permit (including cattle feedlots) and other non-agricultural uses (including places of assembly) with a permit that aren't allowed in the Rural Conservation Zone. This change will be disastrous for that area's sensitivity and its unique values. And after all this, confusion prevails again as the draft Strategy says at page 50 "The Rural Conservation Zone will be retained where it currently applies and to identified biolinks."

- This seems to be an unnecessary and from an environmental/biodiversity

perspective a retrograde step

- While the draft strategy says the biolink will be protected using a special significance overlay, it will result in less protection. It is very hard to control how people manage their lands in farm zones. It will allow other uses on FZ land - for example warehouses, feed lots, caravan parks etc
- It will impact one of the most important regionally significant biolinks in the region, connecting the Cobaw Ranges to the Macedon ranges – an important North South and altitudinal connection required for species to adapt to climate change.
- The plan should be strengthening and expanding RCZs not removing them. The plan must retain the Cobaw Biolink in the RCZ.

5. The draft Strategy introduces the Rural Activity Zone to Macedon Ranges and applies it to about a third of the Shire's Farming Zone – see maps: page 12 existing, page 52 proposed rezones (affects an area from Tylden to North Woodend to Newham, to Pastoria to north of Malmsbury). The draft Strategy essentially tosses its hands in the air, saying despite there being some Class 2 soils this huge area is too fragmented, has too many houses and not enough "commercial" farming to justify remaining Farming Zone. Instead the draft Strategy unexpectedly labels it a tourism area, showing Malmsbury and Woodend as "significant tourism nodes" (page 41).

The Rural Activity Zone is only sparsely applied across Victoria. It's a "mixed use" zone. It does not share the Farming Zone's focus on protecting agriculture and soils or the Rural Conservation Zone's focus on protecting environment and landscapes but instead promotes "other uses", allowing non-agricultural and commercial and urban development, including bars, pubs, schools - primary, secondary, tertiary and employment training and convenience shops. All of the land affected by this change is drinking water catchment, and about half of the area is immediately upstream of the 3 reservoirs that provide Kyneton, Malmsbury and Castlemaine with their drinking water. Whereas existing policy carefully balances agriculture, landscapes and water catchments ("Agricultural Landscapes"), the draft Strategy's policy refers to the land being in the Eppalock water supply catchment then supports dwellings and non-agricultural uses in there. The draft Strategy says the Rural Activity Zone isn't a quasi-rural-residential zone, but in several areas this characteristic is referenced as a function of the zone, and the draft Strategy supports dwellings in its policy. The change to Rural Activity zone and these new policies will be the first time in the history of planning in this area that protection of water catchments and reservoirs isn't the priority.

- It's very hard to see how this won't result in a quasi-Rural Living Zone and result in a proliferation of houses. The area has a business focus, homestays/accommodation etc. Large 'one off' tourism developments have been raised potentially being allowed. The document is vague about what will and won't be allowed in this zone – it does not define criteria for allowing dwellings – saying all dwellings will require a planning permit which will be assessed by Council.
- It notes that a 'local policy will guide assessment of planning permits for dwellings and discretionary uses' – this gives council far too much discretion – it could be open slather for houses (perhaps argued to be needed to develop a tourism business and then put over to private use).
- This is not a forward thinking document for the times we are in. There is little reference to climate change adaption in it – for example regenerative agriculture,

small-scale local food production systems/food security, nature conservation/biolinks. Instead it has a focus on corporate agriculture, which really isn't highly relevant to this area.

- The draft weakens biodiversity protections yet states that the region's natural values are very important and central to why most people chose to live here or visit here. The reason we have a biodiversity crisis is that nature always comes off poorly – and strong government leadership/legislation/planning is a big part in turning this around. Land use planning should ensure no future loss of biodiversity and its repair and expansion. This strategy ensures neither.
- There seems to be no real need for the equine industry to have its own central pillar in the plan. The council no longer has an equine strategy, so it is unclear why it is brought to such high prominence in this strategy.

6. The draft Strategy's Strategic Objectives for Rural Areas

There are four: Agriculture; Environment, Landscape, Hazards and Catchments; Equine; and Rural Tourism (page 20). The environment objective starts off with "The environment and landscape values of Macedon Ranges contribute greatly to its attraction as a place to live and work." Priorities for environmental protections aren't evident while priorities for the other three are. Two of these objectives (Equine and Rural Tourism) don't belong there as objectives.

7. Selective Strategic Agricultural Land (page 24)

Unsurprisingly, the draft Strategy decides most of the land being rezoned to Rural Activity Zone is not "Strategic Agricultural Land" but confusingly, as well as what's left of the Farming Zone, it also shows some Rural Activity and some Rural Conservation zoned land is Strategic Agricultural Land. Clear as mud. Whichever way you cut it, neither circumstance seems aligned with what the State government proposes to classify as "strategic agricultural land". The draft Strategy in fact doesn't seem to be aware of the State government's current review of Green Wedge and peri urban land, but it should be because some big changes are on the cards that will affect what the draft Strategy is doing and this omission will further date and undermine the draft Strategy.

8. The draft Strategy's Rural Framework and Rural Policies (affects all Farming, Rural Conservation and Rural Activity Zones in the Shire)

Farming Zone Subdivision policy (page 43) - Only the Farming Zone is being provided with a subdivision policy (despite the Rural Activity Zone having an additional provision for creating smaller lots). The policy discourages subdivision for dwellings but only "strongly discourages" subdivisions where an existing dwelling is proposed to be excised on a lot larger than 2ha.

Farming Zone Dwellings policy (page 44) - This policy emphasises that dwelling applications are to be discouraged. In contrast to this, the draft Strategy is changing planning policy to support houses and urban and commercial uses in the Rural Activity and Rural Conservation Zones.

Rural Tourism policy (page 45) - No mention of drinking water catchments here or much about biodiversity and landscapes, but one of the decision guidelines is 'Likely benefits to the local and regional tourism economy' and for large scale tourism developments, 'whether the facility will significantly contribute to the tourism economy of the region' and whether the proposal if necessary, is to be undertaken by way of a combined land rezoning/permit application to apply (rezone to) the Rural Activity Zone. "It is envisaged that the Rural Activity Zone may also be used

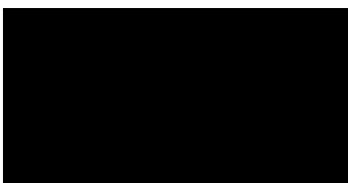
to support and provide for a small number of “one of” high quality, regionally important development (sic) within the rural areas as part of a strategic rezoning proposal.” (page 50) This means a site in any rural zone will be considered for piecemeal rezoning to Rural Activity Zone to suit and accommodate a development proposal. The draft Strategy’s version of “strategic rezoning” therefore confuses strategic economic investment with strategic planning. They aren’t the same.

Rural Activity Zone and Rural Conservation Zone Dwellings policy (page 46) - In contrast to the Farming Zone policy, this policy supports dwellings that meet minimal standards. A reason given for rezoning Farming Zone to Rural Activity Zone is to reduce land use conflicts. This policy says that mixed use, niche farming enterprises, rural tourism, accommodation and produce sales are encouraged in the Rural Activity and Rural Conservation Zones, which seems to add to rather than reduce the potential for on-going land use conflicts, plus start a few more particularly in the Rural Conservation Zone. In contrast to the Farming Zone, a minimum subdivision size is not provided for either the Rural Activity or Rural Conservation Zones.

In conclusion, those points which at first glance have some merit could have been introduced without the rest of the damaging changes being proposed. As mentioned earlier, this draft Strategy is not an exercise in strategic assessment of rural land, but an instrument to change land uses and remove current policy restrictions to suit some interests, regardless of the impacts and consequences of those changes.

The draft Strategy is dated, it promotes pet economic priorities from years ago which have long since faded in relevance, does not factor in COVID impacts, has been superseded by the Macedon Ranges Statement of Planning Policy, and will be overtaken shortly by the outcomes of the State government’s Green Wedge and peri urban areas review (PMGWAL). There were many opportunities to reinforce, advance and enhance the protection of the Shire’s rural land in a Strategy such as this, but these haven’t been taken up. While there are some actions in the draft Strategy that have merit (points 1, 2 and 3) and could be carried forward after further review and clarification, the rest of this damaging document needs to be abandoned.

Thank you for your consideration of the above.

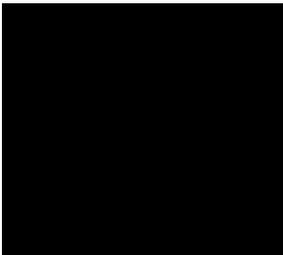


From: [REDACTED]
To: [Strategic Planning](#)
Subject: RURAL LAND USE STRATEGY
Date: Wednesday, 25 August 2021 2:41:13 PM
Attachments: [Submission.pdf](#)

Good afternoon

Please find attached my submission concerning the above Strategy

Regards



25th August 2021

The Strategic Planning Team

Re SUBMISSION ON RURAL LAND USE STRATEGY

This submission contains three main parts and the last one is the most important. These parts are:

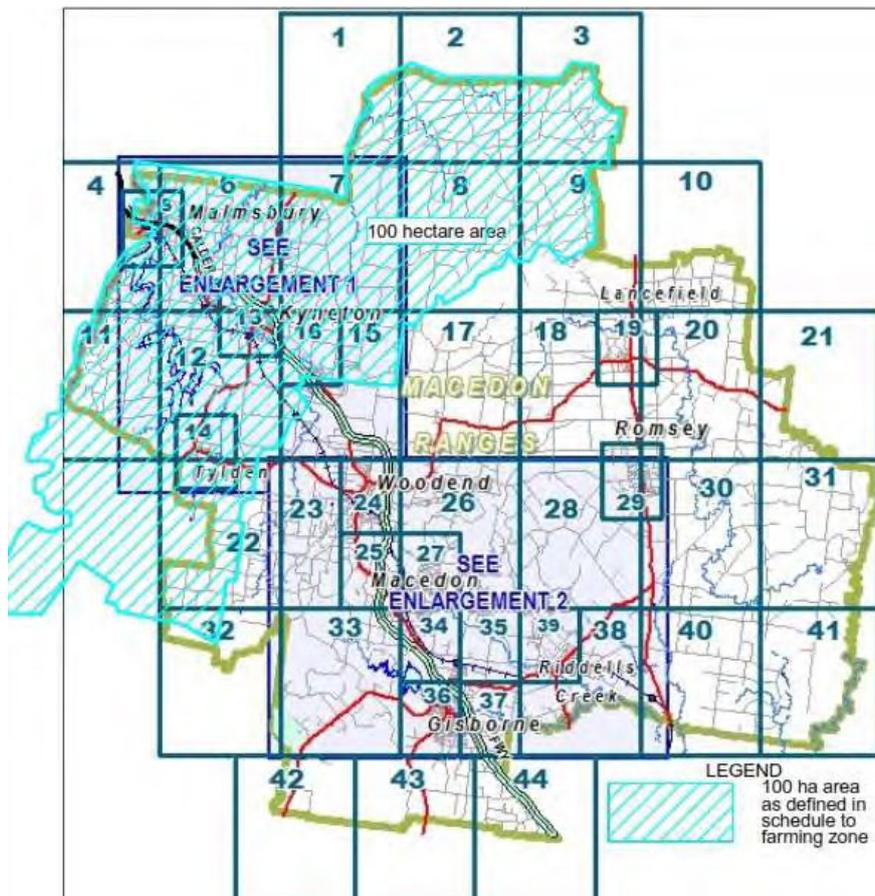
1. Existing Planning Scheme errors/inconsistencies.
2. Issues in the Strategy that appear inconsistent or vague.
3. Content of Strategy.

PART 1 Planning Scheme errors/inconsistencies

As a regular user of the current Planning Scheme, I have come across what appear to be errors or inconsistencies in various parts of the rural sections of the Planning Scheme. The Land Use Strategy seems an opportune time to raise these and possibly have them rectified or clarified. It is on this basis that I provide the following information.

- a. The Farm Zone Schedule has a map attached to it which indicates that the area identified on the plan has a minimum 100 ha lot size. The map identifies an area that includes land outside the municipality. The land inside the municipality includes land that is in the Rural Conservation Zone and the Rural Living Zone, and I believe the identified area is not the area that was intended to have the 100 ha minimum applied.

The anomaly seems to have come about due to the provisions of Amendment C 48 February 2006 when the rural zone was translated into the farming zone. The plan below illustrates some of the above points.



b. The Planning Scheme in Clause 21.03 includes the Rural Framework Plan. In that plan five different rural land types are identified as follows

- Agricultural Landscapes.
- Living Forests.
- Cobaw Bio link.
- Northern Catchments.
- Southern Catchments.

In clause 21.05 it states that Vegetation Protection Overlay 8 is to be applied to the Cobaw Bio link area.

In Schedule 8 and Schedule 9 to the Vegetation Protection Overlay it is stated that the schedules respectively apply to the Cobaw Bio link and the Living Forest areas. However, the areas subject to VPO 8 and the VPO 9 do not coincide with the Rural Framework Plan in Clause 21.03.

Further to this issue the overlays identified above have gaps in areas of application so that some areas that clearly should be in one or the other of these overlays are not in either overlay. These areas are small but are nevertheless important. I have some detailed mapping which illustrates the above points, and I can provide this if it would be of assistance.

I believe these inconsistencies are important because the application of the overlays and the policy direction provided in Clause 21.05 contain important provisions.

PART 2 Inconsistency and or lack of clarity in Strategy

- a. Figure 3 on page 12 shows that the farming zone and land in the southeast corner of the municipality has a 100 ha minimum lot size. The Planning Scheme currently does not show this. Refer to the previous section of this submission addressing the mapping in the schedule to the Farming Zone.

- b. Figure 7 proports to shows Productive Agricultural Land and Industry Clusters.

It is not clear how these areas were identified. With regard to productive agricultural land what is the basis for inclusion or exclusion in the area as shown? This is important because the strategic directions seem to be influenced by this map. How have the judgements been made? Is it possibly on a land size basis? If so, this is inconsistent with other parts of the document which identifies that agricultural practices are changing and that traditional broad acre farming is on the wane.

From my knowledge and experience large parts of the land in the southeast corner of the municipality which are shown in figure 7 as being productive agricultural land are in fact in part covered with surface rock, noxious weeds and are owned by absentee landowners and generally contain fairly low stocking rates.

Further part of the same area is identified as an Industry Cluster and is not clear what this cluster in the southeast corner could be referring to. At best this area is low quality agricultural land with corresponding low production capacity.

Finally with regard to figure 7 the Industry Cluster areas definition is not clear.

The map appears to indicate a very broad brush analysis with all sorts of inconsistencies within the broader areas. This is not a simple matter; it is quite complex, and solutions based on inaccurate broad-based generalisations are not likely to result in practical or realistic solutions.

- c. In page 45 (Implementation) under Rural Tourism there is content that does not relate to tourism but to agricultural activities, rural dwellings and landscape protection.

Consideration needs to be given to reformatting the content of this and other sections so that for example the relevant information about rural dwellings is found in an appropriately titled section.

I would expect a Section on environmental issues given that in Rural Conservation this is the predominant factor. This section should include practical ways to improve, protect and enhance environmental values. They might include some research into such matters as absentee landowners and how impacts detrimental to the environment in these circumstances could be addressed.

I would also expect a separate section on agricultural land uses which could include encouragement for new enterprises in order to accommodate changes in the agricultural sector identified earlier in this report and so on.

- d. I note that the strategy correctly identifies domestic water supply catchments as being significant and a real constraint on development. I think it would be worth mentioning

that there have been some significant changes in recent years that impact significantly on this issue.

These changes have not been identified in the strategy and I think they should be. They are set out below.

- Over the last decade or more all domestic water supply systems are now treated systems so that the water supply is dosed with chloride and fluoride and is also filtered. This treatment significantly alters the risk to human health associated with domestic water supply catchments that are on private property.
- The other issue relates to the standard of treatment of individual waste systems. In the past the traditional method of treatment was to have a septic tank with agricultural drains as effluent lines with the disposal of the treated waste. The current practice is now almost invariably to have package treatment plants with some cases where the treated waste is disposed of through a drip irrigation system. The standard of treatment and the risk of contamination in these more modern systems is far superior to the older systems and accordingly the risk of contamination in the water supply catchments is reduced.

This is not by any means attempting to say that the issue of domestic water supply is not a significant issue, and that care does not need to be taken but it is simply reasonable to recognise that there are some changes in the technology that improve the situation.

On this issue of domestic water supply catchments, it is also worth noting that while the Council does have a Domestic Waste Management Plan which has important context to guide on-site treatment of domestic wastes throughout the municipality. However insofar as domestic water supply catchments are concerned this Management Plan has not been signed off on by the local water authorities or the State government and my understanding of why this has not occurred is that the Management Plan does not commit Council to enforcing the provisions in the plan. There is an opportunity to further protect the catchments by rectifying the situation.

PART 3 Content of Strategy

This part of my submission considers the most important content of the exhibited strategy. That is the part of the strategy that sets out how rural planning in the municipality should respond to a variety of changing situations and demands including protection of environmental values encouraging, facilitating appropriate agricultural enterprises, protecting domestic water supply catchment areas and recognising and encouraging new tourism opportunities. Some of these aspirations will be in conflict and it is the job of the strategy, in my view, to identify the changes, the conflicts and to provide recommended solutions.

The Strategy correctly identifies that there are changing pressures for land use in the municipality. It also identifies that the economic importance of agriculture has decreased significantly in recent times and those traditional methods of farming have and are changing.

It is my observation that there are now very few traditional livestock and cropping farmers left in the municipality. The new breed of farmer including those on larger holdings are persons who want a rural lifestyle with some farm income plus a substantial off farm income. This new breed is pricing the traditional farmers off the land. There is not much that can be done to prevent this trend, but it needs to be recognised and addressed.

There appears to be a degree of fixation about land size and its implication for future land use. In reality the issue is far more involved than simply land size. Many of the new agricultural enterprises do not require large holdings, for example wineries, equine industry, specialist animal husbandry and specialist cropping such as truffles, olive trees, berry farms and so on.

Along with traditional farming involving the grazing of cattle and/or sheep many of these new enterprises will not provide adequate income and accordingly off farm income is necessary. Even when agricultural enterprises relating to traditional grazing are carried out in nearly all cases this is accompanied with significant off farm income. The old breed of farmer working the land full-time and working very hard achieved to a level of income that fluctuated significantly is now almost non-existent in the municipality. New generations do not have the stomach for the work or the appetite to rely on a fluctuating income.

The challenge for those planning the area is should such people be accommodated, and if so, how? What will occur if they are not accommodated and who would look after the land?

Some of these new operations (farm enterprises) may have a tourist flavor such as cellar door sales for wineries, pick your own berries and short stay farm accommodation and so on.

The Strategy, in my opinion, does not address these issues sufficiently. The solutions proposed all seem to relate to lot size and the discouraging of dwellings in the rural areas. This is simply a repeat of the old policies which do not recognise the changing times. Continuing those old policies without recognising the changes is not likely to produce a good planning outcome in the long run. The Strategy does, to some degree recognise changing trends, but it does not contain any new or innovative changes to the planning scheme to address these changes and that is disappointing.

The Strategy identifies changes, to the State provisions in the Farming Zone Decision Guidelines relating to dwellings that occurred by Amendment VC 103 in 2013. These changes reduced the requirement for a dwelling application to demonstrate a nexus between the proposed dwelling and the intention to farm. The remaining nexus is:

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

The section that was removed said:

Whether the dwelling is reasonably required for the operation of the agricultural activity conducted on the land.

This change is significant, and the current Macedon Ranges Planning Scheme contains provisions that are not consistent with this change. In the Municipal Strategic Statement Clause 21.07-1 strategy 6.1 states:

Discourage resubdivision, excision of a house lot or construction of a dwelling unless it can be demonstrated that it is required to facilitate or enhance the ongoing primary use of the land for productive sustainable agriculture.

The above clause perpetuates the original nexus provision and would, in my view, be better worded to be more in line with the current Decision Guideline in the farming zone. The strategy proposes new policy in this area, but it does not clarify that the old policies to be removed and replaced. Further the new policy continues to include the original nexus between the dwelling and agricultural use in different words. The deficiency in this approach is, I believe, the lack of recognition that proposed worthwhile agricultural uses may not occur because the Planning Scheme as it exists now and as is proposed in the Strategy requires that a dwelling application must demonstrate that the proposed agricultural use requires permanent and continuous care, supervision or security.

New owners that want to live in the country (sea change) and carry out a new and worthwhile agricultural enterprise should be encouraged provided the enterprise is worthwhile. As stated earlier such an enterprise may not necessarily require the owners to live on the site. It may also not go ahead at all if the owner is not allowed to live on the site. In my experience it is very often a package deal, new residents, very often with significant funds, want a lifestyle change that involves living on the land and using the land. In these circumstances you can't successfully separate the living and the use.

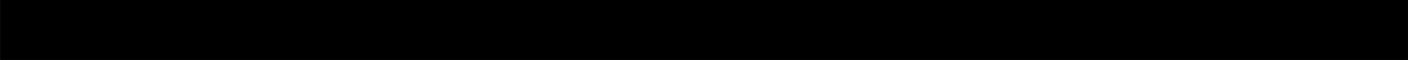
This is not an easy concept and to find a solution will not be an easy task. However, in my view the rural strategy should at least identify the issue and have some suggested solutions. Continuing with the old practices of requiring an outdated nexus requirement and a fixation about arbitrary minimum lot sizes is disappointing.

Turning to other specifics in the strategy relating to the areas of application of the Farming and Rural Conservation zone is sensible and should proceed. Care needs to be taken to ensure that the new boundaries are correct and strategically justified.

It would appear that the apparent error in the schedule to the Farming Zone regarding the area of application of the 100 ha lot size needs alteration. It is my view a correction to this would require exhibition because of the serious implications that would flow from such a change.

The suggestion that a template for Land Management Plans should be prepared is interesting and needs to proceed with caution. If it is intended that a template would then allow or encourage individual landowners prepare their own LMP, careful consideration is necessary. Land Management is a complex matter, and every site is different, and many will need expert assessment and implementation measures. To try and encapsulate all issues in a template will be challenging and may not produce a good result. It might be better to produce some guidelines as to the sort of issues that should be addressed in an LMP.

In my experience a real issue with LMPs is one of compliance. In recent times this has been addressed by the provision of a Section 173 agreement registered on the title requiring compliance. This prevents future owners claiming that they were not aware of the existence of the LMP. In some recent LMPs there has been included a provision for self auditing of the annual requirements to be delivered to the Council Environmental Officer on an annual basis.

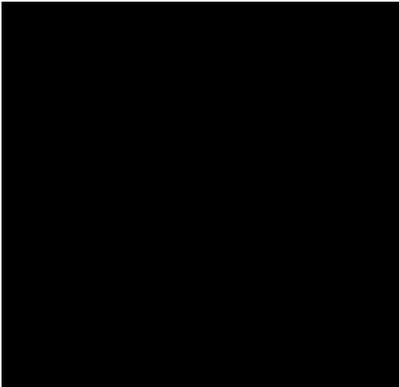


Other measures that would be worthwhile would be follow-up consultation and inspection as well as general education programs. My understanding is that currently any follow-up on implementation by individual landowners is very unusual due to lack of resources and this is disappointing given the importance of protecting and enhancing the environment especially in the Rural Conservation Zone.

In this submission I have been critical of aspects of the exhibited strategy for reasons set out in the body of this submission. In most cases I have unfortunately not produced solutions to the issues raised and I recognise that criticism is easy, and solutions are difficult. That said, it is surely incumbent upon a new Rural Strategy to produce such solutions.

Finally, I would be available to elaborate or provide background information if this was considered to be of assistance on any of the matters raised.

In closing I would like to congratulate the Council on the initiative of preparing the Rural Strategy and I hope my submission will be of assistance going forward. That is certainly my intention



From: [REDACTED]
To: [Strategic Planning](#)
Subject: Rural Land Use Strategy
Date: Tuesday, 24 August 2021 5:54:30 PM

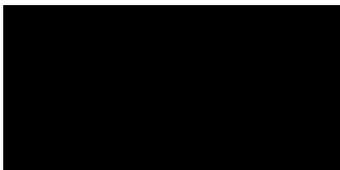
24/08/2021



To all Macedon Ranges Councillors,

I wish to object to the proposed increase in minimum lot size from 40 hectares to 100 hectares in the farm zone, for the following reasons;

1. Real Estate agents advise it will reduce the value of my property by 50 to 70%,
2. It will mean huge loses for those with 40 hectare properties who were going to build a house and are now stopped,
3. Banks may reduce loan amounts perhaps forcing distress sales,
4. It will discourage people from spending money improving their properties,
5. May result in 40 hectare farms being neglected and creating weed and dangerous fire hazard etc,
6. Please consider how you would feel if council action reduced the value of your home by 50/70%,
7. Very few people affected by this proposal are aware of it,
8. Being a farmer here for many years, I strongly believe this will result in reduced tree planting and a deterioration in the visual aspect of the rural landscape,
9. Finally to introduce this during a lockdown pandemic when many people are suffering financial and other stress, and may face ruin as a result of council action, reflects no credit on the council, please do not do this.





Submission 33.1

RECEIVED 12 AUG 2021

Macedon Ranges Shire
P.O. Box 151
Idyneton
Vic

3 4 4 4

2



24/08/2021

RECEIVED 31 AUG 2021



To all Macedon Ranges Councillors,

I wish to object to the proposed increase in minimum lot size from 40 hectares to 100 hectares in the farm zone, for the following reasons;

1. Real Estate agents advise it will reduce the value of my property by 50 to 70%,
2. It will mean huge loses for those with 40 hectare properties who were going to build a house and are now stopped,
3. Banks may reduce loan amounts perhaps forcing distress sales,
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9. Finally to introduce this during a lockdown pandemic when many people are suffering financial and other stress, and may face ruin as a result of council action, reflects no credit on the council, please do not do this.



Submission 33.2

DLG CROP 451
25.08.21 23M 30

Support
2021



RECEIVED 31 AUG 2021

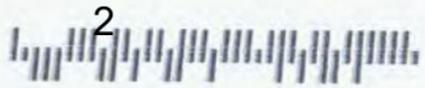
Abardon Ranges Shire

P.O. Box 151

Kyneton

VIC

3 4 4 4



24/08/2021

RECEIVED 09 SEP 2021



To all Macedon Ranges Councillors,

I wish to object to the proposed increase in minimum lot size from 40 hectares to 100 hectares in the farm zone, for the following reasons;

1. Real Estate agents advise it will reduce the value of my property by 50 to 70%,
2. It will mean huge losses for those with 40 hectare properties who were going to build a house and are now stopped,
3. Banks may reduce loan amounts perhaps forcing distress sales,
4. It will discourage people from spending money improving their properties,
5. May result in 40 hectare farms being neglected and creating weed and dangerous fire hazard etc,
6. Please consider how you would feel if council action reduced the value of your home by 50/70%,
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9. Finally to introduce this during a lockdown pandemic when many people are suffering financial and other stress, and may face ruin as a result of council action, reflects no credit on the council, please do not do this.



*Please add press statements
to my submission*



*I have planted over 1000 trees
of this help*



Weekly Times 2/2/21

Ending right to build will cause a massive drop in values

A debacle to dwell on



Give Victorian farmers a break on their loss of the right to build a home on 40ha-plus, writes **RANDALL GERKENS**

TO ALL the risk of farming you can now add the Victorian Government's proposal to remove existing rights to build a dwelling on 40ha or more on farm-zoned land within 100km of Melbourne.

The intention is to protect "strategic agricultural land". But removing farmers' existing rights (which underpin farm values) is not the way to do it.

The Department of Environment, Land, Water and Planning says you can still apply for a planning permit. But, even if you can afford that, a permit can be refused if the area available for agriculture reduces, which obviously it will.

As a real estate lawyer and farmer, I understand the practical impact on values — which will be halved at least.

My family has been in Macedon Ranges for four years and apart from building a new family home, we won't be building more. We've invested our savings to become beef producers. We bought for market value which reflects the right to build on 40ha.

DELWP now wants to change the rules half way through the game and destroy our investment.

The impact when we go to the bank will be devastating. When the banks say no to farm borrowing because land values have fallen, will DELWP provide the funding or compensation? DELWP say they haven't considered this and it's unlikely they will.

Most farmers spend lifetimes improving their land to produce our food. Their land is often their only asset, their livelihood and security. It's blatantly unfair and frankly un-Australian to treat a minority this way.

Consultation has been advertising notices and social media posts about "consulting" with DELWP. Most farmers won't have noticed the process. All should have been given personal written notice.

However well-intentioned DELWP may be, it's incumbent on them to understand the effect on values and not fob off objections by saying they're not valuers and can't



Values tumble: Farmers' land rights are being erased. Picture JAKE NOWAKOWSKI

assess the economic impact of "just a proposal". The proposal will be a policy fail in protecting our food bowl and will undermine the security and livelihoods of struggling farmers already confronting the challenges of living on the land.

The policy failure will be the brake put on farm improvements when capital-constrained farmers can't invest in fencing, weed control and environmental improvements to operate productive and environmentally sustainable farms.

Why not instead support farmers with incentives to maintain their farmland and businesses? Facilitating finance for farmers and much needed

rate relief would also help.

The Government has a stated commitment to the agricultural sector. This is an opportunity for DELWP and the minister to show they listened, understood the impact on farmers and withdrew the proposal.

That would show true policy leadership and build confidence in the Government's commitment to farmers. Minister Wynne, it's over to you, please don't let us down. We are depending on your good sense.

**The views expressed are my own and not my firm's.*

• **Randall Gerken is a real estate lawyer and farmer at Monegetta**

The Weekly Times
 Wed 24/2/21 Page 12.

Farm Zone concerns a developing nightmare

THE proposal to remove existing rights to building a dwelling in farming zones within 100km of Melbourne on land areas of 40ha or more is bad retrospective policy and should be scrapped.

The genesis of the proposal is the policy change 15 years ago that allowed councils to refuse planning permits for dwellings on land under 40ha in rural areas.

The then minister for planning Robert Hulls used his reserve powers to translate the former rural zones to a new Farm Zone without public consultation, on assurances given to him by local Councils that there would be no unintended consequences.

The Farm Zone was therefore introduced by stealth, by a planning scheme amendment that was not publicly exhibited or its negative effects advised to the community, denying affected landowners natural justice.

Land values will plunge if farming land areas greater than 40ha are not allowed to be built on, writes **JOHN KEATING**

Subsequent highlighting of the negative effects of the new Farm Zone were dismissed by the minister as scaremongering. They were not. Landowners fears were well-founded and have been validated.

Applying for a planning permit has become a lottery and the process costs of \$15,000 to \$25,000 is a very expensive gamble.

Across the Macedon Ranges Shire most of the beautiful visual tapestry of the whole rural landscape that local residents and day tripper tourists all love and enjoy has been created over the past 50 years.

It is a consequence of the many architecturally stylish residential and farming infrastructure developments

and extensive tree plantings and landscaping undertaken by those who have been allowed to build dwellings.

Wherever dwellings have been allowed there is compelling evidence that the farm land has been better managed and there has been more agricultural production from varied farming activities by owners who in the main want to adopt best farming practices. Besides housing accommodation needs being provided for, local communities have also benefited by having more residents to sustain local shopping centres and schools etc. Overall the positive contributions to the community have outweighed any minor negative detrimental impacts.

If farming land areas greater than

40ha are not allowed to be built on, land values will be reduced by 50-80 per cent. For example, in the Macedon Ranges area the value of 45ha that currently has existing rights for the building of a dwelling varies from about \$750,000 to \$1.5m depending on its location, soil quality, water availability, views and ambience etc.

If the same 45ha is not allowed a dwelling permit, its commercial farming value will be about \$3500 to \$7000 per hectare depending on how it can be farmed, or \$157,500 to \$315,000 being about an 80 per cent fall in value.

Under the Planning & Environment Act 1987 the first objective of planning in Victoria is 'To provide for the fair, orderly, economic and sustainable use and development of land.'

• **John Keating has been a real estate agent in the Macedon Ranges for more than 50 years**

Malland Express
17/8/24.

Property value slashed

Randall Gerkens, Monegeetta

I am writing to express my concern and dismay about Macedon Ranges Shire Council's online forum relating to the draft Rural Land Use Strategy and, in particular, the failure of anyone on behalf of the council to reply to the questions I put in that forum.

1. My specific concern is with the proposed removal of the existing 'as-of-right' ability to construct a dwelling on 40 hectares or more of farm-zoned land - and the fact that this will, at the stroke of a pen, slash the value of all farmland affected by between 50 per cent and 80 per cent; and

2. I have raised this both in the context of the council's support for DELWP's proposed planning scheme as well as in the context of the council's draft Rural Land Use Strategy - which, in this respect, is a wasteful duplication of DELWP's proposal and one to which most well-informed farmers, the Victorian Farmers Federation and the state opposition reasonably object.

Despite repeated questions at the forum, council failed/refused to reply (among other queries) to the simple question: Has the council undertaken any analysis of the economic impact the proposal will have (if implemented) on the value of farmers' land affected by the proposal?

RLC CFCP 454
31.08.21 0311 46

Support
connected



RECEIVED 09 SEP 2021

Councillor Geoff Peil
c/o Macedon Ranges Shire
P.O. BOX 151
Kyaukon
Vic

3 4 4 4



From: [REDACTED]
To: [Strategic Planning](#)
Subject: Submission to Draft Rural Land Use Strategy
Date: Tuesday, 24 August 2021 2:59:38 PM
Attachments: [MRSC submission.pdf](#)

Dear Sirs

I attach a submission in respect of the above and should be pleased if you would include it in the feedback invited.

Regards.

[REDACTED]

SUBMISSION FOR MRSC DRAFT RURAL LAND USE STRATEGY

24/8/21

THIS SUBMISSION RELATES PRIMARILY TO NEW DWELLINGS IN THE FARM ZONE.

THE CLEAR INTENT OF THE STRATEGY IS TO USE PREVENTION OF RESIDENTIAL USE OF EVER INCREASING LOT SIZES TO SECURE AN AGRICULTURAL LANDSCAPE (PRESUMABLY IN PARTS OF THE SHIRE NOT ALREADY DEFINED BY SMALLER RURAL BLOCKS WITH HOUSES).

“afford Council the opportunity to ensure that a new dwelling in the Farming Zone is genuinely required for an agricultural purpose.”

THIS DIRECTION HAS A NUMBER OF MISCONCEPTIONS WHICH WILL LEAD TO A LONGER TERM ADVERSE OUTCOME .

FIRSTLY, LAND VALUES AT THIS DISTANCE FROM MELBOURNE ENSURE THAT VIABLE INVESTMENT FOR AGRICULTURE IS NOT POSSIBLE REGARDLESS OF LIMITATIONS ON RESIDENTIAL USE

SECONDLY, THE ALTERNATIVES TO COMMERCIAL AGRICULTURE ARE : LARGE AREA LIFESTYLE BY WEALTHY OWNERS, LAND BANKING BY DEVELOPERS, INHERITED HOLDINGS (SUBJECT TO SUCCESSION PLANNING ?) OR SMALLER 40 - 100 HA LOTS HELD BY PART TIME OR RETIRED OWNERS.

OF THE ABOVE THE NATURAL ALLY OF THE SHIRE, IN SEEKING RETENTION AND IMPROVEMENT OF AN OPEN LANDSCAPE, WOULD BE THE VERY WEALTHY.

HOWEVER THE CONTINUAL MOVING OF THE GOAL POSTS IN RELATION TO LOT SIZE AND BUILDING ENTITLEMENT MAY WELL BE REGARDED AS A VIRTUAL SOVEREIGN RISK BY THIS CLASS OF PROSPECTIVE OWNER AND A DISINCENTIVE TO BUY IN THE SHIRE.

A MORE EQUITABLE WAY OF PREVENTING CLOSER SETTLEMENT WOULD BE TO EXCHANGE DEVELOPMENT RIGHTS (POSSIBLY AVAILABLE FOR USE IN RURAL LIVING ZONES) FOR THE CONSOLIDATION OF FRAGMENTED TITLES OR AS AN ALTERNATIVE TO SUBDIVISION IN THE FARMING ZONE.

THIS WOULD SEND A WELCOME SIGNAL TO EXISTING AND FUTURE LARGE FARM OWNERS THAT PLANNING POWERS WOULD NOT BE USED TO DEVALUE THEIR INVESTMENTS WITHOUT COMPENSATION.

THIRDLY, IT SHOULD NOT BE THE NUMBER OF HOUSES THAT IS THE SOLE FOCUS OF THE STRATEGY.

VERY LARGE HOLDINGS CAN EASILY BUILD ANOTHER DWELLING THAT IS NOT IN ANY WAY EVIDENT FROM OTHER LAND AND IT SHOULD BE THE REASONABLE EXPECTATION OF THE OWNERS OF SUCH HOLDINGS THAT THEY WOULD NOT BE PRECLUDED FROM SO ACCOMODATING FAMILY OR GUESTS SHOULD THEY WISH TO DO SO.

THE NOTION THAT THE ONLY REASON FOR A DWELLING SHOULD BE FOR AGRICULTURAL USE IS TOO PRESCRIPTIVE.

FARM SHEDDING OR SILOS WOULD BE AT LEAST AS INTRUSIVE AS DWELLINGS SO A SINGLE FOCUS ON AGRICULTURAL PURPOSE IS INAPPROPRIATE.

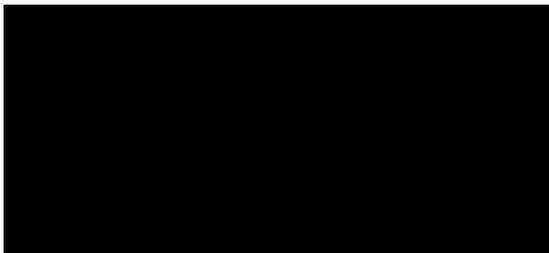
FOURTHLY, A 100 HA LOT IS UNLIKELY TO BE WELL MANAGED UNLESS THE OWNER IS PREPARED TO COMMIT FUNDS, PROBABLY ON AN ONGOING BASIS, FROM OTHER SOURCES WITH NO REGARD TO PROFITABILITY.

THE COST OF BUILDING AND MAINTAINING THE INFRASTRUCTURE REQUIRED FOR EVEN A SIMPLE LIVESTOCK OPERATION WOULD REQUIRE A CONSIDERABLY GREATER AREA THAN 100 HA IF POSITIVE RETURNS FOR THE VENTURE WERE PLANNED.

IT IS ALSO MUCH HARDER TO LOOK AFTER 100 HA THAN 40 HA AND THE INCREASING SPREAD OF ARTICHOKE THISTLE, SERRATED TUSsock AND CHILEAN NEEDLE GRASS IS TESTAMENT TO THE INABILITY OF MOST SMALLER OWNERS OR FARM PART TIMERS TO COPE WITH THE DEMANDS OF GOOD LAND MANAGEMENT WITHOUT ASSISTANCE.

IF PROOF IS NEEDED THE SHIRE ITSELF SEEMS UNABLE TO MEET SUCH EXPECTATIONS IN RELATION TO THE ROAD RESERVES THAT IT IS REQUIRED TO MANAGE.

IN SHORT TO PRESCRIBE LARGE AREAS WITHOUT ATTRACTING THE CAPABLE OR TO PREVENT RESIDENTIAL OCCUPATION OF LAND BY ITS OWNERS INVITES NEGLECT.





RECEIVED
30 NOV 2021

10 November 2021

Macedon Ranges Shire Council
Rob Ball
Manager Strategic Planning & Environment
PO Box 151
Kyneton 3444

Via Email: strategicplanning@mrsc.vic.gov.au

mrsc@mrsc.vic.gov.au

Re: FURTHER SUBMISSION - DRAFT RURAL LAND USE STRATEGY

Address of land: [REDACTED]

Dear Sir/Madam,

Please find following submission prepared in addition to my earlier submission dated 24th August 2021 in relation to Macedon Ranges Shire Council's (Council's) Macedon Ranges Draft Rural Land Use Strategy, September 2020 (*the Strategy*).

Draft Rural Land Use Strategy

I would like to add to my earlier submission to highlight the need to not only protect productive agricultural land from inappropriate development but to also recognise development opportunity on non productive land where infrastructure and services are available.

To reduce development pressure on rural locations of high agricultural value more non productive land should be made available to accommodate the housing demand within Macedon Ranges. There is a critical need for Council to provide more housing choices within the Shire to accommodate opportunities for those within the municipality to down size and provide more affordable opportunities for young working families.

The affordability of housing in Macedon Ranges is an increasing constraint for both existing residents and those wanting an opportunity to live in the peri urban area.

The Strategy States:

This draft Rural Land Use Strategy updates the rural framework plan and policy directions for rural land having regard to the changing nature of rural land use, the strategic and policy context and the unique circumstances associated with Macedon Ranges Shire's peri-urban location.

I recognise the changing nature of rural land use and importantly the negative impact that lifestyle lots have when located on high value agricultural land which will limit the ability to yield diverse future agricultural opportunities. I support limiting locating conflicting land uses such as rural lifestyle land in close proximity to viable agricultural land.

Clarkefield Township

I note that 26ha of land at Clarkefield is zoned (Township Zone) for future development by Council. I further note that APD Projects proposes to develop both land within the Township Zone and a broader expanded township vision for a carbon neutral township all located on land with 'poor land capability'. This poor capacity to yield viable agricultural crops combined with the townships proximity to the Clarkefield Train Station and the Melbourne Lancefield Road, make it a prime opportunity to accommodate residential development needs within the Shire.

I suggest that the Clarkefield development aligns well with the Strategy's overarching principles and policy directions which include:

- Housing, rural living and employment will be accommodated in established towns within clearly defined settlement boundaries and non-urban breaks will be maintained between settlements.
- Support and encourage agricultural land uses that strengthen the economy and contribute to the rural landscape.
- Provide for a diverse and sustainable visitor economy compatible with the natural and cultural values of the area.
- Respond to the challenges and threats of climate change and natural hazards with careful planning and mitigation strategies.
- The highest priority in decision making is given to significant landscapes, biodiversity, the environment and water catchments and protecting life and property from bushfire.

Such a development will alleviate pressure on the productive agricultural parcels to accommodate land for much needed housing. I support Council identifying all of the land at Clarkefield for future development and suggest that Council ensure that this land is not identified as strategic agricultural land, as it is not. Furthermore, it is submitted that the Strategy clearly identify this land for future development investigation to ensure that the township of Clarkefield is viable in size to accommodate a diversity of housing accommodation and adequate serving and infrastructure to support a liveable community for both the township and broader rural surrounds.

I hope this further submission assist your consideration of the protection of agricultural land in Macedon Ranges and further highlights the need for Council to ensure the protection of these valuable landscape with clearly designated opportunities to locate future development to avoid the further fragmentation of productive agricultural land.

Please feel free to contact me on [REDACTED] if you have any queries.



Submission 34.1

DLC CFCP 454

22. 11. 21 19h56

Spread the Merry



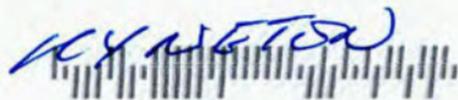
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RECEIVED
30 NOV 2021

And the sun shone down
on that scene of strife
"Where the Soul of Australia"
came to life
1971 AUGUST 1976

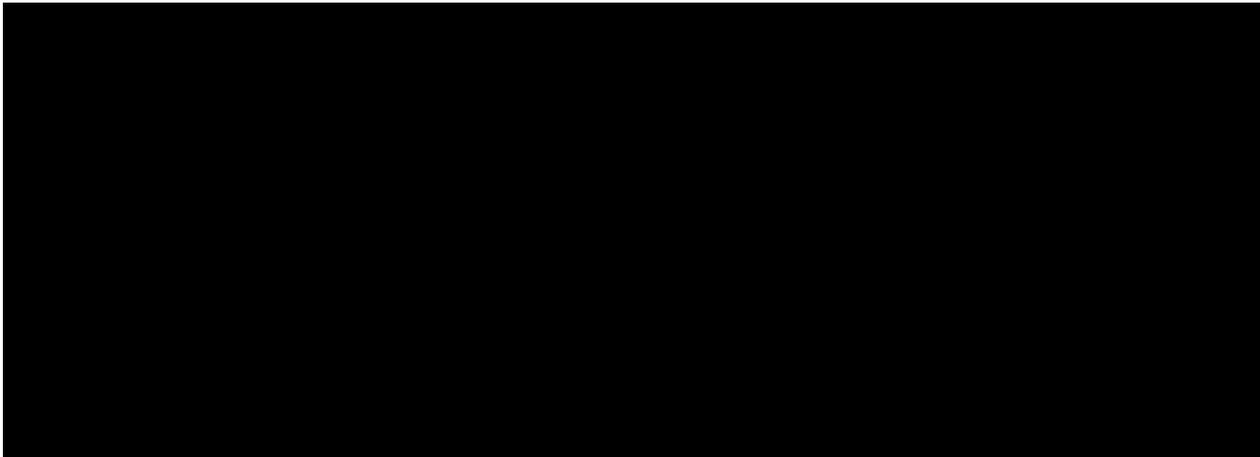
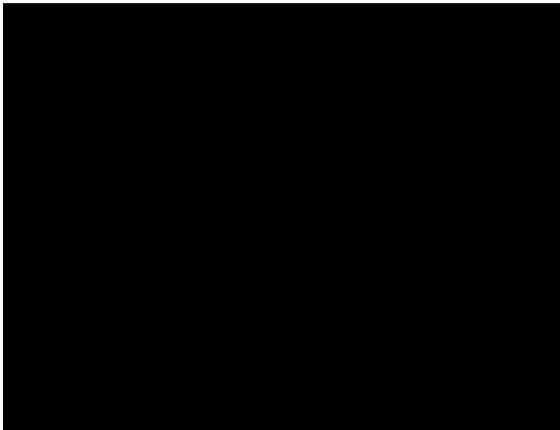
Macedon Ranges Shire Council
Rob Ball
Manager Strategic Planning
P.O. Box 151

3494



From: [REDACTED]
To: [Strategic Planning](#)
Subject: Rural Land Strategy Submission
Date: Monday, 23 August 2021 5:42:47 PM
Attachments: [image001.png](#)
[image002.jpg](#)
[image003.png](#)
[REDACTED]

Good afternoon,
Please find attached a submission to the Rural Land Strategy on behalf of our client.
Please contact me if you would like to discuss further.
Regards



Macedon Ranges Shire Council
 PO Box 151
 Kyneton VIC 3444

Delivery via email: strategicplanning@mrsc.vic.gov.au

To whom it may concern,

Re: Submission to the Rural Land Strategy

Context

acts for the owners of the abovementioned land, accept this as a submission to the Macedon Ranges Rural Land Strategy.

My clients holding currently comprises land referred to as , and has a primary frontage to

Being an "U" shaped property, it has a secondary frontage to . The site and location of surrounding dwellings is shown in the Figure overleaf.

We appreciate that the Rural Land Strategy seeks to manage the rural land in the Shire with particular focus on land in the Farming Zone (FZ) and the Rural Conservation Zone (RCZ). The draft document states that land within the Rural Living Zone is not considered as the strategic work that informed "In the Rural Living Zone" was only recently undertaken. It is our submission that our clients land has not been afforded the strategic analysis of land in any of the above studies in recent years.

We submit that our clients land should take into consideration. This land and any other land that has not had a suitable process to resolve its designation as non-urban land could be addressed in the Rural Land Study. The Rural Land Use Study is an appropriate strategic process which can consider and nominate potentially suitable land to be investigated for suitable rezoning to an alternative zone, such as the Rural Living Zone. Nominating land for further investigation for Rural Living will assist in achieving the objectives to protect broader Farming Zoned land and land in the Rural Conservation Strategy. This submission sets out our reasons.

Background

My client's land was originally designated for rezoning in Amendment C110, which considered "In the Rural Living Zone". The strategic work for C110 commenced in 2014 with part 1 of the amendment adopted in 2016. Maps 12 and 13 in the document "In the Rural Living Zone" show the intention to rezone land from the Farming Zone (FZ) to Rural Living Zone 2 (RLZ2) for an area of in generally bound by in

The Panel that considered C110 indicated that a more detailed analysis of the constraints of this site is required to more accurately assess the suitability of a RLZ2 for this site prior to rezoning. Amendment C110 was split into two parts of which my clients land and some land around Romsey was put into Part 2. Further work was then undertaken, and it has been determined that the proposed Romsey Rural

Living Area should be referred to a separate planning process for the overall township; and a Land Subject to Inundation Overlay should be applied to the proposed Kyneton Rural Living Area, together with additional requirements to address land capability and road network considerations.

The Council report which addressed the future of C100 Part 2, stated *“in discussions with the Department of Environment, Land, Water and Planning (DELWP) it has been determined that these changes represent a transformation of the amendment, requiring Council to consider commencing a new amendment and exhibition process”*. Council then determined to abandon C110 Part 2 at their meeting of 27 September 2017. In making the decision to abandon the Part 2, Council indicated that the further investigation work required to support the further consideration of the land contained in Part 2 should be done as part of the upcoming Planning Scheme review.

The Planning Scheme review was then undertaken in early 2019. The review did not take into consideration the further investigation of my clients (or other) land. In part, Council has committed to undertaking this work as part of its *In the Farming Zone Strategy*, which formed part of its current strategic work program.

At the meeting of 27 September 2017 Council considered the officers recommendation:

1. Allow Amendment C110 Part 2 to automatically lapse on 19 November 2017;
2. Refer the rezoning of the proposed Kyneton Rural Living Area to the Planning Scheme Review process to determine its priority in the context of the overall work program; and
3. Refer the rezoning of the proposed North Romsey Rural Living Area for consideration in an Issues and Opportunities Paper, which will inform a review of the Romsey Outline Development Plan.

However, at that meeting Councilors approved a different motion:

That Council:

1. Abandon Amendment C110 Part 2.
2. Refer the Panel Report recommendations of C110 and further work completed in Kyneton and Romsey to date since the decision by Council to split the amendment into two parts, to be considered in the upcoming Macedon Ranges Planning Scheme Review process.

The Planning Scheme Review process did not consider my client's land. It is our submission that my clients land warrants further consideration for potential rezoning to the Rural Living Zone. The Rural Land Strategy is an appropriate opportunity to do this.

Our Submission

It is our submission that my clients land warrants a process for the potential rezoning of their land from the Farming Zone to a Rural Living Zone. The Rural Land Use Study could recommend that land:

- In the Farming Zone, but not considered by Amendment C110 Part 1, should be the subject of 'Further Investigation' by Council. This direction reinforces the objectives of the Rural Land Use Study to protect rural land from urban and other encroachments.

We submit that it is Council's role to continue to consider the need for further strategic work and rezoning of land for Rural Living supply. The Panel that considered C110 clearly indicated that Council should continue to consider other areas of the Shire for suitability for rezoning to the Rural Living Zone. The Panel concluded that there would be substantial merit in reviewing these areas.

With regards to land supply, whilst Council's submission to the C110 panel was clear that the intention was to provide a finite supply of 30 years and was designed to *“...do it once and do it properly”*, clearly the Panel did not agree with that submission.

“While it acknowledges that Council stated that the Amendment was to be a definitive 'line in the sand' and that no further amendments would be considered regarding the provision of RLZ land, the Panel considers this is not a sustainable approach...”

The Amendment C110 Panel suggested that there remains a need to review: the role of rural living opportunities outside the RLZ as well as the appropriate future role and zoning of RLZ areas that are not included the change areas. Now that the Rural Land Strategy is in train, it seems an appropriate time to revisit this for some particular parcels of land.

The land is located [REDACTED] of, but proximate to the [REDACTED] [REDACTED]. It sits directly south of land which is in the Rural Living Zone. Two parcels of land to the east are within the Low Density Residential Zone. Other land adjacent to it is also within the Farming Zone. As a result of the zoning and development of adjacent land, my clients land is less viable for farming practices.

The Rural Land Strategy states that the Farming Zone is primarily concerned with keeping land in agricultural production and avoiding land uses that could limit future farming or constrain agricultural activities. My client's land is already compromised by the subdivision pattern and development around it.

Equally my client's land is very suitable for rezoning to the Rural Living Zone. It is close the existing urban area, adjacent to already subdivided and developed land. Some flood studies were undertaken in the early stages of the preparation of the document "*In the Rural Living Zone*", however if further investigation and analysis is required to satisfy Council about any potential inundation or drainage matters, my client is willing to have this work undertaken.

Demand and Supply

In order to achieve the objectives of the Rural Land Use Strategy, such as the protection of agricultural land from fragmentation, other suitable land needs to be made available for smaller lot/rural lifestyle development. As the Panel for C110 indicated, it is reasonable that Council review the land supply and demand data, and consider that further land be made available for rural living when the demand is evident.

There is significant demand for rural and residential land in the Macedon Ranges Shire. There has been significant take-up of the lots in the [REDACTED] of [REDACTED] over recent years. Tilwinda Views estate has been developed and sold. The subdivision of the land in the Low Density Residential Zone to the east has all but been sold.

The demand for land in regional areas has significantly increased since the start of 2020. House and land prices have increased at a rate greater than that of metropolitan Melbourne in and around Kyneton (as well as other parts of the municipality). Discussions with local real estate agents reveal that there is very little to no supply of lots on the market in the Rural Living Zone around Kyneton, Woodend and

Trentham. The last of the Tilwinda Views estate has recently sold. Agents are experiencing high demand for rural living and lifestyle allotments, which has only increased since the onset of COVID-19 in early 2020. In the absence of any lots in the Rural Living Zone (or similar) coming onto the market, agents report that the market demand shifts to lots in the Farming Zone, despite being warned that it may be challenging to obtain a permit for development of a dwelling on those lots. This in turn puts development pressure on land in the Farming Zone, and Rural Conservation Zone, undermining the very objective of the Rural Land Strategy. It is our submission that these matters cannot be entirely separated, and some consideration of the nominating land for future Rural Living areas needs to form part of the Rural Living Strategy so that it's objectives can be realistically achieved.

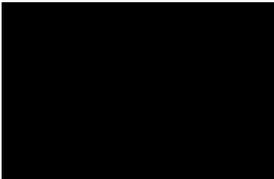
We believe that the rezoning of my client's land would offer suitable supply for rural residential lots that would then further protect the broader Farming Zone land and the land within the Rural Conservation Land from fragmentation. The Rural Land Strategy could nominate locations for future rezoning in the maps and text of the document.

Conclusion

We respectfully submit that my client's land deserves a strategic process within which it can be considered for rezoning. In the absence of a formal strategic review of the supply of land in the Rural Living zone in the Macedon Ranges Shire, we submit that the Rural Land Strategy should address this matter.

If you have any queries or wish to discuss this matter further, please contact me on [REDACTED]

Yours sincerely,



From: [REDACTED]
To: [Strategic Planning](#)
Subject: Draft Rural Land Use Strategy
Date: Monday, 23 August 2021 12:14:55 PM

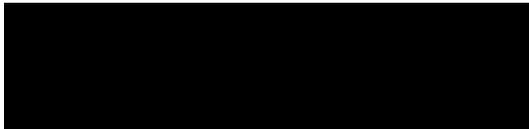
Dear Sir/Madam

It has only just come to my attention that the Council intend to push forward with a proposal to change current farm zoning to that of a conservation zone. I strongly object to this proposed change as the areas affected in the [REDACTED] region have been successfully farmed and maintained for many generations, contributing not only to the local market but the food bowl of Australia, along with a healthy environment.

To date I believe there has been little to no community consultation and with this sort of proposed change that would significantly impact many people, I believe it imperative that all affected be party to any further discussions, not via electronic means but face to face community forum.

Due to the current covid restrictions I suggest this item be set aside and revisited at a future point whereby a fully transparent community consultation could be convened by the Strategic Planning Office and the Conservation Officer.

With all stakeholders involved in this forum, I believe any concerns/issues could be openly addressed.



Sent from my Samsung GALAXY S5 on the Telstra Mobile Network

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Have Your Say - Rural Land Use Strategy
Date: Monday, 23 August 2021 8:54:43 AM
Attachments: [img20210823_08481751.pdf](#)
[img20210823_08492364.pdf](#)

Macedon Ranges Shire Council,

Please find 2 attachments which is our letter regarding "Have Your Say" to the "Rural Land Use Strategy"

This letter was also mailed to the Council on 23rd August 2021.

Kindly acknowledge receipt of this email.

[REDACTED]



23rd August 2021

Macedon Ranges Shire Council,
Strategic Planning & Environment,
Rural Land Use Strategy,
P.O. Box 151,
KYNETON, VIC., 3444.

Have Your Say
Submission for Rural Land Strategy

We are writing to offer our feedback to the Draft Rural Land Use Strategy as residents that will be directly impacted by the recommendations within this strategy.

Firstly we are disappointed with the level of consultation and information regarding this strategy, particularly as we are in an area that is being considered for a rezone from Farming Zone (FZ) to Rural Conservation Zone (RCZ). The first time we were made aware this strategy even existed was upon receiving the information card in the mail and the small article in the Midland Express dated 20th July 2021. We were not directly approached to participate in the Rural Conservation Zone Survey that took place in June 2019. Although it appears we may have had an opportunity to complete the 2017 Farming Zone Survey. We do not believe a survey undertaken four years ago can be considered as adequate consultation for a strategy with implications such as this.

Whilst we have read the strategy and accompanying documents and watched the Zoom information session as a general ratepayer with no planning experience it has not been made clear exactly how the change from FZ to RCZ will impact us in our day to day operations, land management requirements or the cost of our rates. In discussions with neighbours, all of whom are within the impacted area, none of us have been directly contacted or provided with information on the impact of this draft strategy.

Our land has been used for farming for well over 100 years and we strongly believe that it should remain zoned Farming and not change to a RCZ.

Currently we own and manage [REDACTED] that we run cattle on as a hobby farm to supplement our income. [REDACTED] are owned by our superfund as investments for our retirement.

We are trying to keep our property bushfire safe, by keeping the grass down by lightly grazing, weed control, eradicating gorse and blackberries, keeping parts of the ground of our bush areas clean and clear as firebreaks, while leaving other sections of our bush natural and safe for wildlife habitat also keeping wildlife and flora safe by rabbit, fox and feral cat control.

If our Zoning is changed from FZ to RCZ one of the main concerns that we would like Council to address is how they can guarantee that the value of our land will not be diminished by the change of zone from FZ to RCZ, particularly given that it appears with the changes it will be harder for potential future landholders to utilise the land for primary purpose, agriculture and animal production purposes.

Our land has been used for farming for over 100 years providing food and fibre and it is our intention to pass this land onto our children to continue this usage. Based on the draft strategy it appears Council will be able to refuse the issue of a permit for such activity to future landholders. Can Council confirm that it will reasonably consider the past use of the land to ensure the sustainability of operations such as ours for our family?

Is Council also able to guarantee that if this strategy is adopted at some point in the future we will not be required to apply for a permit to operate our small holding as we have been for the past 34 years?

Lastly, we would like to express our disappointment in the timing of this, "Have Your Say" to the "Rural Land Use Strategy", while our State our Country is dealing with a pandemic, the Council thought it was an appropriate time to proceed with this matter. Every day people like us are dealing with far more important issues like lockdowns, businesses closed, loss of income, home schooling, limited access to everything and mental health issues. We strongly urge the Council to defer this matter until a more suitable time in the future when we can have better consultation and everyone who is affected by this matter can get together freely, have their say and have their questions and concerns answered clearly and properly.

Kindly acknowledge receipt of this email.

[REDACTED]

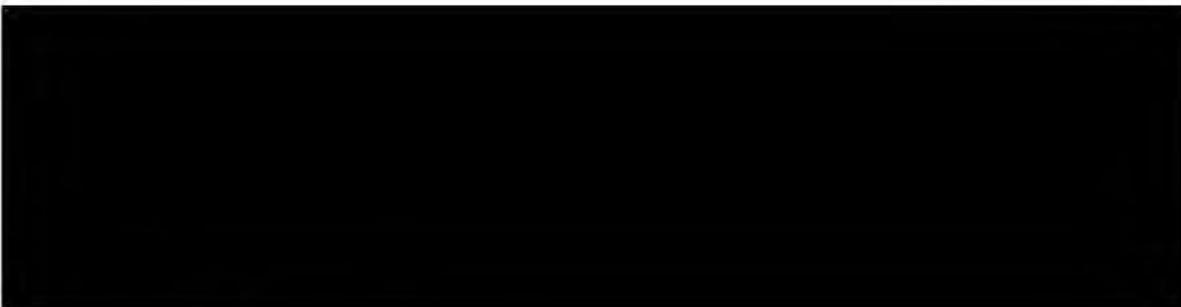
This letter was also posted to you on 23rd August 2021

From: [REDACTED]
To: [Strategic Planning](#)
Subject: HAVE YOUR SAY - RURAL LAND STRATEGY
Date: Wednesday, 15 September 2021 7:34:33 PM
Attachments: [img20210915_19264362.pdf](#)

Please find attached our letter for Have Your Say - Rural Land Strategy.

[REDACTED]

Kindly acknowledge receipt of email



15th September 2021

Macedon Ranges Shire Council,
Strategic Planning & Environment,
Rural Land Strategy,
P.O. Box 151,
KYNETON, VIC., 3444.

**HAVE YOUR SAY
SUBMISSION FOR RURAL LAND STRATEGY**

Further to our letter dated 23rd August 2021 and speaking with Edwin Irvine 14th September 2021.

We have more concerns which are outlined below.

What is proposed is very unclear to us.

Far too many draft documents online to read and understand clearly. We are still unsure of what Council are trying to achieve.

The Landowners that will be affected by these changes have not had any direct or proper consultation with Council.

Most landowners we have spoken with knew nothing about the Rural Land Strategy.

All landowners affected should have received a formal letter from Council.

A meeting between landowners and Council should have occurred, and then Council could have explained the proposal in full.

We should have been given plenty of time to discuss between ourselves our concerns and then returned to Council with questions and concerns for the Council to answer.

Covid of course, has put a stop to meetings and getting together, so Council should have waited until a later date when group face to face meetings could have been achieved.

Every landowner and the way they use their land is different and as such each landowner should be treated individually.

We are extremely disappointed with how Council has conducted themselves in this matter.



From: [REDACTED]
To: [Strategic Planning](#)
Subject: Draft Rural Land Use Strategy
Date: Sunday, 22 August 2021 11:18:47 PM

I write to comment on the Rural Land Use Strategy.

I agree with one of the speakers on the Q&A session that biodiversity has the weakest voice. I fear that the proposed Rural Land Use Strategy will perpetuate land use for development.

Climate change is wreaking havoc with the natural world. Threatened species and biological communities need to be placed as the top priority in planning matters. Wildlife and nature needs to be able to move across the landscape in wildlife corridors or biolinks that will facilitate dispersal as the climate changes the land.

I do not support the Rural Conservation Zone area around Hanging Rock and the Cobaw Forest between Lancefield and Woodend being rezoned Farming Zone.

I live in [REDACTED] years have witnessed the destruction of wildlife habitat across farming paddocks and the lack of Council resolve or procedures to stop this happening. I am encouraged by the Shire's promotion of Regenerative Agriculture. I think there is a need for planning that stops wholesale destruction of our precious biodiversity and more education to get farmers to think about holistic farm planning.

We should encourage the retention of farming land and not give it over to tourism or hobby farm ventures as in the Rural Activity Zone which I have never heard of.

I agree with the whole of shire 100ha minimum subdivision size in the Farming Zone.

Yours Sincerely

[REDACTED]

From: [REDACTED]
To: [Strategic Planning](#)
Cc: [REDACTED]
Subject: Submission to the Draft RLUS - [REDACTED]
Date: Sunday, 22 August 2021 12:02:10 PM
Attachments: [Submission to draft RLUS - \[REDACTED\]](#)

Dear Sir/Madam,

Please find attached a submission to the Draft RLUS, made on behalf of [REDACTED].

Please note that the submission outlines queries required to be answered by MRSC, inclusive of the strategic direction envisaged for their land as mapping does not show their site. We kindly request the ability to provide a second submission if required once these queries are answered.

If you have any questions, please do not hesitate to contact me.

Kind regards,

[REDACTED]

[REDACTED]

22 August 2021

Strategic Planning
Macedon Ranges Shire Council
Via Email: strategicplanning@mrsc.vic.gov.au

Dear Sir/Madam,

RE: Submission to the Draft Rural Land Use Strategy RLUS

██████████ submit in response to the *Macedon Ranges Shire Council Draft Rural Land Use Strategy – Draft for Consultation (RMCG, September 2020)* (RLUS) on behalf of ██████████

This submission covers three main matters, being:

- Support
- Queries
- Considerations for Council

Support

Broadly, the proposed implementation of a Rural Land Use Strategy and associated planning policy is supported by the landowners.

Protecting, enhancing and promoting viable agricultural land, farming enterprises, associated tourism and the environment is an important and required consideration for all stakeholders including Council, communities and landowners.

The framework of the RLUS (Page 4) is supported, being:

- Prioritise and balance rural land use aspirations
- Respond to local circumstances
- Clarify land use and development opportunities

As varying interests and pressures associated with population growth increase, it is imperative to support, protect and enhance appropriate agriculture and farming pursuits, as well as the environment and associated values by the wider community.

Queries

The Study Area as noted in the RLUS (Page 2) incorporates all private rural land within the Farming Zone and Rural Conservation Zone in the Macedon Ranges Shire.

The Site, [REDACTED], is located within the Malmsbury Settlement Boundary as per Clause 21.13-9 of the Macedon Ranges Planning Scheme. Throughout the RLUS the site is 'hidden' by the labelling of the township name. As a result, mapping is unclear for the proposed future strategic direction of the site as envisaged by the draft RLUS.

For example, Figure 7 (Productive Agricultural Land), Figure 8 (Strategic Agricultural Land), Figure 9 (Areas Proposed for Rezoning) Figure 10 (Tourism Assets) and Figure 11 (Proposed Rural Zone Map) do not show the site. It is unclear as to whether the mapping direction is hidden by the labelling of the township, or whether as the site is included within the Malmsbury Township Boundary it is not considered as part of this draft RLUS.

Clarification on this matter is required to allow the landowners to understand the 'state of proposed play' for their site. **It is requested that the landowners be provided additional time to make a secondary submission (if required) to the draft RLUS once the above clarification is made.** This is a fair and reasonable request as currently the landowners do not know the proposed strategic direction for their site as proposed by the draft RLUS.

Considerations for Council

Without being able to determine the proposed strategic direction of the site due to the above mentioned mapping errors, four overarching matters are raised for Council to consider prior to proceeding with the next stage of any RLUS implementation:

- Clearly delineate what should or can occur to unproductive agricultural land

The objective of *'support and promote agriculture and productive agricultural land'* suggests there is an alternative, however the strategy does not provide guidance or recommendations to small, unproductive farming zone land within existing settlement boundaries.

- Greater direction on existing sites within settlement boundaries that remain subject to the Farming Zone and Rural Conservation Zone is required

Page 14 of the RLUS references that land between Woodend and Malmsbury is significantly fragmented, with a high concentration of new dwelling development. It is concluded that various findings indicate that the Farming Zone *"may no longer be the most appropriate zone and a different policy response for the area is justified."*

One main principle of the Strategy as highlighted on Page 19 is that *"housing, rural living and employment will be accommodated in established towns within clearly defined settlement boundaries."*

In this instance, the site is currently zoned Farming Zone however is located within the identified Malmsbury Settlement Boundary as per Clause 21.13-9.

Greater consideration and direction for existing Farming Zone land within settlement boundaries should be provided, with specific commentary that the future zoning or development potential of these sites should be considered based on their merits.

- Propose to rezone Farming Zone anomalies such as sites with limited farming or agricultural potential that sit within existing Settlement Boundaries.

As the RLUS provides guidance to rezone land to the Rural Activity Zone, Council has an opportunity to propose the rezoning of Farming Zone or Rural Conservation Zone anomalies, such as the subject site which is a small site, unviable for any productive farming or agricultural pursuit, has little ecological value, is within the existing Malmsbury Settlement Boundary as per Clause 21.13-9 and adjoins General Residential Zone land. Please refer to the Current Section 96A Application currently with Council under assessment for further detail on this matter.

Commentary should be provided within the 'Zones' chapter of the RLUS (Page 49) that not all current Farming Zone or Rural Conservation Zone land is appropriate to remain as is, or to be subject to the Rural Activity Zone. It should be acknowledged that appropriate land may be better suited to alternative zones, subject to and considered on their merits. Recommendations should be made for sites within Settlement Boundaries to be rezoned to a more appropriate residential, commercial or industrial zone.

- Reference current rezoning proposals and related Planning Scheme Amendments

Figure 9 (Areas Proposed for Rezoning) should reference current applications being assessed by Council for the rezoning of land. This will provide an accurate 'state of play' of Farming Zone and Rural Conservation Zone land within the Shire.

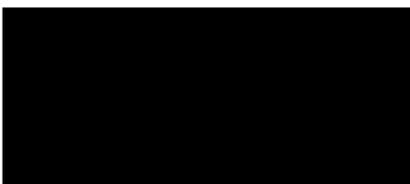
The Section 96A Application for the site was lodged to Council in November 2019, pre-dating the draft RLUS documentation currently being exhibited.

Conclusion

The landowners are generally supportive of the draft RLUS and the associated vision and themes seeking to support, protect and enhance appropriate farming and agricultural land.

We welcome Council's clarification on the mapping errors in response to our queries, and the opportunity to provide a second submission if it is felt necessary. Acknowledgement of this matter is kindly requested in the first instance.

Please do not hesitate to contact [REDACTED] to discuss this submission further.



From: [REDACTED]
To: [Edwin Irvine](#)
Cc: [Strategic Planning](#)
Subject: Re: FW: Submission to the Draft RLUS - 1 Wills Street, Malmsbury
Date: Friday, 10 September 2021 10:31:12 AM
Attachments: [image001.jpg](#)

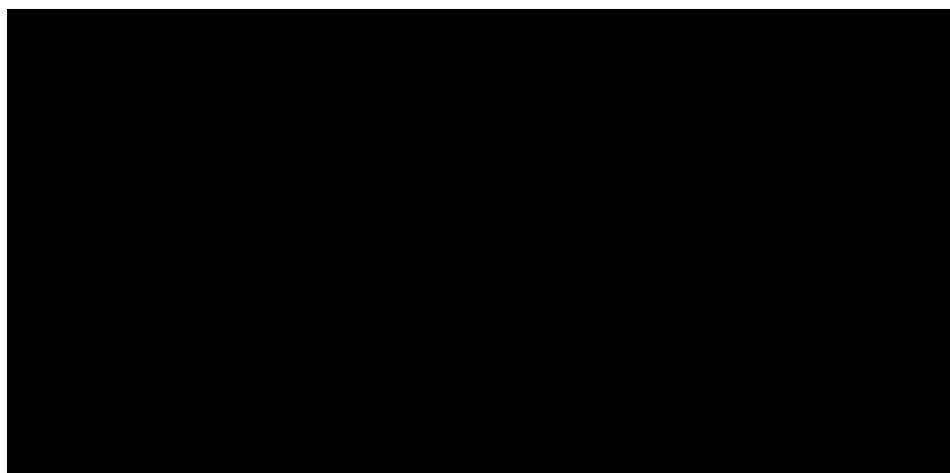
Hi Edwin,

Please see attached a second, supplementary submission for 'Submission 39' and the draft RLUS based on your correspondence below.

Please do not hesitate to contact me to discuss.

Kind regards,

[REDACTED]



On Sep 7 2021, at 9:17 am, Edwin Irvine <EIrvine@mrsc.vic.gov.au> wrote:

Dear [REDACTED]

Thank you for your submission on the Rural Land Use Strategy (RLUS).

You make a number of good points in your submission, and I can provide the following clarification.

The RLUS applies to all land that is currently in the Farming Zone and the Rural Conservation Zone, as such, the RLUS recommends that the property at [REDACTED] is rezoned to the Rural Activity Zone.

You quite correctly identify that the property is inside the town boundary for Malmsbury. From this I conclude that this land should be considered in the context of the town, rather than in the context of the surrounding rural land.

I am of the opinion that the RLUS should be amended to identify that land in either the Farming Zone or the Rural Conservation Zone that falls within a township boundary represents a holding pattern to be applied in the interim until the relevant structure plan is reviewed.

I have discussed this proposed addition with the primary author of the RLUS, and they concur

with this approach.

We are receiving a number of submissions to the RLUS, and a report will be prepared for the consideration of Councillors. I will include the above mentioned addition to the RLUS in that report as a response to your submission.

Yours sincerely

Edwin Irvine

From: Strategic Planning <strategicplanning@mrsc.vic.gov.au>

Sent: Tuesday, 31 August 2021 6:24 PM

To: Strategic Planning <strategicplanning@mrsc.vic.gov.au>; Edwin Irvine <Elrvine@mrsc.vic.gov.au>; Jack Wiltshire <jwiltshire@mrsc.vic.gov.au>; Leanne Khan <lkhan@mrsc.vic.gov.au>

Subject: FW: Submission to the Draft RLUS - [REDACTED]

Submission has been added and acknowledged however they require further clarification and may resubmit another submission based on answer.

Thank you

Macedon Ranges Shire Council acknowledges the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, present and emerging.

Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.

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From: [REDACTED]

Sent: Sunday, 22 August 2021 11:42 AM

To: Strategic Planning <strategicplanning@mrsc.vic.gov.au>

Cc: [REDACTED]

Subject: Submission to the Draft RLUS [REDACTED]

Dear Sir/Madam,

Please find attached a submission to the Draft RLUS, made on behalf of [REDACTED]
[REDACTED]

Please note that the submission outlines queries required to be answered by MRSC, inclusive of the strategic direction envisaged for their land as mapping does not show their site. We kindly request the ability to provide a second submission if required once these queries are answered.

If you have any questions, please do not hesitate to contact me.

Kind regards,





10 September 2021

Edwin Irvine
 Strategic Planning
 Macedon Ranges Shire Council
 Via Email: eirvine@mrsc.vic.gov.au

Dear Sir/Madam,

RE: Submission to the Draft Rural Land Use Strategy (RLUS)

[REDACTED] in relation to this matter, and Submission [REDACTED].

Thank you for your correspondence dated 7th September 2021 in response to the key questions that required attention to clarify the proposed strategic direction of the site as part of the RLUS. We take the opportunity to provide a second, supplementary submission to the draft RLUS.

In summary, it is understood that:

- The query pertained to mapping labelling on Figure 7 to Figure 11 'hid' the subject site from view, and it was unclear as to the considered productivity of the land and proposed rezoning of the site.
- Macedon Ranges Shire Council have confirmed that (paraphrased and summarised):
 - 1 The draft RLUS applies to all land currently within the Farming Zone (FZ) and Rural Conservation Zone (RCZ), irrespective of placement inside or outside a township boundary
 - 2 The draft RLUS recommends the site is rezoned to Rural Activity Zone
 - 3 The site is located within the Malmsbury Township Boundary, and as such the site *"should be considered within the context of the town, rather than the context of the surrounding rural land"*
 - 4 It is of your opinion that the RLUS should be amended to identify existing land subject to the FZ or RCZ inside a township boundary not be identified in the RLUS as being recommended to be rezoned due to the above mentioned item 3, but be identified as more suitable to a 'holding pattern' for a future strategic project
 - 5 You have discussed this matter with the author of the draft RLUS who generally agrees

We welcome the above confirmation and understand Council's position to be that sites within township boundaries have more merit or nexus with conventional township zones or uses associated with residential, commercial, industrial or community facilities as opposed to farming, agricultural or rural pursuits.

It is recommended that the draft RLUS be amended to not simply state 'sites within township boundaries are removed from the consideration of the RLUS' but with written justification regarding

the nexus of these sites in relation to townships and the role and function they can play (similar to what your correspondence suggests). It should also be acknowledged this site is subject to a current Section 96A application to avoid any confusion that the site be placed in a 'holding pattern' when there has been a current proposal in front of Council since 2019.

It would be inappropriate to simply place the site in a 'holding pattern' by acknowledging the site should not be considered in the context of rural land, yet not provide future strategic directions, recommendations and actions with set timeframes. The result would otherwise be a potential perpetual 'holding pattern' for sites such as this with no outcome or direction in sight.

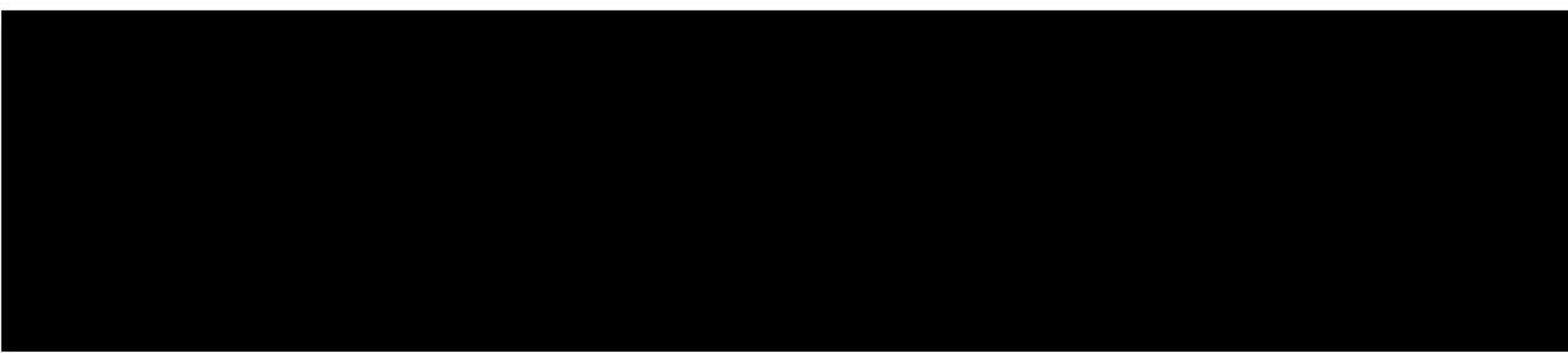
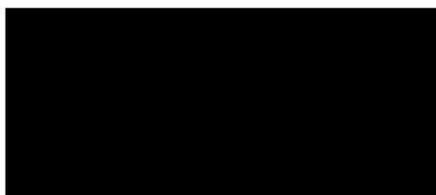
Notwithstanding the above, the core submission previously made remains, and should be fully considered prior to a report being prepared for the consideration of Councillors.

This includes:

- A greater delineation as to what should or can occur on unproductive agricultural land to balance the objective to 'support and promote agriculture and productive agricultural land'
- Clear, set direction for land within township boundaries subject to the FZ or RCZ. Identifying the rezoning of these sites more appropriate to their township context can and should be considered and recommended as part of the draft RLUS
- The draft RLUS should reference current rezoning proposals and related Planning Scheme Amendments to provide an accurate 'state of play' of FZ and RCZ land within the Shire.

██████████ seek to reemphasise the general support for the draft RLUS and associated vision and themes seeking to support, protect and enhance appropriate farming and agricultural land, and to clarify land use and development opportunities.

Please do not hesitate to contact ██████████ to discuss this supplementary submission further.



From: [REDACTED]
To: [Strategic Planning](#)
Subject: Farming Zone
Date: Saturday, 21 August 2021 9:46:20 AM

To whom it may concern,

[REDACTED]

Are opposed and strongly against the transition from farming zone where we live.

Also we feel strongly that a mail drop should have been provided to residents of the area with this information to allow time to consider and respond.

We object.

Sincerely,

[REDACTED]

From: [REDACTED]
To: [Strategic Planning](#)
Subject: draft Rural Land Use Strategy
Date: Friday, 20 August 2021 3:20:10 PM

Re draft Rural Land Use strategy.

Farming zone land that is within town boundaries should be rezoned to low density residential or residential zone. Farming zone does not belong within the town.

Our land at [REDACTED] falls within this situation. We are in the [REDACTED] town boundary, but still farming zone. It is becoming increasingly difficult to farm with houses surrounding us.

This land being within the [REDACTED] town boundary is planned for subdivision so farming zone is not appropriate.

You sincerely,

[REDACTED]

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Re: Rural Land Use Q&A Session - Now online
Date: Thursday, 19 August 2021 8:34:15 AM
Attachments: [image001.jpg](#)

Hi Strategic Planning Representative,
Thank you for this opportunity to comment. As my formal response, I shall limit my comment to the process not content.

I am disappointed that the process that has a stated objective to 'engage the community' on key issues directly impacting it, yet the entire package has been presented in such a way as to discourage viable comment that may contravene the agenda underlining the draft strategy. It does appear the research underpinning the draft strategy is biased toward certain opinions and limited to any science that supports the writers view. Also, as demonstrated in the webinar, there was a lot of emotion and bias against farmers who may not have chosen to be involved in the process. To be frank, the process appears biased to confirm the authors opinion, political and emotional drive.

I do understand this is a local government body of work, not education where peer reviews are required to substantiate an argument. Far from it, yet as a local government process it ought to have a level of balance and integrity. From my experience with this process so far, fair comment has been strongly discouraged to support a strong hidden agenda - beyond environmental repair and resilience.

I have enjoyed living in this rural community for more than 25 years and unfortunately, I have witnessed similar behaviour with council which have been at best environmentally questionable with costly and at times unfair impacts. Unfortunately, as the behaviour increases its presence within council, the political ramifications for speaking up within the community is becoming more risky and I have no confidence that it is safe to do so for this strategy.

My confidence in the process may increase somewhat if truly independent environmental, bio - agricultural, food safety and cultural sciences were fairly represented in the report. I expect given the current political structure, this independence will be difficult to attain. I see this as a common dilemma for LGAs nation wide.

Faithfully,
[REDACTED]

On Wednesday, 18 August 2021, 05:38:21 pm AEST, Strategic Planning
<strategicplanning@mrsc.vic.gov.au> wrote:

To whom it may concern,

As you are aware, Council hosted an online Q and A session on 11 August 2021 as part of its community engagement process for the Rural Land Use Strategy. Thank you for showing your interest by registering to participate and/or attending.

The forum's purpose was to support informed community engagement on the draft strategy. By exploring diverse perspectives on rural land use in Macedon Ranges Shire, the project team sought to create a deeper shared understanding of the issues and considerations that have informed the draft strategy.

Moderator Ross Allen led the panel discussion of key questions and themes raised by local landholders and other interested parties.

Panel members, representing different local interests, shared their perspectives on rural land use in

the shire and implications of the draft strategy on local communities, businesses and the environment. Council thanks them for their time and expertise, noting that some of the panel members volunteered their time.

Visit the [Rural Land Use Strategy \(RLUS\) consultation page](#) where you can view a recording taken from the Q&A session held on 11 August 2021.

Our project team acknowledges that numerous questions were raised which not able to be directly addressed by the panel on the night. We will continue to update our webpage Q&A information.

Council officers remain available to answer any follow-up questions before submissions on the RLUS close on 30 August 2021. Officers and all information will continue to be available after 30 August 2021. We encourage those that wish to have a one on one discussion with the planning team or any other enquiries to contact us on strategicplanning@mrsc.vic.gov.au or 5422 0333. To those that have already reached out to the team, thank you.

If you wish to keep updated with the Rural Land Use Strategy and its progress, please subscribe for project updates, [register your email address](#).

If you have any questions please contact the Strategic Planning Team, on 5422 0333 or strategicplanning@mrsc.vic.gov.au.

Yours Sincerely

Strategic Planning

Macedon Ranges Shire Council

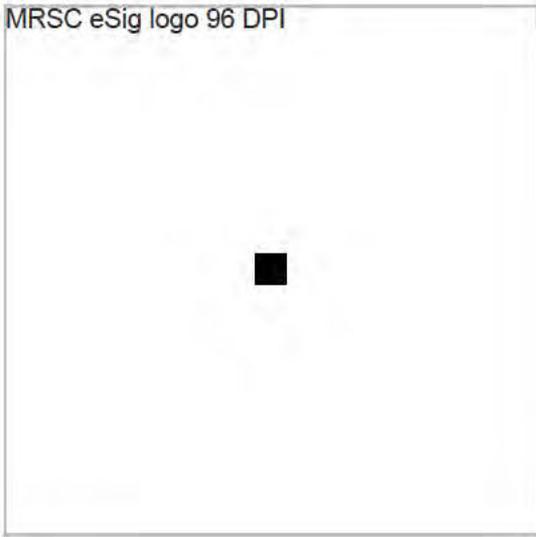
T 03 5422 0333 | E strategicplanning@mrsc.vic.gov.au | W: www.mrsc.vic.gov.au

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Macedon Ranges Shire Council acknowledges the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, present and emerging.

Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.

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From: [REDACTED]
To: [Strategic Planning](#)
Cc: [REDACTED]
Subject: Rural Land Use Strategy
Date: Wednesday, 18 August 2021 11:37:18 AM
Attachments: [REDACTED] [-Rural Land use Strategy.docx](#)

To whom it may concern,

Please find attached our letter in response to the Rural Land Use Strategy.

Kind Regards,

[REDACTED]

Sent from [Mail](#) for Windows

Rural Land use Strategy

[REDACTED]

[REDACTED]

We are long term owners of a hobby farm in [REDACTED] for over 30 years and we have seen a lot of changes. At the time of purchasing our dream property we were a young family with 2 young children starting with intentions to retire on this beautiful land in our dwelling in the country called [REDACTED]

However, due to the existing council restrictions prohibiting a dwelling to be built, we are unable to fulfill our dream. The land is farming zone but forms part of a long established rural residential area, where commercially viable farming is not the primary use of the area with predominant pattern of 4-8ha sized lots. It seems appropriate that dwelling entitlements are granted, so the area can be better developed for productive Hobby Farm pursuits, given the benefits that come from residing on the land.

Therefore, we feel very strongly to support a change to governing council covenants. We believe there should be changes to the zoning, from farming to allow dwellings to be built and in our case allow residents to live on the land in their own dwelling.

Please consider changing the zoning laws so that we too can enjoy the same living standards as our neighbours do.

Kind Regards,

[REDACTED]

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Rural Land Strategy Submission
Date: Wednesday, 18 August 2021 10:01:27 AM

Hi MRSC,

I'm a resident of acreage that will be affected by the farm rezoning.

I wanted to make a submission around dwellings in the farming zone as I think there's still some ambiguity in the strategy.

In order to preserve the agricultural and rural nature of the Macedon Ranges (arguably why a lot of us live here), we think it's important to place restrictions around building of new dwellings that ARE NOT a primary place of residence in the farming zone eg. Holiday homes, Airbnb's and temporary accommodation.

This is especially important where there is any overlooking or oversight of neighbouring properties, and where noise and light pollution will have an impact on neighbouring properties.

I'm happy to discuss on the phone and thanks for your work!

[REDACTED]

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Rural Use Land Strategy
Date: Saturday, 14 August 2021 9:55:01 AM

Hello

Having quickly looked at the draft I would like to make the following observations:

LAND REZONING

My greatest concern is the stated intention to, where deemed "necessary", amend existing subdivisions/titled land.

People invest in, and move to areas based on many factors one of which may be future potential for subdivision of broad acreage, if the land is NOT already titled in such a way that's one matter.

If the acreage is already subdivided/titled to appropriate Council standards you cannot simply cancel such titles without being ready to compensate financially the land owner for such an act by Council.

As a rate payer I wouldn't see such payments as necessary nor a good use of Council finances.

Whatever Council were to decide about FUTURE subdivision of land is one thing and that can be argued at the ballot box.

You cannot simply make decrees based on the whim of the present Council that arbitrarily change peoples circumstances, that's unfair and unreasonable.

LAND QUALITY

There's appears a broad underlying assumption that all land is good land for farming, there are areas around my location ([REDACTED]) that put paid to that thought where the land quality would be questionable for large scale broad acreage farming, POSSIBLY viable for smaller holdings/specialised farming activities.

Rather than view smaller holdings as a absolute "lifestyle or farming" divide it is probable some small holdings may allow more marginal land to be used productively, surely a win/win result.

POPULATION NUMBERS

Whilst taken as a joke there's a fair amount of truth that government entities love spending money like a drunken sailor, simply the more people/ratepayers in the Council boundary via smaller land titles means more money for the council to play with.

I doubt any councillor could be found who would say that's a bad thing!

Apart from the \$\$ benefit more people in the council boundaries should be more people involved in activities especially community activities such as (but by no means limited to) local fire brigades which no one could say is a bad thing.

Thank you for your time, just need to restate again my greatest concern would be any thought the Council would revoke any existing subdivision/titled land - not talking housing developments but more hobby farm/smaller holdings - as that would be both unreasonable and unfair for people who have invested their time and money based on existing conditions.

Retrospectively changing the rules - and penalising people - is not a fair and reasonable use of Council powers.

Regards



From: [REDACTED]
 To: [Strategic Planning](#)
 Subject: Draft Rural Land Strategy Macedon Ranges Shire
 Date: Friday, 13 August 2021 11:24:44 AM

Thank you for the online forum on the Draft Rural Land Strategy Macedon Ranges Shire and the panel members for their time and work on the community behalf:

Rob Ball Manager Strategy Planning Macedon Ranges Shire Council
 Shelley McGuinness Associate RMCG
 Noel Henderson Managing Director Avington Merino
 Bryanna Sandercock Board Member Daylesford Macedon Tourism
 Sophie Bickford Executive Director Biolinks Alliance

And the Moderator:
 Ross Allen Creative Director Three Seeds Agency

It was informative.

I would like to offer my opinion:

I have farmed the land at [REDACTED], for over 40 years. I have noticed the increase in weeds over the forty years mainly "blackberry" My sons now farm the land as my time is passed due to age. They seek to control the land using natural spray and fertilizer. They work to a farm plan.

I have no issue with the land use changing to Hobby Farms Residence from full time farming. Because the new owners bring in new money to improve the land the downside is some of new owners' plant Cypress Trees on the boundary of their land. (This can be overcome by education)

The only issue I have with the proposed strategy is that by changing the Farm Zones to 100 hectares for the right to build a home you are empowering those people who have built home against those who seek to live in this area. You will create the new requirements in the Farm Zone of 100 hectares for the wealthy to live in the area.

This is no good for the people who seek to live in the area, nor does it allow for change in farm practice over the coming years.

The people if we have a growing community must live somewhere so it is better to have a mix of people and people who wish to live in this area rather than the wealthy only. The wealthy trend to have multicable places to live.

The other two concerns that are not addressed by the strategy are:

1. Weed control to require people to have more land than they want, or need will only lead to less weed control. It is important to require a weed control plan as part of the business farm plan for the land.
2. Fire control the strategy has little to say on the subject. Trees along roadways spread the fire as CFA cannot see the fire because of the smoke, Trees are accepted by the community as they bring an acceptable appearance. Biolinks also spread fire if the community want Biolinks they must accept the fire will go to the Macedon Mountains from the Cobaw Forest and in reverse on extreme fire days.



From: Jack Wiltshire
Sent: Wednesday, 15 December 2021 4:15 PM
To: [REDACTED]
Subject: FW: Draft Macedon Ranges Rural Land Use Strategy - Council's refusal to answer questions in its online "consultation" forum

From: [REDACTED]
Sent: Thursday, 12 August 2021 12:50 PM
To: Angela Hughes <ahughes@mrsc.vic.gov.au>; Rob Ball <RBall@mrsc.vic.gov.au>
Cc: [REDACTED] Cr Annette Death <adeath@mrsc.vic.gov.au>; Cr Geoff Neil <gneil@mrsc.vic.gov.au>; Cr Bill West <bwest@mrsc.vic.gov.au>; Cr Dominic Bonanno <dbonanno@mrsc.vic.gov.au>; Cr Rob Guthrie <rguthrie@mrsc.vic.gov.au>; Cr Anne Moore <annemoore@mrsc.vic.gov.au>; Cr Jennifer Anderson <janderson@mrsc.vic.gov.au>; Cr Janet Pearce <jpearce@mrsc.vic.gov.au>; Cr Mark Ridgeway <mridgeway@mrsc.vic.gov.au>; John Nevins <jnevins@mrsc.vic.gov.au>; Macedon Ranges Shire Council <mrscmail@mrsc.vic.gov.au>; [REDACTED]

Subject: Draft Macedon Ranges Rural Land Use Strategy - Council's refusal to answer questions in its online "consultation" forum

CAUTION: This email originated from outside of Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Ms Hughes and Mr Ball

I am writing to express my concern and dismay about the Council's online forum yesterday relating to the Council's draft Rural Land Use Strategy and, in particular, the failure of Mr Ball (or anyone on behalf of the Council) to reply to the questions I put in that forum.

As you know:

1. my specific concern is with the proposed removal of the existing "as-of-right" ability to construct a dwelling on 40 hectares or more of farm zoned land - and the fact that this will, at the stroke of a pen, slash the value of all farm land affected by between 50% and 80% ; and
2. I have raised this both in the context of the Council's support for DELWP's proposed planning scheme as well as in the context of the Council's draft Rural Land Use Strategy – which, in this respect, is a wasteful duplication of DELWP's proposal and one to which most well informed farmers, the Victorian Farmers Federation and the State opposition reasonably object.

Despite repeated questions at the forum last night, Mr Ball failed/refused to reply (among other queries) to the simple question:

Has the Council undertaken any analysis of the economic impact the proposal will have (if implemented) on the value of farmers' land affected by the proposal?

I again request a response to this question as a matter of urgency.

Yours sincerely



[REDACTED]

From: [REDACTED]
Sent: Thursday, 19 August 2021 4:08 PM
To: Strategic Planning; Angela Hughes; Rob Ball; Cr Annette Death; Cr Geoff Neil; Cr Bill West; Cr Dominic Bonanno; Cr Rob Guthrie; Cr Anne Moore; Cr Jennifer Anderson; Cr Janet Pearce; Cr Mark Ridgeway; John Nevins
Cc: [REDACTED]
Subject: RE: Draft Macedon Ranges Rural Land Use Strategy - Council's refusal to answer questions in its online "consultation" forum
Attachments: Rural Land Use Q&A Session - Now online

Attention: The Mayor, Councillors and CEO

Dear Mayor, Councillors and CEO

I note it is now a week since my email of 12 August 2021 and, in that time, all I have received from the Council is an email late yesterday (copy below) saying that I will get a reply within 10 working days *"in line with the Council's customer service charter"*.

In addition, the Council's strategic planning department has sent a broadcast email (copy **attached**) entitled "Rural Land Use Q & A Session – Now online" giving the misleading impression that it has published something dealing with the questions raised on its online forum. In fact, all the email really says is that the Council *"will continue to update our webpage Q & A information"* but, when you look at the Council webpage, it has not done so.

My email of 12 August 2021 contained a simple question which the Council should be capable of answering immediately. The fact that a week later no answer has been provided and that the Council has instead issued two pointless emails undermines the credibility of the Councils' consultation process.

If this is what passes for customer service and community engagement at Macedon Ranges Shire Council, no one can have confidence in the process.

I urge you to arrange for the relevant Council officers to provide an answer without further delay.

Yours sincerely

From: Strategic Planning <strategicplanning@mrsc.vic.gov.au>

Sent: Wednesday, 18 August 2021 6:24 PM

To: [REDACTED]
Subject: RE: Draft Macedon Ranges Rural Land Use Strategy - Council's refusal to answer questions in its online "consultation" forum

Good Evening [REDACTED]

We acknowledge receipt of the email below.

In line with Council's Customer Service Charter a reply will be provided to you within 10 working days.

I note that a number of days have passed and that this response will be with you on or before 25 August 2021.

Kind Regards

Strategic Planning

Macedon Ranges Shire Council

T 03 5422 0333 | E strategicplanning@mrsc.vic.gov.au | W: www.mrsc.vic.gov.au

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From: [REDACTED]

Sent: Thursday, 12 August 2021 12:50 PM

To: Angela Hughes <ahughes@mrsc.vic.gov.au>; Rob Ball <RBall@mrsc.vic.gov.au>

Cc: [REDACTED] Cr Annette Death <adeath@mrsc.vic.gov.au>; Cr Geoff Neil <gneil@mrsc.vic.gov.au>; Cr Bill West <bwest@mrsc.vic.gov.au>; Cr Dominic Bonanno <dbonanno@mrsc.vic.gov.au>; Cr Rob Guthrie <rguthrie@mrsc.vic.gov.au>; Cr Anne Moore <annemoore@mrsc.vic.gov.au>; Cr Jennifer Anderson <janderson@mrsc.vic.gov.au>; Cr Janet Pearce <jpearce@mrsc.vic.gov.au>; Cr Mark Ridgeway <mridgeway@mrsc.vic.gov.au>; John Nevins <jnevins@mrsc.vic.gov.au>; Macedon Ranges Shire Council <mrscmail@mrsc.vic.gov.au>; [REDACTED]

Subject: Draft Macedon Ranges Rural Land Use Strategy - Council's refusal to answer questions in its online "consultation" forum

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As you know:

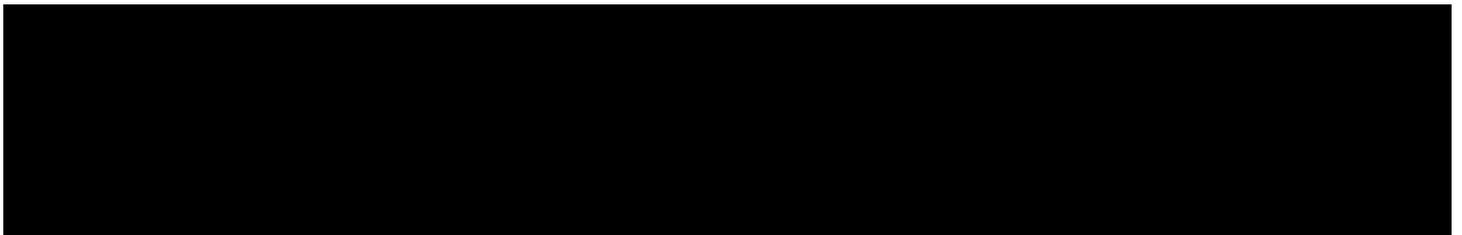
1. my specific concern is with the proposed removal of the existing "as-of-right" ability to construct a dwelling on 40 hectares or more of farm zoned land - and the fact that this will, at the stroke of a pen, slash the value of all farm land affected by between 50% and 80% ; and
2. I have raised this both in the context of the Council's support for DELWP's proposed planning scheme as well as in the context of the Council's draft Rural Land Use Strategy – which, in this respect, is a wasteful duplication of DELWP's proposal and one to which most well informed farmers, the Victorian Farmers Federation and the State opposition reasonably object.

Despite repeated questions at the forum last night, Mr Ball failed/refused to reply (among other queries) to the simple question:

Has the Council undertaken any analysis of the economic impact the proposal will have (if implemented) on the value of farmers' land affected by the proposal?

I again request a response to this question as a matter of urgency.

Yours sincerely



From: Strategic Planning <strategicplanning@mrsc.vic.gov.au>
Sent: Wednesday, 18 August 2021 5:38 PM
To: Strategic Planning
Subject: Rural Land Use Q&A Session - Now online

External Sender:

To whom it may concern,
As you are aware, Council hosted an online Q and A session on 11 August 2021 as part of its community engagement process for the Rural Land Use Strategy. Thank you for showing your interest by registering to participate and/or attending.

The forum's purpose was to support informed community engagement on the draft strategy. By exploring diverse perspectives on rural land use in Macedon Ranges Shire, the project team sought to create a deeper shared understanding of the issues and considerations that have informed the draft strategy.

Moderator Ross Allen led the panel discussion of key questions and themes raised by local landholders and other interested parties.

Panel members, representing different local interests, shared their perspectives on rural land use in the shire and implications of the draft strategy on local communities, businesses and the environment. Council thanks them for their time and expertise, noting that some of the panel members volunteered their time.

Visit the [Rural Land Use Strategy \(RLUS\) consultation page](#) where you can view a recording taken from the Q&A session held on 11 August 2021.

Our project team acknowledges that numerous questions were raised which not able to be directly addressed by the panel on the night. We will continue to update our webpage Q&A information.

Council officers remain available to answer any follow-up questions before submissions on the RLUS close on 30 August 2021. Officers and all information will continue to be available after 30 August 2021. We encourage those that wish to have a one on one discussion with the planning team or any other enquiries to contact us on strategicplanning@mrsc.vic.gov.au or 5422 0333. To those that have already reached out to the team, thank you.

If you wish to keep updated with the Rural Land Use Strategy and its progress, please subscribe for project updates, [register your email address](#).

If you have any questions please contact the Strategic Planning Team, on 5422 0333 or strategicplanning@mrsc.vic.gov.au.

Yours Sincerely

Strategic Planning
Macedon Ranges Shire Council
T 03 5422 0333 | E strategicplanning@mrsc.vic.gov.au | W: www.mrsc.vic.gov.au

Working Together | Honesty | Accountability | Innovation | Respect

Macedon Ranges Shire Council acknowledges the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, present and emerging.

Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.



3. In addition to being a farmer personally affected by the Council's proposal, I am a lawyer in private practice. Having acted for many public authorities over more than 30 years as a partner in top tier national and global law firms, I have never seen an example of a public authority so apparently lacking in an understanding of the proper exercise of its statutory powers as the Council is in this instance.
4. The importance of economic effects is especially relevant to the current proposal when the economic impact will have a devastatingly adverse effect on the economic viability of the *intended* planning outcome of preserving farm uses. This is because the proposal will undermine the viability of farm businesses by slashing the value of the security (namely the land) which farmers use to borrow against in order to fund their farming operations.
5. *Basically*, the Council seems to be pursuing an abstract scheme which ignores the economic reality that farm businesses (like all others) rely on the underlying value of their primary asset (being the land) as the means to fund their farming. When banks will only, at best, offer loans to farmers based on a 50% loan to property valuation ratio, slashing the value of farms by 50% to 80% is practically a death sentence to existing farming operations.
6. The proposal is a classic case of the Council's town planners (and their external consultants who authored the Council's strategy) attempting to apply abstract (ivory tower) town planning ideology which is divorced from the reality on the ground.

Council is misusing its powers to manipulate the real estate market

7. To *add* insult to injury, your letter indicates that the Council has taken into account what you refer to as "*..land banking... occurring throughout the Shire..*" which you assert "*..inflates the price of agricultural land through the introduction of competition in the market.*" I note that there is no evidence provided to support this statement. However, the statement is telling in that it shows a clear intent on the part of the Council to cut the value of farmers' land. This is extraordinary when the Council has not undertaken any analysis of the economic effect of doing so. It shows a reckless disregard for protecting existing farms and for the requirements of the *Planning and Environment Act 1987 (Vic)*.
8. How does the Council justify on the one hand saying that "*property values are [irrelevant] to strategic planning outcomes*" and on the other hand using "*land banking/inflated land prices*" as a basis for justifying the proposal?
9. In addition, since when has it been a planning town planning objective to take "*competition out of the market*". To pursue such an objective is:
 - at best, an example of the Council taking into consideration factors which are irrelevant to its duties and functions under the *Planning and Environment Act 1987 (Vic)*; and
 - at worst, a clear abuse, misuse and overreach of the Council's statutory powers.
10. By going on record as pursuing the proposal to "*take competition out of the market*", the Council is engaging in improper use of its statutory powers to manipulate the market. Not only is this a blatant misuse of the Council's statutory powers, it's all the more egregious when you consider that the Council is so demonstrably unqualified to do so.

Council's abuse of its powers exposes it to a \$400 million damages claim for misfeasance in public office

11. From what you have said in your letter, it is apparent that the Council has not only **not** had regard to the economic effect on land values but is intentionally reckless about the economic effect. That is both an abuse of the Council's powers and an intentional failure by the Council to take into account relevant considerations that it has a statutory duty to take into account in the proper exercise of its statutory functions.
12. If the proposal proceeds, then, in not carrying out its statutory duties, the Council will be engaging in a deliberate abuse of its statutory powers or, alternatively, acting with a reckless *indifference* to its duties and the extent of its powers and with a reckless indifference to the fact that it will be causing intentional economic harm to at least 419 farmers. The result will be that the Council will be engaging in the tort of misfeasance in public office and liable in damages for the economic harm caused.
13. In the circumstances, the Council should (before proceeding any further with this misguided proposal) consider the following:

- The likelihood of legal action (in the form of a class action) being brought by affected farmers claiming damages for the economic effect of the Council's botched and unlawful decision making. Given the Council's own strategy says there are 419 properties affected, and given the effect will be to cut the value of those properties by approximately \$1 million each - the damages claim against the Council will be over **\$400 million**.
- Such legal action would be successful when it's clear, and the Council is on record in your letter confirming, that the Council has, in breach of its statutory duties, engaged in making decisions failing to take into account relevant considerations and taking into account irrelevant considerations.
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The submission in this email puts the Council on notice that its actions are unlawful and in breach of its statutory duty. As a consequence, if the Council still proceeds with the proposal, the Council will have demonstrated the necessary intention (deliberate or reckless) required in order for tortious liability for misfeasance in public office to be made out. [If you doubt this is the case, I strongly suggest the Council seeks legal advice to satisfy itself as to the risk of liability it faces.](#)

Council's strategy is a wasteful duplication of DELWP's proposal

As the Council well knows, the Council's proposal is a wasteful duplication of the proposal already being pursued by Department of Planning (**DELWP**) involving removal of the "as-of-right" ability to construct a dwelling on 40 ha of farm zoned land within 100 kilometres on Melbourne – see DELWP's Consultation paper – *Planning for Melbourne's Green Wedges and Agricultural Land*. It begs the question of why the Council is wasting ratepayers' money pursuing a duplicative planning scheme change and, in the process, putting farmers to the wasted time, cost and stress of objecting to two processes. It's this sort of bureaucratic bungling and government waste and duplication which gives the public sector a bad name.

Like the Council, DELWP is on record as having not considered the economic impact of its proposal and not understanding its statutory duties under section 12(2)(c) of the *Planning and Environment Act 1987 (Vic)*. Since this has been pointed out to them and to their credit, DELWP has made it clear that the matter is "*just a proposal*" and they are re-considering it.

Given that the likely adverse impact on farm land values within the 100 kilometre zone from Melbourne will be in the hundreds of billions of dollars, I expect the Minister will see sense and halt the DELWP proposal from proceeding further. I strongly urge the Council to show some leadership and likewise cease to pursue its proposal.

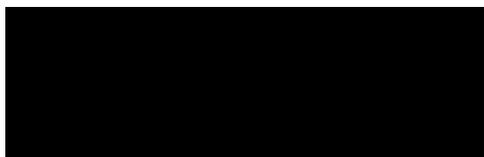
Council still hasn't answered over 80 questions from ratepayers at its online forum

A number of additional questions and issues arise out of your letter and I will write to you separately seeking answers to them.

In addition, I note that, at the Council's online forum, there were in excess of 80 questions from ratepayers (including some others from me) – none of which the presenters were either able or inclined to answer in the forum. I note that in a broadcast email from the Council's Strategic Planning Department on 18 August 2021, it was stated that answers would be provided on the Council's website. However, almost three weeks later the answers still do not appear on the Council's website. I again request that the Council rectify this by promptly publishing answers to the questions asked on the forum.

The ball is in the Council's court.

Yours sincerely





Our Ref: [REDACTED]
Contact: Rob Ball

25 August 2021



Re: FW: Draft Macedon Ranges Rural Land Use Strategy - Council's refusal to answer questions in its online "consultation" forum

Thank you for your email of 12 and 19 August 2021 regarding Council's Q and A session for the Draft Rural Land Use Strategy, held on 11 August 2021. I have been asked to respond on behalf of Councillors and the Chief Executive Officer.

The *Planning and Environment Act, 1987* (the Act) establishes a framework for planning the use, development and protection of land in Victoria in the present and long-term interests of all Victorians. The Act includes a range of objectives for planning in Victoria but it is well established that property prices/land values are not a factor that is measured in the delivery of strategic planning outcomes for the community within Victoria. Instead, Council relies on the analysis of the land to identify what the highest and best use or development is for that land.

Research undertaken during preparation of the draft Rural Land Use Strategy has identified that land banking is occurring throughout the shire. The process of land banking artificially inflates the price of agricultural land through the introduction of competition in the market.

Agricultural land is a finite resource, and as the responsible authority for planning, the Macedon Ranges Shire Council seeks to ensure that farming is the primary use taking place on land that is suitable for agriculture. By supporting a larger minimum lot subdivision size and the need to link dwellings to agricultural uses, Council is of the opinion that the proposed new control will be viewed favourably by the market for agricultural land.

The proposals outlined in the draft Rural Land Use Strategy have been implemented in some form or another, by a number of Council's throughout Victoria. Council and RMCG (report authors) are not aware where controls such as those outlined in the Draft Rural Land Use Strategy have had significant negative impacts to property values. This is true for the north east of the Shire where the 100ha minimum subdivision for lots in the Farming Zone currently exists.

Lastly, Council would welcome a submission from you and any further evidence you have that may assist Council in its consideration of the concerns you have raised. Submissions can be emailed to strategicplanning@mrsc.vic.gov.au. In response to the current Covid-19 lockdown, Council has extended submissions to Friday 17 September 2021.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rob Ball', written in a cursive style.

Rob Ball
Manager Strategic Planning and Environment

statutory duties. On behalf of my family and all the other farmers affected by the proposal, I reserve all of our rights against the Council and all councillors individually if this proposal proceeds further. I make these points because to date, the actions of the Council and its officers give me no choice.

Council officers' Q & A material is contradictory and shows the real intent is to engage in market manipulation – regardless of the economic effect

5. In saying it has not considered the economic effect of the proposal, the Council officers (in the online Council Q & A material they have posted on the Council's website) make the vacuous point that land values are affected by "*many different variables*" including "*competition, interest rates, financial standing (whatever that means), affordability, desirability*" etc. and then in the next breath go on to say "*Prices paid for agricultural land should be based on the return expected from the land itself when applied to farming activities*". It is apparent that the officers don't even understand that these two points are contradictory.
6. It's obvious that removing the right to construct a dwelling automatically devalues existing farm land because that right is inherently valuable (both in itself and in facilitating farming) and removing it and, effectively, restricting the land to "*farming activities*" only, dramatically reduces the value of the land. This illustrates that the other "*different variables*" the Council officers refer to are insignificant compared to the blindingly obvious and dramatic economic effect that removing the existing right to a dwelling on 40 hectares or more will have. It also shows that the Council officers (and RCMG) are well aware of the devastating economic effect the proposal will have (and just don't care about it) even though they have not properly considered or assessed the economic impact it will have in the real world – as opposed to the imaginary world of utopian town planning they seem preoccupied with.
7. You refer to "*Research undertaken during preparation of the draft Rural Land Use Strategy [that] has identified that land banking is occurring throughout the shire.*" Please provide a copy of this "research".
8. How does the Council justify on the one hand saying that property values are irrelevant to "*strategic planning outcomes*" and on the other hand using "*land banking/inflated land prices*" as a basis for justifying the proposal?
9. You assert that "*..The process of land banking artificially inflates the price of agricultural land through the introduction of competition in the market.*" What evidence do you have to support this assertion? In addition, on what basis does the Council say that it is acting within its powers as a planning authority to take competition out of the market?
10. You assert that "*the Council is of the opinion that the new control will be viewed favourably by the market for agricultural land.*" Given that the Council has no claim to expertise on what "*will be viewed favourably by the market for agricultural land*", on what evidence does the Council base this opinion?
11. You assert that the proposal has been implemented by a number of other Councils and the Council and RCMG are not aware of the proposal having "*had significant negative impacts to property values*". What evidence does the Council have to support this assertion? The **attached** article from the Weekly Times shows that the Council's proposal (which is wastefully duplicative of the current proposal being pursued by DELWP) has not been implemented for most farm zoned land within 100 kilometres of Melbourne. It's apparent that the other municipalities within that 100 kilometre radius are comparable to Macedon Ranges Shire – so comparing Macedon Ranges to Councils in other parts of Victoria is of little relevance.
12. The requirement to seek a planning permit will result in farmers having to spend tens of thousands and in most likely hundreds of thousands of dollars in consultants fees (on reports from agricultural consultants, flora and fauna consultants, archaeological consultants and indigenous cultural heritage consultants to name a few) and legal fees - with the material they provide being subject to review, comment and criticism at council level and in VCAT if an appeal proceeds. Ultimately, it's a huge cost in professional time and effort for which the land owner must foot the bill with little chance of success. Despite this, the Council fails to mention the enormous costs and risks involved in seeking a planning permit before seeking to implement changes which deprive farmers of their existing rights.
13. The Council clearly has not considered that by slashing the value of farmer's land, the Council will destroy the ability of farmers to borrow against their land in order to fund viable farming businesses. The Council has said that by "*ensuring farming is the primary use ...this will provide certainty that investment in agriculture is supported.*" There is no basis whatsoever for this statement when undermining the existing value of farmers' land will so obviously undermine the capacity of farmers to invest in agriculture. The practical effect of the proposal will be to undermine the economic viability of the intended planning outcome of preserving farm uses.

14. Does the Council consider it fair and appropriate to slash the value of farmers' land without compensation?
15. Has the Council considered the impact of the proposal on farmers who have, in good faith, purchased their farms at values based on the right to build dwellings? In response to this question, the Council has so far stated that *"land in the farm zone is for farming, not ... housing development"* and that the proposal *"supports farming by providing certainty regarding the ongoing viability of farming practices, unencumbered by the proliferation of dwellings."* This ignores that viable farming relies on the security/value of the farmers' underlying asset, being the land. Deliberately undermining that value is a direct and devastating attack on farm viability. In addition, the ability to construct a dwelling on 40 hectares or more is not going to create a *"proliferation of dwellings"* or have any impact on *"farming practices"*.

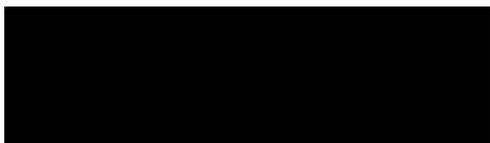
Destroying the value of ratepayers property is despicable and morally reprehensible

16. The Council has shown it doesn't care about the fact that slashing farmers' land values will result in many farmers having their banks/mortgagees call in their loans when they can no longer meet loan to valuation ratios. Indeed, the Council's attitude to date indicates it has no moral qualms whatsoever about destroying the value of its ratepayers land and undermining the financial security of hundreds of farmers and their families. The Council also appears intent on casually ignoring the devastating impact on farmers' mental health and wellbeing of having their financial security destroyed by uncaring bureaucrats. Such an attitude on the part of the Council is despicable and unworthy of any democratically elected body.
17. In relation to this proposal the Council is pursuing a planning scheme change which duplicates the one already being pursued by DELWP. - thereby forcing struggling farmers to waste their time and money engaging in unreasonable and frivolous duplicative processes objecting to two separate but equivalent proposals. When asked why, Council officers have launched into a rambling and vacuous explanation (see their online Q & A responses) which appears to mean because it *"keeps the Council's rural land policies relevant."* Frankly, such a response is not good enough and simply reinforces the impression of bureaucratic bungling, waste and duplication which gives the public sector such a bad name.
18. I call on the Councillors to show leadership and ditch this misguided proposal before irreparable harm is done. However seemingly well intentioned the officers and consultants (RMCG who authored the proposal) may be, the fact is that the proposal and the approach taken so far by the Council is morally reprehensible, disrespectful of farmers' existing rights and a casual destruction of the financial security and livelihoods of the farmers affected. Those farmers are a minority for whom no thought is given in the pursuit of a proposal which is fundamentally flawed and will operate in a grossly unreasonable and unjust way. This is a prime example that the proper exercise of powers by government is a very serious responsibility which must not be used to destroy the financial wellbeing of its citizens.

Proper response and undertaking required

19. The importance of the questions and issues raised in this email requires a proper response from the Council – not just the repetitive and irrelevant responses so far provided by Council officers and RCMG - which are a disingenuous attempt to avoid the real issues. Please provide that response as a matter of urgency.
20. Given the very serious consequences if the Council continues to pursue the proposal, I request an undertaking from the Council that no further formal step will be taken by the Council in relation to the proposal without giving me and other affected farmers at least 60 days' notice and that we will be notified of any further consideration of the proposal by the Council and/or any committee of the Council and given the opportunity to attend.

Yours sincerely



From: [Redacted]
Sent: Tuesday, 31 August 2021 3:15 PM
To: 'rball@mrsc.vic.gov.au' <rball@mrsc.vic.gov.au>; 'Strategic Planning' <strategicplanning@mrsc.vic.gov.au>
Cc: [Redacted] 'adeath@mrsc.vic.gov.au' <adeath@mrsc.vic.gov.au>; 'gneil@mrsc.vic.gov.au'

<gneil@mrsc.vic.gov.au>; 'bwest@mrsc.vic.gov.au' <bwest@mrsc.vic.gov.au>; 'dbonanno@mrsc.vic.gov.au' <dbonanno@mrsc.vic.gov.au>; 'rguthrie@mrsc.vic.gov.au' <rguthrie@mrsc.vic.gov.au>; 'anmoore@mrsc.vic.gov.au' <anmoore@mrsc.vic.gov.au>; 'janderson@mrsc.vic.gov.au' <janderson@mrsc.vic.gov.au>; 'jpearce@mrsc.vic.gov.au' <jpearce@mrsc.vic.gov.au>; 'mridgeway@mrsc.vic.gov.au' <mridgeway@mrsc.vic.gov.au>; 'bosullivan@mrsc.vic.gov.au' <bosullivan@mrsc.vic.gov.au>; 'mrsc@mrsc.vic.gov.au' <mrsc@mrsc.vic.gov.au>;

Subject: Draft Rural Land Use Strategy - Ignoring economic effects breaches the Planning and Environment Act and exposes Council to \$400 million damages claim

URGENT ATTENTION: Mr Rob Ball, Strategic planner and the Mayor, Councillors and CEO, Macedon Ranges Shire Council

Thank you for your letter of 25 August 2021 (a copy of which is **attached** – provided by Mr Ball) in relation to my question concerning the Council's draft "*Rural Land Use Strategy*".

Unfortunately your letter does not provide a direct answer to the simple question I posed concerning the proposal to remove the right to build a dwelling on 40 ha or more of farm zoned land, namely:

- ***Has the Council undertaken any analysis of the economic impact the proposal will have (if implemented) on the value of farmers' land affected by the proposal?***

Instead, your letter attempts to avoid my question but, in doing so, contains a number of unsupported statements which disclose that the Council has in fact not undertaken any analysis of, or even considered, the economic effect the proposal will have on the value of farmers' land.

A brief conversation with any local real estate agent or valuer will show that the proposal will slash the existing value of farm land affected by between 50% and 80%. It's clear that the Council is either intentionally ignoring this fact or deliberately pursuing a proposal which will slash farm values without understanding the counterproductive effect this will have on its planning objectives.

Turning to what is said in your letter, the following points stand out:

Council says land values are irrelevant and ignores economic effects

1. In your letter you make a number of unsupported, and in many cases inaccurate, assertions. The key one is that "*..it is well established that property prices/land values are not a factor that is measured in the delivery of strategic planning outcomes..*" This statement shows a fundamental ignorance of the Council's statutory duties under the *Planning and Environment Act 1987 (Vic)*.

Council is either ignoring or ignorant of its duties under the Planning and Environment Act

2. *Section 12(2)(c)* of the Act provides that the Council must, when preparing a planning scheme amendment, "*take into account the social and economic effects*" of the proposed amendment. It is obvious that a planning scheme change which will slash the value of affected land by between 50% and 80% will have a devastating economic effect. For the Council to ignore that economic effect and claim it's not relevant is both:
 - a clear breach by the Council of its statutory duty to take into account economic effects; and
 - a demonstration of ignorance by the Council about the legislation it is purporting to act under.

3. In addition to being a farmer personally affected by the Council's proposal, I am a lawyer in private practice. Having acted for many public authorities over more than 30 years as a partner in top tier national and global law firms, I have never seen an example of a public authority so apparently lacking in an understanding of the proper exercise of its statutory powers as the Council is in this instance.
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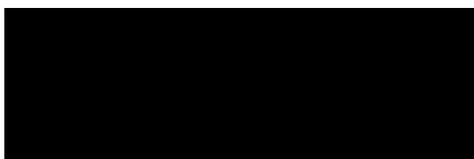
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Our Ref: [REDACTED]
Contact: Rob Ball

25 August 2021



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The *Planning and Environment Act, 1987* (the Act) establishes a framework for planning the use, development and protection of land in Victoria in the present and long-term interests of all Victorians. The Act includes a range of objectives for planning in Victoria but it is well established that property prices/land values are not a factor that is measured in the delivery of strategic planning outcomes for the community within Victoria. Instead, Council relies on the analysis of the land to identify what the highest and best use or development is for that land.

Research undertaken during preparation of the draft Rural Land Use Strategy has identified that land banking is occurring throughout the shire. The process of land banking artificially inflates the price of agricultural land through the introduction of competition in the market.

Agricultural land is a finite resource, and as the responsible authority for planning, the Macedon Ranges Shire Council seeks to ensure that farming is the primary use taking place on land that is suitable for agriculture. By supporting a larger minimum lot subdivision size and the need to link dwellings to agricultural uses, Council is of the opinion that the proposed new control will be viewed favourably by the market for agricultural land.

The proposals outlined in the draft Rural Land Use Strategy have been implemented in some form or another, by a number of Council's throughout Victoria. Council and RMCG (report authors) are not aware where controls such as those outlined in the Draft Rural Land Use Strategy have had significant negative impacts to property values. This is true for the north east of the Shire where the 100ha minimum subdivision for lots in the Farming Zone currently exists.

Lastly, Council would welcome a submission from you and any further evidence you have that may assist Council in its consideration of the concerns you have raised. Submissions can be emailed to strategicplanning@mrsc.vic.gov.au. In response to the current Covid-19 lockdown, Council has extended submissions to Friday 17 September 2021.

Yours sincerely



Rob Ball
Manager Strategic Planning and Environment

DEVELOPING BATTLE

Land row over rule duplicity

By PETER HUNT

THE Victorian Government has been accused of hypocrisy in stripping farmers' right to build a dwelling on 40ha or more, while carving up prime agricultural land surrounding Melbourne to construct 500,000 houses.

Planning Minister Richard Wynne has proposed dumping the 40ha rule in a bid to "better control" rural development within the zone and to protect Melbourne's green vista. But former Nillumbik councillor and rural landholder Jane Ashton said nowhere in the government's *Planning for Melbourne's Green Wedges and Agricultural Land Consultation Paper* does it mention how much land had been lost to Melbourne's urban sprawl.

"I drive through Pakenham and Koo Wee Rup where there are massive housing developments pushing on to prime agricultural land," Ms Ashton said. "But there's no mention of the planning document; it's hypocrisy."

Mr Wynne and his bureaucrats have instead highlighted in the report that "between 2011 and 2018, an average of 560 dwellings per year were approved in rural zones", about 4480 in total.

"It pales into insignificance when compared to the nearly 500,000 (housing) lots, many of which have taken prime agricultural land as part of the expansion of the Metropolitan Melbourne Urban Growth Boundary," Ms Ashton said.

Ms Ashton is among hundreds of landholders alarmed at the Government's act to strip farmers within 100km of Melbourne of their right to build on 40ha or more, branding it hypocritical and warning it would undermine land values.

Woodend real estate agent Michael Keating warned farm values would drop 50-75 per cent as a result of stripping farmers of development rights.

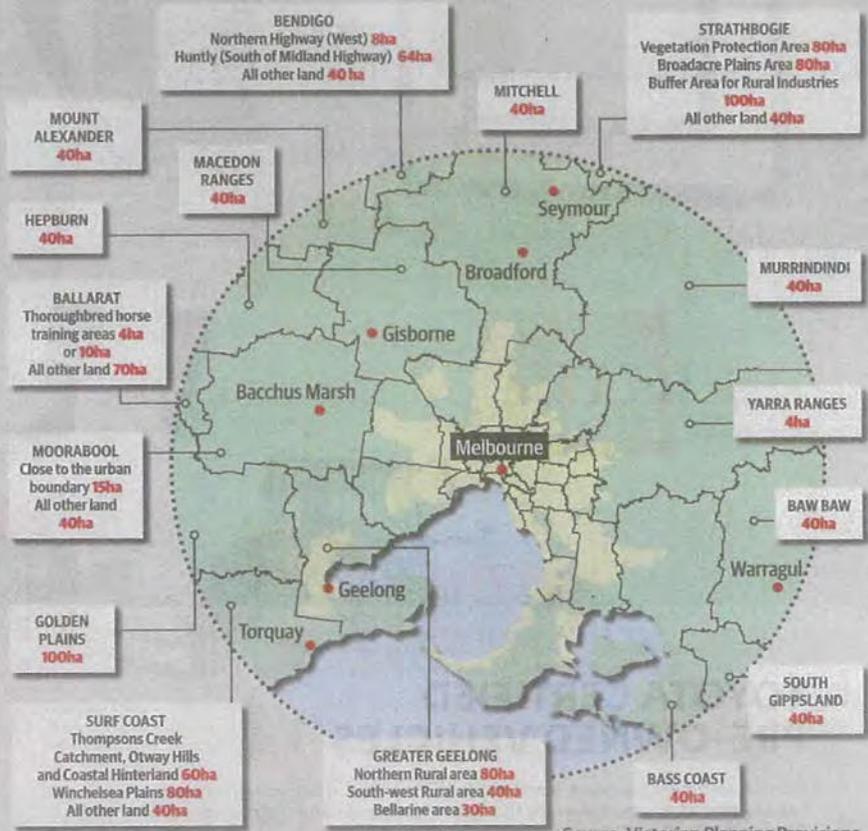
"It is not fair that a planning policy change applied retrospectively can devalue a landowner's property by more than 50 per cent," Mr Keating said.

"Under the Planning & Environment Act 1987 the first objective of planning Victoria is 'to provide for the fair, orderly, economic and sustainable use and development of land'."

Analysis of the planning rules shows the "as of right" 40ha rule, applies across most shires that are wholly or partly

BUILD TO ORDER

Minimum lot size for "as-of-right" dwelling by shire on farming zoned land within 100km of Melbourne



with the 100km zone.

Planners are warning the loss of building rights would

not only devalue land but add major administrative costs for landholders trying to gain a

permit to build, with potential delays and neighbours able to lodge objections that could

end up before the Victorian Civil and Administrative Tribunal.

and into the arena for determining liability for damages for an unlawful actionable tort. If you doubt what I am saying, I strongly urge the Council to get credible legal advice on the issue.

5. In addition, your comment (referred to in paragraph one above) might be relevant if the number of farmers affected was very small, the Council had considered the economic effect on their land values and could demonstrate (that despite the a small degree of negative impact on those farmers) some real "*net community benefit*" would flow. That is not the case here.
6. The point you don't get is that destroying the viability of existing farms by undermining their land value by between 50% to 80% will undermine the intended planning objective of preserving existing farm uses. It's not a matter of a few disgruntled farmers suffering a small devaluation of their land for some greater community planning good. Its outright destruction of the ability of existing farmers on many hundreds of farms in Macedon Ranges to continue viable farming businesses because the Council undermines the value of their land and, in turn, destroys their capacity to fund their farming operations.
7. Nowhere in the Panel Report (a copy of which is **attached** for reference) you referred to (or indeed in other Panel Reports) is there any support for the position being taken by Macedon Ranges. It appears you and the Council's external consultants have misread the report you refer to as giving carte blanche to value destruction on a massive scale on the basis that it's not even an economic effect the Council needs to consider before proceeding. In this context, it's easy to see why you (and the Council) are now on record admitting that no consideration has been given to the economic effect of the proposal on land values. The problem is that you and the Council's external consultants (RMCG) have (apparently through ignorance) mislead the Council into thinking no consideration of the economic effect on land values is required (because you don't understand the Panel Reports etc. you are reading).
8. In relation to the Panel report you refer to in your email, a few additional points are worth making:
 - It relates to land far from the urban fringe (Campaspe, Greater Shepparton, Moira) where the economic effect of restrictions on dwellings (while still significant) simply can't be compared with the impact in Macedon Ranges which is so close to metropolitan Melbourne.
 - To assert that it supports the proposition that you can properly ignore the destruction of hundreds of millions of dollars of land value because of a perceived "net community benefit" is absurd.
 - In the main, the changes being considered by the panel involved the tightening of already existing restrictions on dwellings - the panel noting that "*unfortunately, ... the absence of an as of right entitlement for a dwelling predates the RRLS*" (being the planning scheme change under consideration). In other words, the issue was not removing an existing as of right ability to construct dwellings – as is proposed now by Macedon Ranges.
 - You should not be fooled into thinking that because the Panel "*notes that planning changes that may be prejudicial to the value of property are not unusual in land use planning,*" that means the economic effect on land values is something that can be ignored – as the Council has done in this case.
 - The economic effect on land values of a proposed planning scheme change which will wipe hundreds of millions of dollars off the value of existing farms is exactly the sort of economic effect that section 12(2)(c) of the *Planning and Environment Act 1987 (Vic)* requires be considered before the Council proceeds. This is especially so when it is demonstrable that undermining the viability of existing farm businesses will actually undermine the intended planning objective and will, as a result, not deliver any "*net community benefit*" of the type you refer to.
9. **I must reiterate that, if the Council proceeds further with this proposal:**
 - **The Council will be acting in breach of its duty under section 12(2)(c) of the *Planning and Environment Act 1987 (Vic)* which requires the Council to consider the economic effect on land values before proceeding with a planning scheme change.**
 - The Council will face legal liability (for damages of potentially \$400 million for misfeasance in public office) as consequence of the Council deliberately and recklessly breaching its statutory duty.
 - Because the Councillors are on notice that in proceeding they will be acting in breach of their statutory duties, they will be liable (as individuals) along with the Council for the loss suffered by affected farmers.
10. I should add that if you and/or the Council's external consultants continue to encourage the Council to proceed with the proposal, then you and such consultants will be liable (along with the Council and individual councillors) for conspiracy to facilitate the Council committing the actionable tort of misfeasance in public office.
11. You should also be aware that all material (encouraging the Council to proceed with the proposal) produced for internal consumption within the Council (whether by you, other Council officers or the Council's external

consultants) will be discoverable as part of Supreme Court proceedings. Such material will provide evidence to support the claim for damages for conspiracy to facilitate the Council committing a tortious act.

12. By continuing to drag out this process, the Council's position on the issue shows a callous and despicable disregard for the well-being of farmers and ratepayers in Macedon Ranges. It's time for the Council to show some leadership and withdraw this misguided proposal – and not just do so because of the threat of legal liability. The Council allowing the matter to drag on is almost as reprehensible as proposing it in the first place without having considered the economic effect.

Sources

13. You comment that *"the source information included in the Rural Land Use Strategy ... is available in the various background reports available on Council's Rural Land Use Strategy website"*. Unfortunately, the material on the Council's website does not support or provide any evidence to substantiate the assertions made in your letter of 25 August 2021. For example, there is nothing to substantiate the claims that *"Research undertaken during preparation of the draft Rural Land Use Strategy has identified that land banking is occurring throughout the shire"* or the claim that *"the Council is of the opinion that the new control will be viewed favourably by the market for agricultural land."*
14. It's clear that neither you nor the Council intends to give any substantive response to the many issues raised in my emails of 17 September and 31 August 2021. As I said in my email of 17 September 2021, the importance of the questions and issues raised in that email requires a proper response from the Council – not just the repetitive and irrelevant responses so far provided by Council officers and RCMG - which are a disingenuous attempt to avoid the real issues.

Wasteful duplication of DELWP's "Planning for Melbourne's Green Wedges and Agricultural Land"

15. Your comment that the Council's strategy *"is specific to rural land in Macedon Ranges and, therefore, provides more precise recommendations which, while aligned with DELWP's project, provide direction for land specific to the shire"* is vacuous nonsense. As you well know, in relation to the proposed removal of the as of right ability to construct a dwelling on 40 hectares or more of farm zoned land, the two proposals are effectively identical.
16. In pursuing a proposal identical to DELWP's, the Council is wasting ratepayers' time and money and forcing farmers to waste time, cost and stress objecting to two separate misguided proposals. The right thing for the Council to do would be to acknowledge this is the case and agree to withdraw the proposal to remove the as of right ability to construct dwellings from its strategy. Again, the Council has not yet shown the moral leadership to do so – instead allowing you, on its behalf, to continue to make an irrelevant and disingenuous attempt to avoid the issue.

Your email indicates that I will be notified when the *"outcomes of the consultation will be considered by Council at a future Scheduled Council Meeting"*. Please confirm that I will be provided with at least 60 days' notice of any such meeting along with a copy of the *"outcomes of the consultation"* to be considered by the Council.

Unless that material contains a recommendation to unreservedly withdraw the proposal to remove the as of right ability to construct a dwelling on 40 hectares or more of farm zoned land, then, on behalf of my family and all affected farmers, I reserve the right to use it as evidence in Supreme Court proceedings claiming damages against you and all relevant Council officers and consultants involved in preparing it.

Yours sincerely



From: Rob Ball <RBall@mrsc.vic.gov.au>

Sent: Tuesday, 5 October 2021 11:51 AM

To: [Redacted]

Cc: Strategic Planning <strategicplanning@mrsc.vic.gov.au>

Subject: RE: Draft Rural Land Use Strategy - Ignoring economic effects breaches the Planning and Environment Act and exposes Council to \$400 million damages claim

Thank you for your email of 17 September 2021. I have been asked to provide a response on behalf of the organisation and Councillors.

Please note that you have been allocated submission number 47 for both of your emails dated 17 September 2021 and 31 August 2021.

I understand that your concerns primarily relate to the impact the Rural Land Use Strategy's recommendations may have on property values in the Farming Zone and the relationship of the strategy to DELWP's "Planning for Melbourne's green wedges and agricultural land" project. You also query the source of some of the data and information included in the Strategy and related documents. These matters are addressed below.

Sources

The source of the information included in the Rural Land Use Strategy and associated documentation, including all research findings, is available in the various background reports available on Council's [Rural Land Use Strategy website](#).

Land values

The impact of land use policies and provisions on individual property values is often a concern of landowners. This matter is addressed in several Panel Reports and VCAT cases which have determined that economic effects should be considered at a broad community level taking into account the net community benefit of the proposal, rather than in relation to individual circumstances. The Panel Report for the Northeast Rural Land Use Amendment (Campaspe, Greater Shepparton & Moira Planning Schemes) provides some commentary about this matter which is attached for your information (see pages 63 & 64).

Relationship to DELWP's "Planning for Melbourne's Green Wedges and Agricultural Land".

Council's Rural Land Use Strategy is specific to rural land in the Macedon Ranges and, therefore, provides more precise recommendations which, while aligned with DELWP's project, provide direction for land specific to the shire.

We understand your concerns about the possible implications the Rural Land Use Strategy may have for you and appreciate the time taken to prepare your feedback. Preparation of the Strategy is only the first step in a lengthy process to consider potential changes to the planning provisions applicable to rural land in the shire. All comments and submissions from the community are currently being reviewed carefully and will inform how Council proceeds with the project. You will be notified when the outcomes of the consultation will be considered by Council at a future Scheduled Council Meeting.

Yours sincerely

Rob Ball (He/Him)

Manager Strategic Planning and Environment
Macedon Ranges Shire Council

T 03 5421 9703 | M 0455 725 139 | E rball@mrsc.vic.gov.au | W: www.mrsc.vic.gov.au

Working Together | Honesty | Accountability | Innovation | Respect

Macedon Ranges Shire Council acknowledges the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, present and emerging.

Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.



From: [REDACTED]
Sent: Friday, 17 September 2021 3:31 PM
To: Rob Ball <RBall@mrsc.vic.gov.au>; Strategic Planning <strategicplanning@mrsc.vic.gov.au>
Cc: [REDACTED]; Cr Annette Death <adeath@mrsc.vic.gov.au>; Cr Geoff Neil <gneil@mrsc.vic.gov.au>; Cr Bill West <bwest@mrsc.vic.gov.au>; Cr Dominic Bonanno <dbonanno@mrsc.vic.gov.au>; Cr Rob Guthrie <rguthrie@mrsc.vic.gov.au>; Cr Anne Moore <annemoore@mrsc.vic.gov.au>; Cr Jennifer Anderson <janderson@mrsc.vic.gov.au>; Cr Janet Pearce <jpearce@mrsc.vic.gov.au>; Cr Mark Ridgeway <mridgeway@mrsc.vic.gov.au>; Bernie O'Sullivan <bosullivan@mrsc.vic.gov.au>; Macedon Ranges Shire Council <mrscmail@mrsc.vic.gov.au>; [REDACTED]

Subject: Draft Rural Land Use Strategy - Ignoring economic effects breaches the Planning and Environment Act and exposes Council to \$400 million damages claim

CAUTION: This email originated from outside of Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

URGENT ATTENTION: Mr Rob Ball, Strategic planner and the Mayor, Councillors and CEO, Macedon Ranges Shire Council

I refer to my email of 31 August 2021 (copied below) in which I indicated that a number of additional questions and issues arise out of your letter of 25 August 2021 (a copy of which is attached for reference).

The additional questions and issues raised by your letter include the following:

Council is in breach of its duties under the Planning and Environment Act

1. You assert that *"..it is well established that property prices/land values are not a factor that is measured in the delivery of strategic planning outcomes for the community within Victoria."* On what do you base this demonstrably wrong assertion?
2. Slashing the existing value of farmers' land by between 50 % and 80 % will be an immediate and devastating economic effect of the proposal to remove the existing right to construct a dwelling on 40 hectares or more of farm zoned land. Despite this, the Council is now on record saying that the impact on land values is irrelevant. **This statement by the Council shows that the Council will be acting in breach of its duty under section 12(2)(c) of the *Planning and Environment Act 1987 (Vic)* which requires the Council to consider the economic effect before proceeding with a planning scheme change.** Has the Council obtained legal advice about the legal liability it will face (for damages of potentially \$400 million for misfeasance in public office) as consequence of the Council deliberately and recklessly breaching its statutory duty?

Councillors will be personally liable if the proposal proceeds

3. Given that all Councillors are now on notice of the Council's breach of its statutory duty under section 12(2)(c) of the *Planning and Environment Act 1987 (Vic)*, they will be personally liable as individuals (along with the Council itself) if the proposal proceeds. It is important to note that the personal indemnity from liability which

the councillors (as individuals) enjoy under section 43 of the *Local Government Act 2020 (Vic)* is only available if the relevant act is done in good faith in the reasonable belief that it is being done in the proper exercise of a power or discharge of a duty under the relevant Act.

4. In the present case, the councillors are all individually on notice (by virtue of this email and my email of 31 August 2021) that the Council (and each of them individually) is/are acting in breach of their statutory duty to take into account the economic effect of the proposal. As a consequence, if they proceed further with this proposal, the normal indemnity against personal liability the Councillors enjoy under section 43 will not be available to them. I also expect that the cover provided under any insurance held by the Council covering councillor liability will also not extend to acts which the councillors are on notice of as being a breach of their statutory duties. On behalf of my family and all the other farmers affected by the proposal, I reserve all of our rights against the Council and all councillors individually if this proposal proceeds further. I make these points because to date, the actions of the Council and its officers give me no choice.

Council officers' Q & A material is contradictory and shows the real intent is to engage in market manipulation – regardless of the economic effect

5. In saying it has not considered the economic effect of the proposal, the Council officers (in the online Council Q & A material they have posted on the Council's website) make the vacuous point that land values are affected by "*many different variables*" including "*competition, interest rates, financial standing (whatever that means), affordability, desirability*" etc. and then in the next breath go on to say "*Prices paid for agricultural land should be based on the return expected from the land itself when applied to farming activities*". It is apparent that the officers don't even understand that these two points are contradictory.
6. It's obvious that removing the right to construct a dwelling automatically devalues existing farm land because that right is inherently valuable (both in itself and in facilitating farming) and removing it and, effectively, restricting the land to "*farming activities*" only, dramatically reduces the value of the land. This illustrates that the other "*different variables*" the Council officers refer to are insignificant compared to the blindingly obvious and dramatic economic effect that removing the existing right to a dwelling on 40 hectares or more will have. It also shows that the Council officers (and RCMG) are well aware of the devastating economic effect the proposal will have (and just don't care about it) even though they have not properly considered or assessed the economic impact it will have in the real world – as opposed to the imaginary world of utopian town planning they seem preoccupied with.
7. You refer to "*Research undertaken during preparation of the draft Rural Land Use Strategy [that] has identified that land banking is occurring throughout the shire.*" Please provide a copy of this "research".
8. How does the Council justify on the one hand saying that property values are irrelevant to "*strategic planning outcomes*" and on the other hand using "*land banking/inflated land prices*" as a basis for justifying the proposal?
9. You assert that "*..The process of land banking artificially inflates the price of agricultural land through the introduction of competition in the market.*" What evidence do you have to support this assertion? In addition, on what basis does the Council say that it is acting within its powers as a planning authority to take competition out of the market?
10. You assert that "*the Council is of the opinion that the new control will be viewed favourably by the market for agricultural land.*" Given that the Council has no claim to expertise on what "*will be viewed favourably by the market for agricultural land*", on what evidence does the Council base this opinion?
11. You assert that the proposal has been implemented by a number of other Councils and the Council and RCMG are not aware of the proposal having "*had significant negative impacts to property values*". What evidence does the Council have to support this assertion? The **attached** article from the Weekly Times shows that the Council's proposal (which is wastefully duplicative of the current proposal being pursued by DELWP) has not been implemented for most farm zoned land within 100 kilometres of Melbourne. It's apparent that the other municipalities within that 100 kilometre radius are comparable to Macedon Ranges Shire – so comparing Macedon Ranges to Councils in other parts of Victoria is of little relevance.
12. The requirement to seek a planning permit will result in farmers having to spend tens of thousands and in most likely hundreds of thousands of dollars in consultants fees (on reports from agricultural consultants, flora and fauna consultants, archaeological consultants and indigenous cultural heritage consultants to name a few) and legal fees - with the material they provide being subject to review, comment and criticism at council level and in VCAT if an appeal proceeds. Ultimately, it's a huge cost in professional time and effort for which the land owner must foot the bill with little chance of success. Despite this, the Council fails to mention the

enormous costs and risks involved in seeking a planning permit before seeking to implement changes which deprive farmers of their existing rights.

13. The Council clearly has not considered that by slashing the value of farmer's land, the Council will destroy the ability of farmers to borrow against their land in order to fund viable farming businesses. The Council has said that by *"ensuring farming is the primary use ... this will provide certainty that investment in agriculture is supported."* There is no basis whatsoever for this statement when undermining the existing value of farmers' land will so obviously undermine the capacity of farmers to invest in agriculture. The practical effect of the proposal will be to undermine the economic viability of the intended planning outcome of preserving farm uses.
14. Does the Council consider it fair and appropriate to slash the value of farmers' land without compensation?
15. Has the Council considered the impact of the proposal on farmers who have, in good faith, purchased their farms at values based on the right to build dwellings? In response to this question, the Council has so far stated that *"land in the farm zone is for farming, not ... housing development"* and that the proposal *"supports farming by providing certainty regarding the ongoing viability of farming practices, unencumbered by the proliferation of dwellings."* This ignores that viable farming relies on the security/value of the farmers' underlying asset, being the land. Deliberately undermining that value is a direct and devastating attack on farm viability. In addition, the ability to construct a dwelling on 40 hectares or more is not going to create a *"proliferation of dwellings"* or have any impact on *"farming practices"*.

Destroying the value of ratepayers property is despicable and morally reprehensible

16. The Council has shown it doesn't care about the fact that slashing farmers' land values will result in many farmers having their banks/mortgagees call in their loans when they can no longer meet loan to valuation ratios. Indeed, the Council's attitude to date indicates it has no moral qualms whatsoever about destroying the value of its ratepayers land and undermining the financial security of hundreds of farmers and their families. The Council also appears intent on casually ignoring the devastating impact on farmers' mental health and wellbeing of having their financial security destroyed by uncaring bureaucrats. Such an attitude on the part of the Council is despicable and unworthy of any democratically elected body.
17. In relation to this proposal the Council is pursuing a planning scheme change which duplicates the one already being pursued by DELWP. - thereby forcing struggling farmers to waste their time and money engaging in unreasonable and frivolous duplicative processes objecting to two separate but equivalent proposals. When asked why, Council officers have launched into a rambling and vacuous explanation (see their online Q & A responses) which appears to mean because it *"keeps the Council's rural land policies relevant."* Frankly, such a response is not good enough and simply reinforces the impression of bureaucratic bungling, waste and duplication which gives the public sector such a bad name.
18. I call on the Councillors to show leadership and ditch this misguided proposal before irreparable harm is done. However seemingly well intentioned the officers and consultants (RMCG who authored the proposal) may be, the fact is that the proposal and the approach taken so far by the Council is morally reprehensible, disrespectful of farmers' existing rights and a casual destruction of the financial security and livelihoods of the farmers affected. Those farmers are a minority for whom no thought is given in the pursuit of a proposal which is fundamentally flawed and will operate in a grossly unreasonable and unjust way. This is a prime example that the proper exercise of powers by government is a very serious responsibility which must not be used to destroy the financial wellbeing of its citizens.

Proper response and undertaking required

19. The importance of the questions and issues raised in this email requires a proper response from the Council – not just the repetitive and irrelevant responses so far provided by Council officers and RCMG - which are a disingenuous attempt to avoid the real issues. Please provide that response as a matter of urgency.
20. Given the very serious consequences if the Council continues to pursue the proposal, I request an undertaking from the Council that no further formal step will be taken by the Council in relation to the proposal without giving me and other affected farmers at least 60 days' notice and that we will be notified of any further consideration of the proposal by the Council and/or any committee of the Council and given the opportunity to attend.

Yours sincerely



From: [REDACTED]
Sent: Tuesday, 31 August 2021 3:15 PM
To: 'rball@mrsc.vic.gov.au' <rball@mrsc.vic.gov.au>; 'Strategic Planning' <strategicplanning@mrsc.vic.gov.au>
Cc: [REDACTED] 'adeath@mrsc.vic.gov.au' <adeath@mrsc.vic.gov.au>; 'gneil@mrsc.vic.gov.au' <gneil@mrsc.vic.gov.au>; 'bwest@mrsc.vic.gov.au' <bwest@mrsc.vic.gov.au>; 'dbonanno@mrsc.vic.gov.au' <dbonanno@mrsc.vic.gov.au>; 'rguthrie@mrsc.vic.gov.au' <rguthrie@mrsc.vic.gov.au>; 'anmoore@mrsc.vic.gov.au' <anmoore@mrsc.vic.gov.au>; 'janderson@mrsc.vic.gov.au' <janderson@mrsc.vic.gov.au>; 'jpearce@mrsc.vic.gov.au' <jpearce@mrsc.vic.gov.au>; 'mridgeway@mrsc.vic.gov.au' <mridgeway@mrsc.vic.gov.au>; 'bosullivan@mrsc.vic.gov.au' <bosullivan@mrsc.vic.gov.au>; 'mrsc@mrsc.vic.gov.au' <mrsc@mrsc.vic.gov.au>; [REDACTED]

Subject: Draft Rural Land Use Strategy - Ignoring economic effects breaches the Planning and Environment Act and exposes Council to \$400 million damages claim

URGENT ATTENTION: Mr Rob Ball, Strategic planner and the Mayor, Councillors and CEO, Macedon Ranges Shire Council

Thank you for your letter of 25 August 2021 (a copy of which is **attached** – provided by Mr Ball) in relation to my question concerning the Council's draft "*Rural Land Use Strategy*".

Unfortunately your letter does not provide a direct answer to the simple question I posed concerning the proposal to remove the right to build a dwelling on 40 ha or more of farm zoned land, namely:

- ***Has the Council undertaken any analysis of the economic impact the proposal will have (if implemented) on the value of farmers' land affected by the proposal?***

Instead, your letter attempts to avoid my question but, in doing so, contains a number of unsupported statements which disclose that the Council has in fact not undertaken any analysis of, or even considered, the economic effect the proposal will have on the value of farmers' land.

A brief conversation with any local real estate agent or valuer will show that the proposal will slash the existing value of farm land affected by between 50% and 80%. It's clear that the Council is either intentionally ignoring this fact or deliberately pursuing a proposal which will slash farm values without understanding the counterproductive effect this will have on its planning objectives.

Turning to what is said in your letter, the following points stand out:

Council says land values are irrelevant and ignores economic effects

1. In your letter you make a number of unsupported, and in many cases inaccurate, assertions. The key one is that "*..it is well established that property prices/land values are not a factor that is measured in the delivery of*

strategic planning outcomes.." This statement shows a fundamental ignorance of the Council's statutory duties under the *Planning and Environment Act 1987 (Vic)*.

Council is either ignoring or ignorant of its duties under the Planning and Environment Act

2. Section 12(2)(c) of the Act provides that the Council must, when preparing a planning scheme amendment, "take into account the social and economic effects" of the proposed amendment. It is obvious that a planning scheme change which will slash the value of affected land by between 50% and 80% will have a devastating economic effect. For the Council to ignore that economic effect and claim it's not relevant is both:
 - a clear breach by the Council of its statutory duty to take into account economic effects; and
 - a demonstration of ignorance by the Council about the legislation it is purporting to act under.
3. In addition to being a farmer personally affected by the Council's proposal, I am a lawyer in private practice. Having acted for many public authorities over more than 30 years as a partner in top tier national and global law firms, I have never seen an example of a public authority so apparently lacking in an understanding of the proper exercise of its statutory powers as the Council is in this instance.
4. The importance of economic effects is especially relevant to the current proposal when the economic impact will have a devastatingly adverse effect on the economic viability of the *intended* planning outcome of preserving farm uses. This is because the proposal will undermine the viability of farm businesses by slashing the value of the security (namely the land) which farmers use to borrow against in order to fund their farming operations.
5. *Basically*, the Council seems to be pursuing an abstract scheme which ignores the economic reality that farm businesses (like all others) rely on the underlying value of their primary asset (being the land) as the means to fund their farming. When banks will only, at best, offer loans to farmers based on a 50% loan to property valuation ratio, slashing the value of farms by 50% to 80% is practically a death sentence to existing farming operations.
6. The proposal is a classic case of the Council's town planners (and their external consultants who authored the Council's strategy) attempting to apply abstract (ivory tower) town planning ideology which is divorced from the reality on the ground.

Council is misusing its powers to manipulate the real estate market

7. To *add insult to injury*, your letter indicates that the Council has taken into account what you refer to as "*..land banking... occurring throughout the Shire..*" which you assert "*..inflates the price of agricultural land through the introduction of competition in the market.*" I note that there is no evidence provided to support this statement. However, the statement is telling in that it shows a clear intent on the part of the Council to cut the value of farmers' land. This is extraordinary when the Council has not undertaken any analysis of the economic effect of doing so. It shows a reckless disregard for protecting existing farms and for the requirements of the *Planning and Environment Act 1987 (Vic)*.
8. How does the Council justify on the one hand saying that "*property values are [irrelevant] to strategic planning outcomes*" and on the other hand using "*land banking/inflated land prices*" as a basis for justifying the proposal?
9. In addition, since when has it been a planning town planning objective to take "*competition out of the market*". To pursue such an objective is:
 - at best, an example of the Council taking into consideration factors which are irrelevant to its duties and functions under the *Planning and Environment Act 1987 (Vic)*; and
 - at worst, a clear abuse, misuse and overreach of the Council's statutory powers.
10. By going on record as pursuing the proposal to "*take competition out of the market*", the Council is engaging in improper use of its statutory powers to manipulate the market. Not only is this a blatant misuse of the Council's statutory powers, it's all the more egregious when you consider that the Council is so demonstrably unqualified to do so.

Council's abuse of its powers exposes it to a \$400 million damages claim for misfeasance in public office

11. From what you have said in your letter, it is apparent that the Council has not only **not** had regard to the economic effect on land values but is intentionally reckless about the economic effect. That is both an abuse

of the Council's powers and an intentional failure by the Council to take into account relevant considerations that it has a statutory duty to take into account in the proper exercise of its statutory functions.

12. If the proposal proceeds, then, in not carrying out its statutory duties, the Council will be engaging in a deliberate abuse of its statutory powers or, alternatively, acting with a reckless *indifference* to its duties and the extent of its powers and with a reckless indifference to the fact that it will be causing intentional economic harm to at least 419 farmers. The result will be that the Council will be engaging in the tort of misfeasance in public office and liable in damages for the economic harm caused.
13. In the circumstances, the Council should (before proceeding any further with this misguided proposal) consider the following:
 - The likelihood of legal action (in the form of a class action) being brought by affected farmers claiming damages for the economic effect of the Council's botched and unlawful decision making. Given the Council's own strategy says there are 419 properties affected, and given the effect will be to cut the value of those properties by approximately \$1 million each - the damages claim against the Council will be over **\$400 million**.
 - Such legal action would be successful when it's clear, and the Council is on record in your letter confirming, that the Council has, in breach of its statutory duties, engaged in making decisions failing to take into account relevant considerations and taking into account irrelevant considerations.
 - The fact that a tortious award of damages for misfeasance in public office would be available against the Council in these circumstances means that the Council should, if it still intends to proceed with the proposal, be considering compensation for the affected farmers rather than putting them to the cost, time and stress of making the Council accountable in legal proceedings. Of course, the better decision would be for the Council to withdraw the proposal because the Council belatedly listens to reason and understands that the proposal is not only misconceived but also counterproductive to the intended planning objective.

The submission in this email puts the Council on notice that its actions are unlawful and in breach of its statutory duty. As a consequence, if the Council still proceeds with the proposal, the Council will have demonstrated the necessary intention (deliberate or reckless) required in order for tortious liability for misfeasance in public office to be made out. [If you doubt this is the case, I strongly suggest the Council seeks legal advice to satisfy itself as to the risk of liability it faces.](#)

Council's strategy is a wasteful duplication of DELWP's proposal

As the Council well knows, the Council's proposal is a wasteful duplication of the proposal already being pursued by Department of Planning (**DELWP**) involving removal of the "as-of-right" ability to construct a dwelling on 40 ha of farm zoned land within 100 kilometres on Melbourne – see DELWP's Consultation paper – *Planning for Melbourne's Green Wedges and Agricultural Land*. It begs the question of why the Council is wasting ratepayers' money pursuing a duplicative planning scheme change and, in the process, putting farmers to the wasted time, cost and stress of objecting to two processes. It's this sort of bureaucratic bungling and government waste and duplication which gives the public sector a bad name.

Like the Council, DELWP is on record as having not considered the economic impact of its proposal and not understanding its statutory duties under section 12(2)(c) of the *Planning and Environment Act 1987 (Vic)*. Since this has been pointed out to them and to their credit, DELWP has made it clear that the matter is "*just a proposal*" and they are re-considering it.

Given that the likely adverse impact on farm land values within the 100 kilometre zone from Melbourne will be in the hundreds of billions of dollars, I expect the Minister will see sense and halt the DELWP proposal from proceeding further. I strongly urge the Council to show some leadership and likewise cease to pursue its proposal.

Council still hasn't answered over 80 questions from ratepayers at its online forum

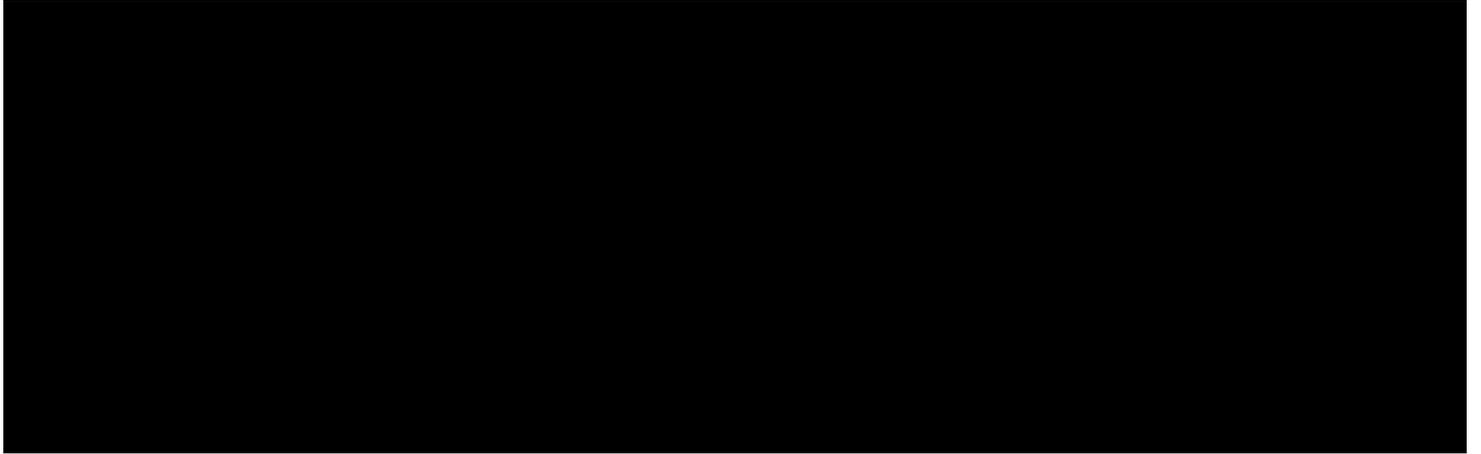
A number of additional questions and issues arise out of your letter and I will write to you separately seeking answers to them.

In addition, I note that, at the Council's online forum, there were in excess of 80 questions from ratepayers (including some others from me) – none of which the presenters were either able or inclined to answer in the forum. I note that in a broadcast email from the Council's Strategic Planning Department on 18 August 2021, it was stated that answers would be provided on the Council's website. However, almost three weeks later the answers still do not appear on

the Council's website. I again request that the Council rectify this by promptly publishing answers to the questions asked on the forum.

The ball is in the Council's court.

Yours sincerely



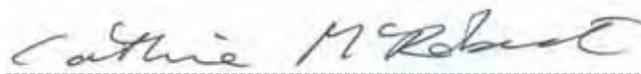
**CAMPASPE PLANNING SCHEME
AMENDMENT C69
GREATER SHEPPARTON PLANNING SCHEME
AMENDMENT C121
MOIRA PLANNING SCHEME AMENDMENT C51
NORTH EAST REGIONAL RURAL LANDUSE**

PANEL REPORT

26 MARCH 2012

**CAMPASPE PLANNING SCHEME AMENDMENT C69
GREATER SHEPPARTON PLANNING SCHEME
AMENDMENT C121
MOIRA PLANNING SCHEME AMENDMENT C51
NORTH EAST REGIONAL RURAL LANDUSE**

PANEL REPORT



.....
Cathie McRobert, Chair



.....
Chris McNeill, Member



.....
Alan Thatcher, Member

26 MARCH 2012

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CAMPASPE PLANNING SCHEME AMENDMENT C69
 GREATER SHEPPARTON PLANNING SCHEME AMENDMENT C121
 MOIRA PLANNING SCHEME AMENDMENT C51
 PANEL REPORT: 26 MARCH 2012

This is the report of the Panel appointed pursuant to Sections 153 and 155 of the *Planning and Environment Act 1987* (the Act) to hear and consider submissions in respect of the Amendments.

The Amendments	Campaspe Planning Scheme Amendment C69 Greater Shepparton Planning Scheme Amendment C121 Moira Planning Scheme Amendment C51
Purpose of Amendment	To implement the recommendations of the Regional Rural Land Use Strategy (the RRLUS) and associated reports.
The Proponents & Planning Authorities (the Councils)	Campaspe Shire Council Greater Shepparton City Council Moira Shire Council
Exhibition	The Amendments were all exhibited for 60 days closing on 18 April 2011.
The Panel	Cathie McRobert (Chair) Chris McNeill Alan Thatcher
Panel Hearings	Directions Hearing: 17 August 2011 at Shepparton Hearings: 5, 6, 7, 19, 20, 21 October, and 4 November 2011 at Shepparton 10, 11, 12, 17 October 2011 at Echuca 18 October 2011 at Cobram
Site Inspections	Unaccompanied inspections were undertaken during the course of the Hearing in October 2011 and on 4 November 2011.
Submissions (listed in Appendix A)	Submissions to the exhibited Amendment comprised: Campaspe C69: 73 submissions of which 59 objected or sought changes to the Amendment. Greater Shepparton Amendment C121: 70 submissions of which 61 objected or sought changes to the Amendment. Moira C51: 39 submissions of which 34 submissions objected or sought changes to the Amendment (including two supporting submissions which sought changes).
Appearances	See Appendix B
Date of Final Report	26 March 2012

Summary of Conclusions and Consolidated Recommendations

Summary of Conclusions

The Campaspe Shire, City of Greater Shepparton and Moira Shire, with DPCD support, have committed substantial resources to establish a planning framework that supports a secure future for agriculture. In submissions there was widespread recognition that agriculture is the driver of the Region's economy and support for a fundamental purpose of the Amendments to protect the agricultural productive capacity of each municipality.

The preparation of the rural strategy has occurred during unprecedented drought, uncertainty about access to water for irrigation (both in the short and longer terms) and now much of the Region is grappling with floods. Changes in the terms of trade, the substantial rise in the value of the Australian dollar, the demise of tax driven agricultural investment schemes, uncertainty about the future of some local food processors, ongoing renegotiation of supply arrangements to processors of agricultural produce have all contributed to the financial and emotional stress experienced by many farmers. Submitters felt aggrieved by having to deal with yet more demands and uncertainty as a result of the RRLUS process and argued that the Amendments should be revisited when key issues relating to water policy have been determined.

The Panel takes the view that changing circumstances are inevitable and present challenges for planning systems. This reinforces the need for strategic planning and ongoing planning framework responses, rather than justifying waiting for more certain times that may not eventuate. Importantly, our consideration of the issues raised is informed by the change in circumstances. For example, the harsh conditions of the last decade have led to greater recognition of the resilience of family farms compared to alternative models. Progress has also been made on modernising core irrigation infrastructure and the associated identification of the irrigation footprint, although issues are not finally resolved for some areas and the amount of water that will be available to farmers as a result of the Murray Darling Basin Plan remains contentious.

The Panel finds that on the whole the RRLUS and further reports commissioned to explore contentious issues provided extensive analysis

based on the best information available at the time. Importantly the RRLUS synthesis of issues and interpretation of the extensive data incorporated in appendices was cognisant of the State planning policy context. We are also satisfied that the consultation during the preparation of strategic planning work and during the Amendments' process exceeded statutory requirements, although we recognise that participation in complex planning processes is always demanding and these demands were exacerbated by the circumstances being confronted by the community.

The Panel considers the absence of an explicit social impact assessment of the implications of the Amendments is a significant weakness that meant that our views were informed by insights provided by submissions within the context of established planning policy, rather than a systematic analysis of likely social impacts.

The Panel experienced considerable frustration as result of the lack of access to advice about:

- Information from various sources (such as relating to environmental assets and the current relevance of Agricultural Development Areas) that informed the RRLUS; or
- Explanations of the way the analysis was integrated to delineate zones in the '*indicative first pass*' mapping which was largely translated to the exhibited Amendments.

The Proposed Farming Zone Provisions

Some submissions expressed fundamental opposition to the constraints imposed by the planning system on individual decisions about how they use and develop their land. It was submitted that rather than adopting policies that promote the depopulation of rural areas, the growth of rural communities should be supported. Many submitters argued that they had acted to achieve financial security for themselves and their families on the basis of rights established in the planning scheme before interim provisions were introduced in 2007.

Both State and local planning policy aim to protect the State's agricultural base, particularly in areas such as the Region we are considering where the agricultural sector is of State, regional and local significance. It is planning policy to direct housing growth to existing settlements, minimise the fragmentation of farmland, support farm consolidation, and avoid non-agricultural uses (in particular dwellings) in rural areas.

It is notable that the Victorian Farmers' Federation (VFF) submission to the Planning System Ministerial Advisory Committee strongly supports the

State-wide framework provided by the VPP Farming Zone as necessary to protect farming and secure its future. This support is subject to, amongst other things, permit requirements for dwellings being set at a level that recognises the productivity of the land in question and implementation being appropriately informed of agricultural requirements and practices.

The Panel considers the Amendments reinforce these existing policies and do not change the overarching framework for decision making provided by the FZ which includes that dwellings are to be '*reasonably required for the operation of the agricultural activity conducted on the land*'. We do not endorse submissions objecting to the Amendments because they restrict individuals' decision making. However, the restrictions in the planning framework and subsequent planning decisions should have a sound basis. Nor do we support submissions that rural residential uses should be allowed in the FZ to support small settlements. As recognised in planning policy, planned provision of lifestyle housing opportunities produces better outcomes.

The Panel agrees with submitter concerns about that the basis, utility and delineation of the proposed differentiation of land in the FZ as Growth (FZ1) or Consolidation (FZ2). There is little difference between the stated purposes of these categories of FZ and the prescriptive provisions are the same. We also understand concerns relating to the characterisation of these areas, such as identifying indicative irrigated farm sizes of in excess of 200ha in the FZ1 (which is the most widely applied zone) or 100 ha in FZ2 which far exceeds the size of the many viable horticultural enterprises. The Panel does not consider the differentiation of FZ1 and FZ2 would enhance planning decision making.

The Panel recognises that the Farming Zone Niche (FZ3) has been identified in an attempt to manage the planning challenges posed by highly fragmented areas. We endorse the maintenance of this designation but, given some concern about how effective it will be in maintaining agricultural use of the land and preventing conversion to rural residential use, we have not supported extending it to other fragmented areas at this stage.

The Panel considers that the absence of any recognition of whether land is irrigated undermines the credibility and efficacy of the proposed planning framework. The RRLUS had recognised that irrigation is a fundamental determinant of the productivity of the agricultural land but subsequent work accepted the view that it is not possible to delineate irrigated areas.

Advice from Goulburn Murray Water (GMW) that the Panel sought at the completion of the Hearing confirmed that it is difficult to predict *what the irrigation footprint will look like in northern Victoria in 20 to 30 years time* but

work done by Northern Victoria Irrigation Renewal Project (NVIRP) and GMW would enable the delineation of the likely medium term irrigation footprint. We think this is a reasonable timeframe on which to base the planning framework. Planning provisions can address concerns that there may be a 'mosaic' of irrigated and dryland farms in designated irrigated areas by considering whether there is a long term commitment to maintain rights to sufficient water to sustain the irrigated forms of agriculture on which a proposal is based. Future changes in the irrigation footprint can be addressed through required planning scheme review processes.

The Panel has suggested an alternative framework for FZ land which:

- Distinguishes dryland, horticultural and other irrigated farm land.
- Provides for the creation of lots to facilitate incremental growth of farms and new farm entrants to access land.
- Breaks the nexus between the creation of lots and entitlements to dwellings by setting dwelling permit triggers at a higher level than minimum subdivision lot sizes.
- Adopts subdivision minimum lot size and dwelling permit triggers that reflect agricultural productivity having regard to soil types, established land use patterns and commitments to maintain rights to irrigation water in the long term. We expect this will result in the permit triggers for a dwelling on irrigated land being significantly lower than the interim controls but may be higher than applied prior to the interim controls. Subject to expert advice, the Panel has suggested 25 ha in horticulture areas and 70 ha for other irrigated areas as the thresholds for as of right housing development in irrigated areas.
- Strengthens policies discouraging excisions, the creation of additional dwelling entitlements through the excision process and the consequential creation of dispersed housing that does not accommodate farmers throughout the FZ.

Further work and expert advice is needed to formulate the alternative provisions that are recommended by the Panel. Pending this work being undertaken, the Panel has recommended that:

- The exhibited FZ1 and FZ2 should be consolidated.
- Provisions should differentiate between dryland and irrigated areas (based on the existing planning scheme delineation).
- Compared with the exhibited provisions, minimum subdivision lot sizes are reduced (100 ha Dryland; 50 ha irrigated) as is the level at which a permit is required for a dwelling (120 ha Dryland; 70ha irrigated).
- The FZ3 provisions as exhibited be adopted.

- Strengthening of excision policies to minimise the creation of additional dwelling entitlements in the FZ.

The Panel also considers further guidance should be provided in the LPPF to guide planning decisions relating to applications for permits for dwellings. To achieve an ongoing improvement of the planning framework and the decision making process we have also suggested an agricultural advisory committee be formed to provide a resource to officers, contribute to ongoing staff development and participate in periodic review of application assessments.

The Rural Activity Zone

The Amendments apply the Rural Activity Zone (RAZ) to several locations in Campaspe and Moira Shires that are close to the Murray River. The Campaspe Shire supported extension of the RAZ in the Torrumbarry area following consideration of submissions and further analysis against the established criteria.

We have not supported further extension of the zone at this time, except for the inclusion of one property adjoining the RAZ and the Murray River that has an established tourism business. The Panel considers the proposed RAZ, as extended after exhibition, has been appropriately applied. We consider the RAZ represents a good 'first go' at what will be a new zone in both Campaspe and Moira. Other areas, such as to the south of Shepparton or in the Rushworth area may also prove to be suitable candidates for the RAZ in the future but the strategic justification to apply the zone elsewhere has not been established.

We consider that the proposed planning framework establishes a sound planning basis to accommodate small scale tourism proposals in an area of established appeal for tourism related uses. The Panel has recommended however, that, given the purposes of the zone to facilitate tourism, dwellings required for a tourism use of land should not be discouraged.

Proposed Rural Conservation Zones and Environmental Significance Overlay

The Panel endorses the introduction of proposed Environmental Significance Overlays to provide a consistent planning framework along the Murray River Corridor. These overlays were not contentious, except that the need to correct some mapping has been identified. The Panel does not support the additional exemption from permit requirements sought by VicTrack as routine repairs and maintenance exemptions apply and flooding overlays would trigger permit requirements in any event.

Submissions from the Dookie area questioned the basis for the proposed application of the Rural Conservation Zone. There was a lack of information from which to assess the specific environmental (including habitat links) and 'scenic values' intended for protection in this area.

The Panel considers that there may be landscape scale remnant vegetation on private land around Rushworth and to the west of Murchison but submissions raised anomalies and we found it difficult to accurately relate the biodiversity mapping in the RRLUS to the generation of the RCZ.

The Panel agrees with the City of Greater Shepparton's submissions at the Hearing that further strategic work should be undertaken to determine the appropriate Zone or Overlay(s) to achieve the conservation outcomes envisioned in the strategy.

The Campaspe planning scheme promotes intensive animal industries in the Patho Plains which include the very high conservation value Northern Plains Grasslands. We encourage Moira Shire Council and DSE to continue to work towards addressing this pressing issue.

Consolidated Recommendations

The Panel has considered all written and oral submissions and all material presented to it in connection with this matter.

Based on the reasons set out in this report, the Panel recommends that Greater Shepparton Planning Scheme Amendment C121, Campaspe Planning Scheme Amendment C69 and Moira Planning Scheme Amendment C51 should be adopted subject to the following recommendations:

1. Correct the reference to the Loddon-Murray North Regional Plan in the Campaspe Municipal Strategic Statement.
2. Delete the reference '*Planning Controls for Earthworks on the Goulburn Broken Catchment-Operation and technical Guidelines*) M.A.S.N.V. November 1997' and replace with '*Earthworks Controls in the Shepparton Irrigation Region – Discussion and Options Paper (August 2010)*' in the Campaspe, Moira and Greater Shepparton Municipal Strategic Statements.
3. Revise the relevant clauses of the Municipal Strategic Statements and the schedule to the proposed Environmental Significance Overlays as suggested by Goulburn Murray Water.

4. Subject to subsequent recommendations, edit the exhibited Amendment documentation to reduce repetition and enhance policy guidance as illustrated in revisions circulated by the Councils after the Hearing.

Farming Zone

5. Delete the distinction between Farming Zone 1, Farming Zone 2 and Farming Zone 3 in excision provisions.
6. Avoid the creation of opportunities for additional dwellings in the Farming Zone as a result of excision by including policy to the following effect:

'Excisions of house lots should not create any additional entitlement(s) for a dwelling or dwellings without a planning permit.

and

The approval of excisions of house lots is contingent on a Section 173 agreement under the Planning and Environment Act 1987 being entered into prohibiting a house and further subdivision on:

- *A residual lot created as a result of a house lot excision;*
- *A new lot that incorporates the residual lot after a house lot excision unless a house was as-of right before consolidation with the residual land.'*

Pending the implementation of subsequent Panel recommendations relating to alternative Farming Zone provisions set out in Recommendation 20 below:

7. Consolidate the exhibited Farming Zone 1 and 2 and rename these areas Farming Zone 1 Growth and Consolidation.
8. Consolidate Local Planning Policy Framework content relating to the exhibited Farming Zone 1 and 2 under a renamed FZ1 Growth and Consolidation.
9. Maintain the delineation of dryland and irrigated areas that apply in the current interim controls (with consolidation of the irrigated areas in Greater Shepparton and Moira).
10. In the renamed Farming Zone 1 Growth and Consolidation:
 - In dryland areas adopt 100ha as the minimum subdivision lot size and 120 ha as the lot size at which a dwelling requires a permit (i.e. the dryland provisions recommended below).
 - In irrigated areas adopt a 50ha minimum subdivision lot size and 70 ha as the lot size at which a dwelling requires a permit (i.e. the other irrigated area dwelling permit trigger suggested below).

11. Renumber the Farming Zone Niche from FZ3 to FZ2.
12. Revise policy guidance in the Local Planning Policy Frameworks of the three planning schemes relating to the development of dwellings in the Farming Zone to the effect illustrated in the annotated example of the Campaspe C22.01 policy in Appendix C.
13. Rezone land at 137 Riverview Drive Shepparton to accord with the zoning of the adjoining land where analysis associated with Amendment C23 does not justify the application of the Urban Flood Zone (UFZ).

Rural Activity Zone

14. Adopt the post-exhibition extension of the Rural Activity Zone towards the Torrumbarry township as support by Campaspe Shire Council at the Hearing but with the addition of 165 Young Road, Torrumbarry (the subject of Submission C37).
15. Adopt the post-hearing revisions to the Rural Activity Zone policy but with the following additional change:

‘Dwellings not associated or required for the agricultural or tourism use of the land are strongly discouraged’.

Rural Conservation Zone and Environmental Significance Overlay

16. Delete the exhibited proposed Rural Conservation Zone from the land at Dookie, to the west of Murchison and around Rushworth.
17. Amend the Greater Shepparton Planning Scheme to the following effect:

In Clause 21.05-1 add ‘The RRLUS identifies land of high conservation value south and west of Murchison and the Dookie Hills and recommends the application of the Rural Conservation Zone to the land. This will be addressed through further strategic work to determine the appropriate Zone or Overlay to achieve the conservation outcomes envisioned in the strategy’ (as proposed by Council).
18. Amend the exhibited Schedule to the Environmental Significance Overlay to be numbered (ESO1) and shown on planning scheme maps in the Campaspe Planning Scheme.
19. Correct the mapping of the boundary of ESO2 in the Moira Planning Scheme to align with the LSIO in areas adjacent to the Murray River; and to extend to approximately 100 metres from the river if the LSIO boundary is less than 100m from the river.

Further Strategic Work

20. Identify the following Further Strategic Work in the Campaspe Municipal Strategic Statement:

Determine the appropriate Zone or Overlay to achieve the conservation outcomes envisioned in the RRLUS around Rushworth.

Determine the appropriate Zone or Overlay to achieve the conservation objectives for the Northern Plains Grasslands in consultation with the Department of Sustainability and Environment.

Undertake a Shire-wide Rural Living Land Review.

21. In the Greater Shepparton Planning Scheme include under Further Strategic Work:

Undertake further strategic work to determine the appropriate Zone or Overlay to achieve the conservation and landscape outcomes envisioned in the RRLUS to the south and west of Murchison and in the Dookie Hills area.

Other

22. The Panel recommends that the following alternative provisions for the Farming Zone be formulated as a matter of priority:

- Remove the distinction between the FZ1 and FZ2.
- Establish a principle that the minimum subdivision lot size is less than the lot size at which a dwelling requires a permit to avoid expectations there will be an automatic entitlement to build a dwelling on lots that are created.
- Modify the Farming Zone schedules and planning scheme zone maps to:
 - Differentiate dryland (a new FZ1) and two broad categories of irrigated areas – ‘Horticulture’ (a new FZ2) and ‘Other Irrigated Farming’ (a new FZ3).
 - Maintain the Farming Zone Niche (Fragmented) (a new FZ4) and set the level at which a permit is required for a dwelling at the 40 ha default.
- Delineate irrigated areas on the basis of:
 - The Declared Irrigation Areas, with updating to reflect changes in the footprint as a result of NVIRP; plus
 - Areas where irrigated agriculture occurs utilising established permanent rights to irrigate using groundwater or direct pumping from waterways and water bodies (on the advice of relevant authorities).

- Obtain expert advice, with review by farmers in the Region who are experienced in farming irrigated land, to determine:
 1. The horticultural and other irrigated areas.
 2. Minimum lot sizes for subdivision in irrigated areas.
 3. The level of irrigation water required:
 - On a permanent basis to sustain horticulture and dairying in the Region; and
 - As a minimum during exceptional circumstances (such as during drought conditions).
 4. The following land size at which a permit is required for a Dwelling in the Farming Zone irrigated areas that are suggested by the Panel:
 - 25 ha in irrigated 'horticulture' areas (a New FZ3) where it is demonstrated that there is a permanent water entitlement that supports horticulture.
 - 70 ha in other irrigated areas (a New FZ2) where it is demonstrated that there is a permanent water entitlement that supports dairying.
 - 120 ha where it is not demonstrated that there is a permanent water entitlement that would support irrigated forms of agriculture.
 - Apply a minimum subdivision lot size of 100ha in Dryland areas.
 - Set the land size at which a permit is required for a Dwelling in the Farming Zone dryland areas (a new FZ1) at 120 ha.
 - Where land within an irrigated area does not have permanent water at a level that would sustain irrigated agriculture, exercise discretion in the permit process to apply the minimum subdivision lot size applicable to dryland farming, i.e. 100 ha.
- 23. Consider increasing setbacks from side and rear boundaries for as of right dwellings in the Farming Zone.
- 24. Consider whether tenement provisions would provide a useful mechanism to minimise the development of dispersed dwellings in the Farming Zone.
- 25. Consider whether an alternative zoning is appropriate for highly fragmented areas with extensive levels of housing development as part of the proposed evaluation of rural living opportunities in Campaspe and Moira; or through proponent initiated area based rezoning proposals which are supported by those who are directly affected in Greater Shepparton.

26. The Councils consider establishing a farming advisory group to provide a resource to officers, contribute to ongoing staff development and have a role in the periodic review of application assessment and decisions relating to dwellings in the FZ (and other relevant matters).
27. Moira Shire Council work with the Department of Planning and Community Development to facilitate the implementation of strategic planning for the Bundalong area.
28. DSE and the Shire of Campaspe identify measures to assist in the protection of the Northern Plains Grasslands Campaspe as a matter of priority.

1. Introduction

1.1 The Amendments

1.1.1 The Exhibited Amendments

Changes to Municipal Strategic Statements (MSSs)

Changes are proposed to the MSS for each municipality to reinforce the importance of agriculture to the local economies; to highlight the issues and influences confronted by the agricultural sector; and to identify objectives, strategies and implementation measures adopted. The MSSs propose to differentiate areas for 'Growth', 'Consolidation' and 'Niche Farming' within the Farming Zone (FZ), as identified in the RRLUS. The MSSs also provide for the introduction of the Rural Activity Zone (RAZ) to accommodate tourism uses in areas close to the Murray River.

The structure of the Greater Shepparton Local Planning Policy Framework (LPPF) means that there is more change proposed in that MSS (particularly Clauses 21.4-3 and 21.06-1) than in the Campaspe and Moira planning schemes as similar content is addressed in local policies in those planning schemes.

The RRLUS and, as relevant to the municipality concerned, the *Greater Shepparton Regional Rural Land Use Strategy Issues Paper* (2009) or the report *Regional Rural Land Use Strategy Implementation* (August 2010) are proposed to be included as reference documents.

Changes to Local Policies

The Amendments propose to modify local policies that provide guidance for decisions about rural subdivision and housing (Campaspe Clause 22.01 and Moira Clause 22.01). These policies (and comparable content in the Greater Shepparton MSS) are discussed in Chapter 3.12.

New local policies are also proposed to provide guidance on some discretionary uses in the proposed RAZ in Campaspe and Moira (Campaspe Clause 22.05, Moira Clause 22.02). The policies relating to the RAZ are discussed in Chapter 4.

Changes to Zones

The Amendments propose changes to the FZ and the Rural Conservation Zone (RCZ); and to introduce the RAZ in Moira and Campaspe. Figure 1 provides an overview of the exhibited zones which appear to be broadly consistent with the RRLUS 'First-Pass Indicative Re-zoning'.

The Amendments propose the following three new categories (Schedules) within the FZ which each have different purposes set out below:

- **Farming Zone 1 (Growth) (FZ1)** being areas for growth and expansion of existing farm businesses and for new investment where the following land use outcomes are sought:
 - Strongly discourage establishment of dwellings not associated or required for the agricultural use of the land;
 - Encourage consolidation of lots;
 - Limit subdivision as new or smaller lots will rarely be required;
 - Discourage land uses and development that would compromise the future agricultural use of the land, including farm related tourism; and
 - Discourage excisions to avoid rural residential outcomes and non-agricultural neighbours.
- **Farming Zone 2 (Consolidation) (FZ2)** being areas for support for existing farm businesses to operate and grow. The land use outcomes sought are the same as for FZ1 except in relation to excisions where the outcome sought is:
 - Provide for excisions where restructure is an outcome and the design minimises neighbour impact.
- **Farming Zone 3 (Niche) (FZ3)** where there is productive potential on existing lot configuration; and where there are opportunities for smaller scale and specialised agriculture. The following land use outcomes are sought:
 - Provide for dwellings where it can be demonstrated it is to support the productive use of the land consistent with the direction for the area;
 - Limit subdivision as new or smaller lots will rarely be required;
 - Discourage excisions as lots will generally already be of a small size that are capable of supporting agriculture in their own right and a dwelling will be required to support this; and
 - Accommodate ancillary tourism which is carefully managed to prevent conflict and impact on agricultural operations.

The minimum lot sizes in the FZ for subdivision and for which no permit is required for a dwelling are summarised in Table 1 in Chapter 3.1.1. This table also presents the evolution of these provisions over recent years.

Proposed changes to the RCZ are:

- In Campaspe:
 - Land around Rushworth is included in the RCZ based on the vegetative cover and environmental values of the land.
 - Extensive areas of existing RCZ land along the Campaspe River and other farming land that is subject to flood inundation will revert to one of the three new categories of FZ.
- In Greater Shepparton the RCZ is proposed to apply to areas with high environmental and landscape values around Murchison and the Dookie Hills.

The RAZ is proposed to apply to:

- In Campaspe: an area to the west of the Echuca township, north of the Murray Valley Highway.
- In Moira: areas to the east of the Cobram township and the east and west of the Yarrawonga township.

Changes to Overlays

The Amendments propose to introduce an Environmental Significance Overlay (ESO) for the Murray River Corridor in the Shires of Campaspe (ESO1) and Moira (ESO2). These overlays are proposed to achieve a consistent planning framework, irrespective of municipal boundaries, for the Murray River Corridor.

It is also proposed to include the following new reference documents to provide background to planning decisions along the Murray corridor: *Murray Shire Local Environment Plan 1989*; *River Murray Landscape Guidelines – Built Structures (DNRE)*; *Siting and Design Guidelines for Water Diversion Works on or across Crown Land*; *Water Availability in the Murray - CSIRO Murray-Darling Basin Sustainable Yields Project (July 2008)*; *Water Availability in the Campaspe - CSIRO Murray-Darling Basin Sustainable Yields Project (May 2008)*; *River Murray Channel Icon Site Environmental Management Plan 2006-07 (MDBC)*; *Goulburn Broken Regional River Health Strategy 2005 – 2015 (GBCMA)*. The inclusion of these reference documents was not raised in submissions and has not been addressed by the Panel.

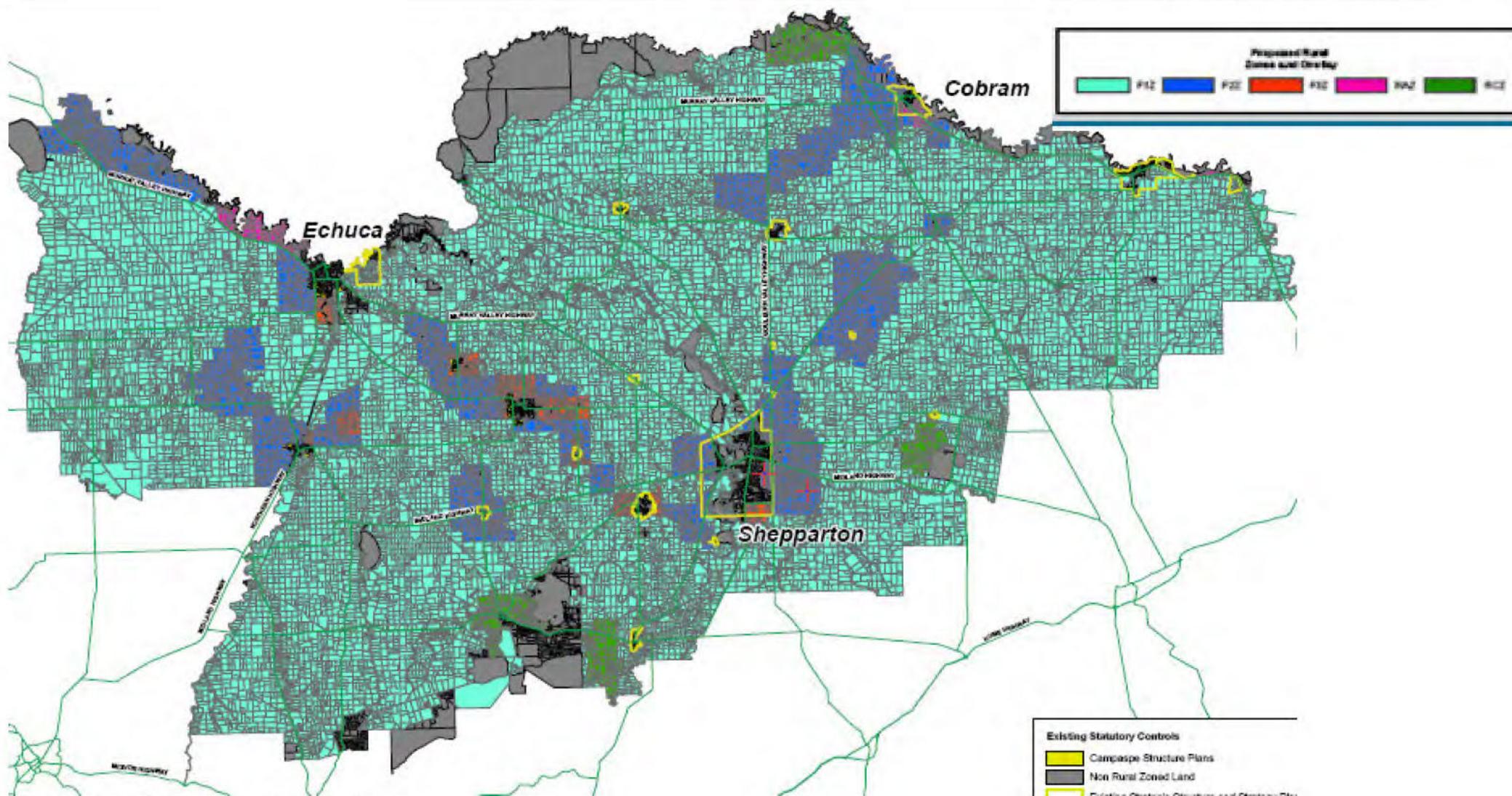


Figure 1 Overview of Proposed Rural Zones
 (Source: the Councils Point Power /RRLUS Map 7 'First-Pass Indicative Re-zoning')

Note: This map provides an overview of zonings recommended in the RRLUS. The exhibited Amendments included some modifications based on recommendations in the Implementation Report (see Chapter 2.4).

1.1.2 Post Exhibition Changes Supported by the Planning Authorities

After considering submissions, the relevant planning authorities supported the following changes to the exhibited Amendments, which were provided to the Panel and other parties before the Hearing:

Campaspe C69

- Extension of the RAZ west of Echuca as shown in the report by RMCG August 2011.
- Include *'undertake a Shire wide Rural Living Land Review'* in the Further Strategic Work identified in Clause 21.04-1 Settlement.
- Exempt track works carried out by a public authority from requiring a permit under the proposed ESO1.
- Exhibited mapping did not show a Schedule number for the ESO and should be ESO1 as there is currently no ESO in Campaspe Scheme.
- Correct the reference to the Loddon-Murray North Regional Plan in the MSS.
- Update the date of the RRLUS proposed reference document.

Greater Shepparton C121

- Apply a 40 ha minimum subdivision size and trigger for a permit for a dwelling throughout the FZ. (In the FZ3 this is the effect of reliance on State-wide default provisions for the FZ) to reflect the controls that existed prior to interim controls.
- Include all of 1090 Toolamba Road & 215 Toolamba-Rushworth Road, Toolamba as FZ2.
- Delete the reference *'Planning Controls for Earthworks on the Goulburn Broken Catchment-Operation and technical Guidelines) M.A.S.N.V. November 1997'* and replace with *'Earthworks Controls in the Shepparton Irrigation Region – Discussion and Options Paper (August 2010)'* from Clause 21.09.

Moira C51

- Exempt track works carried out by a public authority from requiring a permit under the proposed ESO2.
- Correct the mapping of the boundary of ESO2¹ to apply:
 - Where the LSIO applies adjacent to the Murray River; and
 - To be approximately 100 metres from the river if the LSIO boundary is less than 100m from the river.

¹ Maps 22ESO, 25ESO, 26ESO and 27ESO

After the completion of the Hearing the Councils provided, at the Panel's invitation, edited versions of the Amendments (see Chapter 3.13).

Recommendations

Correct the reference to the Loddon-Murray North Regional Plan in the Campaspe MSS.

Delete the reference '*Planning Controls for Earthworks on the Goulburn Broken Catchment-Operation and technical Guidelines* M.A.S.N.V. November 1997' and replace with '*Earthworks Controls in the Shepparton Irrigation Region – Discussion and Options Paper (August 2010)*' in the Campaspe, Moira and Greater Shepparton MSSs.

1.2 Procedural Issues

At the Directions Hearing (17 August 2011) various directions were made relating to Hearing arrangements. These related to access to information, expert reports and matters to be addressed by the Councils.

NVIRP officers accepted the Panel's invitation after the Directions Hearing to present at the Hearing.

Further directions

At the Hearing on 4 November 2011, the Panel agreed to the Councils proposal that it would prepare revisions to Amendment documents. The Councils advised that the scope of the changes envisaged was limited and was intended to be 'policy neutral', although it was anticipated that some amplification of the policy intent would be articulated, for example, to reflect criteria applied in various VCAT decisions relating to applications for dwellings in the FZ.

At the Hearing the Panel foreshadowed arrangements for the circulation and comment on the possible changes before reconvening the Hearing on 14 December 2011. As a result of further consideration after the Hearing, the Panel considered it would be more efficient and cost effective to provide the opportunity for parties to present their views on the circulated potential revisions in brief written comments. Therefore the Panel directed that:

1. *By 5 December 2011 Council will submit hard and electronic copies to Planning Panels Victoria of possible revisions to Amendment documents, with 'tracking' of the changes to exhibited provisions and an explanation of the reason/basis for the change. These*

documents should also be placed on the Councils' web sites and available at Council offices from 5 December 2011.

2. *Submitters who are parties to the hearing may provide written comment on the possible revisions by 14 December 2011. The Panel emphasises that comments should relate specifically to the changes put forward; it is not necessary or appropriate to restate earlier submissions.*

The Councils forwarded possible revisions on 5 December 2011. While the Panel recognised that 'tracking' of changes can become unintelligible, it was concerned that it was extremely difficult to identify the nature of changes in the documents and sought highlighting of the areas where there were changes to exhibited documents. On 22 December 2011 a highlighted version of Amendment documents was submitted to Planning Panels Victoria and a website link was provided to enable submitter access. Submitters were advised that responses to the revised versions of the draft could be submitted by 16 January 2012.

Unfortunately the circulation of this material caused further confusion as changes that were unrelated to the Amendments being considered were highlighted by the Councils. Also some submitters interpreted the changes as either reflecting all aspects of the Councils' responses to the Amendments and/or the Panel's response to issues raised. Discussion of the revisions put forward by the Councils is provided in Chapter 3.13.

1.3 Overview of the Area

The area affected by the Amendments comprises the three municipalities of Greater Shepparton, Campaspe and Moira (the Region). It covers about 500,000 ha, of which approximately 317,000 ha is irrigated and around 1.5 million megalitres of water is used for irrigation annually, depending on seasonal allocations².

The agricultural sector drives the Region's economy. As noted in the RRLUS:

Irrigated primary production and the processing of that product underpin the Region's economy. The level of production³ is nationally important; for instance the region is responsible for:

- 25% of the nation's milk production
- 90% of the national deciduous canned fruit production

² Page 18 RRLUS.

³ Source: DPI 2006.

- 45% of Australia's stone fruit crop
- 90% of the national tomato processing production.

The annual total value of agricultural production at the farm gate is in the order of \$1.2 billion. The food-processing sector produces an additional \$1.7 billion in income for the regional economy (Goulburn Broken Catchment Management Authority 2006). This sector alone invested around \$1 billion during the 1990s in processing and handling equipment, infrastructure and refitting.

The region's workforce is heavily dependent on the whole agricultural sector with about 8,500 people directly involved in agricultural production on farms, and an estimated similar number involved directly and indirectly in the processing of that product. An example of a service industry indirectly related to the production and processing of agricultural product is the transport sector that has grown in the region to become the nation's greatest concentration of employment and equipment in the trucking industry accounting for 4% of employment in the Goulburn Murray region (Dept. Victorian Communities 2006).

The Murray River runs the length of Moira Shire and the northern extent of the Shire of Campaspe and the Region is dissected by both the Campaspe and Goulburn Rivers. These rivers support riparian vegetation and provide opportunities for irrigation. Significant areas of remnant vegetation are also located within the Region including both the Box Iron bark forests of Rushworth, the Pathos Plains grasslands north west of Echuca and the Red Gum forests of Barmah.

1.4 Background

The three Councils identified a need to undertake a comprehensive review of their existing rural strategies to inform the implementation of the new suite of Victoria Planning Provisions (VPP) rural zones which were introduced in 2006.

The three LPPFs recognised and sought to protect the significance and long term viability of agriculture and ecological sustainability. However, there were significant differences in provisions adopted in each planning scheme despite similarities in land form, soil characteristics, farm products, rural character, climate, availability of water, and the like.

In 2007 the three Councils, with support from DSE⁴, commissioned the RRLUS. The aims of this project were, in summary, to:

⁴ DSE contributed funds to the RRLUS and was a member of the project steering committee.

- Develop a common vision, role and purpose for rural land.
- Provide the data, strategic justification and analytical basis for planning scheme amendments to give effect to *'Sustainable Agricultural Development Strategies'* for each Council that would secure and promote the future of agriculture across the Region.
- Investigate opportunities, constraints and options for diversifying land uses in the rural areas in suitable locations to support high value rural industries, intensive agricultural production, accommodate tourism demands and other appropriate uses which are compatible with the primary purpose of the rural areas.
- Investigate options and develop strategies for those areas where water is no longer available.

The development of *'a common set of policies and zone provisions that prevent the fragmentation of agricultural land as appropriate to the sub-regions'* was specified as one of the objectives of the RRLUS.

1.5 Context – A Hard Decade

It has been a hard decade for farmers in the Region. There has been unprecedented drought, uncertainty about access to water for irrigation (both in the short and longer terms) and as the Panel is finalising this report much of the Region is grappling with floods. Changes in the terms of trade, the substantial rise in the value of the Australian dollar, uncertainty about the future of local food processors and ongoing renegotiation of supply arrangements to processors and distributors of agricultural produce have added to the issues to be confronted. The financial and emotional stress experienced by many farmers in maintaining their livelihoods in this challenging environment was evident in many submissions to the Panel. This stress was compounded by the uncertainty about the availability of water for agriculture as a result of the Murray Darling Basin Plan, which remains highly contentious, and the implications of irrigation infrastructure modernisation for specific areas.

Questions about the viability of larger corporate farming models and in particular the demise of various tax driven agricultural investment schemes has also led to some reconsideration of the resilience of family farms compared to alternative models.

Many felt aggrieved by having to deal with yet more demands and uncertainty as a result of the RRLUS process and argued that the Amendments should be revisited when key issues relating to water policy have been determined. The Panel in no way dismisses the harsh

circumstances in which the RRLUS and the Amendments have been formulated. However, there is invariably a range of circumstances that are in a state of flux at any one time and deferring strategic planning to more certain times could mean an indefinite deferral. Indeed an objective of the planning framework should be to facilitate responses to changing circumstances. Regular review and refinement of planning provisions to ensure they continue to serve the intended purpose is a feature of the Victorian planning system, albeit a demanding one.

1.6 Planning Context

1.6.1 Overarching Planning Policy

The assessment of the Amendments occurs within the context of established State and local planning policy.

It is State policy to:

- Protect the State's agricultural base from the unplanned loss of productive agricultural land of strategic significance due to permanent changes of land use. This policy extends to consideration of the impacts and compatibility of subdivision or development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production (Clause 14.01).
- Support effective agricultural production and processing infrastructure; rural industry and farm-related retailing; and assist genuine farming enterprises to adjust flexibly to market changes (Clause 14.01).
- Direct housing growth into existing settlements and limit new housing in rural areas. This includes discouraging development of isolated small lots in the rural zones for single dwellings, rural living or other incompatible uses (Clause 11.05-3).
- Encourage consolidation of existing isolated small lots in rural zones (Clause 11.05-3).
- Encourage the development of a range of well designed and sited tourist facilities, including integrated resorts, motel accommodation and smaller scale operations such as host farm, bed and breakfast and retail opportunities. These facilities should be compatible with and build upon the assets and qualities of surrounding rural activities and cultural and natural attractions (Clause 17.03).

The agricultural sector is clearly of significance at State, regional and local levels. The Panel considers the expressed intent of the Amendments aligns with and supports these major State policy themes.

The Councils noted that the current policy directions of the three schemes (and the proposed changes to LPPFs) are essentially the same, although expressed differently due to, among other things, the different format of each scheme. Although adapted to the existing structure of the LPPF of each planning scheme, the substantive provisions are consistent.

As set out in the RRLUS⁵ and the submissions for the Councils, local planning policy in each of the respective planning schemes recognises the value and strategic significance of agriculture in terms of the economy and as a land use. Each planning scheme also includes largely consistent strategies to protect and enhance agricultural opportunities, including minimising the fragmentation of farmland, avoiding non-agricultural uses in rural areas (in particular dwellings), supporting farm consolidation, enhancing the natural resource base and directing rural residential development to planned areas. The Campaspe MSS specifically identifies that rural living should not occur on irrigated land and highlights that intensive animal industries should be located on the Patho Plains.

As the Councils noted, many of the key pre-interim provisions are maintained with some refinement. The Panel addresses the merits of the changes proposed in the chapters dealing with the FZ, the RAZ and the RCZ/ESO.

1.6.2 State Policy Development – Future Farms

The Rural Planning Group was established in 2009 to provide the Minister for Planning with recommendations and actions on key aspects of rural land use planning, under the Future Farming strategy. The Rural Planning Group's independent report to the Minister provided valuable insights into the challenges to be addressed in rural areas of the State and canvassed responses to facilitate and plan for rural agricultural adjustment. Amongst other things, it advocated that:

- The fragmentation of rural land by subdivision and non-farm uses should be taken into account in the broader regional strategic planning context.
- New dwellings in rural areas should be encouraged in existing settlements where access to a broader range of community services and infrastructure can be provided in a sustainable manner.
- The right to subdivide rural land should be separated from the right or expectation to develop the land for a dwelling and minimum lot sizes applicable to the subdivision of rural land should be abandoned (to provide flexibility to respond to changing circumstances).

⁵ See RRLUS Chapter 7.2.2

- A new use and definition 'Rural house' should be introduced into the VPPs which '*refers to a dwelling that is occupied and used by a person or persons who use the land upon which the dwelling is located for primary production purposes, or in conjunction with rural industry or natural systems and make the use discretionary in all rural zones*'. Rural houses would require a permit which might be linked to a requirement for the owner of the land to enter into an agreement covenanting that the house would only be used for the above purposes. A worthwhile rate rebate where it is demonstrated that the house is genuinely being used by persons working on the land was also identified as an option.
- 'Dwelling' (other than 'Rural House') be prohibited in rural zones.
- In areas identified as '*Farmland of Strategic Significance*':
 - Prohibit 'Rural houses' and tourism-related uses, until councils complete strategic planning justifies some sites 'opting-in' to allow these uses.
 - Permit excisions as part of a package of structural adjustment measures to facilitate restructure and renewal of a defined agricultural district.
- Reintroduction of tenement provisions to control housing development in areas nominated by Councils be considered (as in the Surf Coast Planning Scheme).

While the Minister's response to the Rural Planning Group recommendations is not available, the Panel sees the report as a valuable contribution to the development of strategies for rural areas.

1.6.3 Water Reforms and Irrigation Infrastructure Modernisation

The RRLUS recognised water reform as one of the challenges and opportunities for agriculture in the Region. It identified that:

The Victorian Government White Paper set out a range of reforms to improve the management of water. A key feature of the paper was unbundling of water entitlements into three components – water share, a water-use license and a delivery share (RRLUS p28).

The RRLUS further described that:

The National Water Initiative has at its core the objective of increasing trade to capture what it sees as benefits from water moving to higher values use. As a consequence, in the future any limits to trade will decline. The ability of an area to remain viable in the water supply sense will depend on its capacity to remain competitive (RRLUS p28).

The RRLUS said of water trading that:

Under the COAG⁶ agreement, water has been able to be traded separately to land with a view to allowing water to move to its best use. Over the past 5-10 years, increasingly dry seasons have resulted in more competition for water and water has been traded out of this region to downstream on the Murray River where large horticultural developments have been established. To compete with this, the irrigation supply system must be improved to provide people with a source of water they can manage, at a cost-competitive rate. The Foodbowl Modernisation Project was instigated to responding (sic) to this process.

The major initiative for the modernisation of the irrigation infrastructure in Victoria's Foodbowl region (the Goulburn Murray Region), is the jointly Federal/State Government funded NVIRP. The goal of NVIRP was:

.....to save 225GL of water over Stage 1 of the implementation of the NVIRP and 200GL of water in Stage 2, by reducing water losses in the irrigation delivery system through renewal of irrigation infrastructure.⁷

At the Hearing Murray Smith and Barry Ross from NVIRP outlined the key elements of the project as being:

- Backbone: automation of core backbone infrastructure with associated works and remediation (HDPE or clay lining, bank remodelling).
- Connections: modernisation of the local distribution supply from the backbone to the individual farm.
- Metering: automating customer supply points on the backbone and any supply points installed as part of the connections program.

1.7 Other Strategies

The Panel was referred to a range of strategic planning documents. They included:

- *Echuca Low Density Residential and Rural Living Land Review, 2003*
- *Campaspe Shire – C44 MSS Review*
- *Greater Shepparton Housing Strategy*
- *City of Greater Shepparton Strategy Plan, 1996*
- *Greater Shepparton 2030 Strategy Plan, 2006*
- *City of Greater Shepparton Economic Development Strategy, 2006*
- *Cobram Strategy Plan (2007)*

⁶ The Council of Australian Governments.

⁷ Northern Victoria Irrigated Renewal Project – Incorporated Document.

- *Woodlands to Bundalong Strategy (Draft, 2006)*
- *Bundalong Strategy Plan 2007*
- *Moira Rural Living Strategy 2004*
- *A Report On Residential Land Capability And Agricultural Land Suitability In The Shire Of Campaspe March 1998*
- *Tourism Strategic Destination Development Plan 2007-2017 Echuca-Moama & District June 2007*
- *Changing Land Use in the GMID 2006-2010 Where have all the dairies gone? July 2010*
- *Future Farms: Providing For Victoria's Future Rural Land Use Discussion Paper DPCD April 2009*
- *The Economic and Social Impacts of Water Trading - Case Studies in the Victorian Murray Valley 2007*
- *Small Farms - Valued contributors to healthy communities – Report for Rural Industries Research & Development Corporation November 2007*
- *Ready for Tomorrow Regional Blueprint (Victorian Government)*
- *Our Water Our Future Modernising Victoria's Food Bowl Information Paper 2007*
- *Loddon Mallee Regional Strategic Plan Northern Region (Victorian Government)*
- *Future Farming Improving Rural Land Use Report Rural Planning Group – Independent Report to the Minister for Planning December 2009*

1.8 Matters Beyond the Scope of the Panel's Role

1.8.1 The Australian Constitution, Human Rights and Compensation Issues

Darren Burgess (Submission M34), who owns property in Youanmite, raised issues relating to the Constitution of Australia and compensation for losses resulting from planning scheme provisions. He made extensive submissions at the Hearing and submitted that:

...our Constitutional Rights as people of Australia should be acknowledged, not simply brushed aside as per this strategy. Our claim to hold 'as of right' sovereignty on our land, until we knowingly enter an agreement to the contrary, does hold and should not be dismissed too easily. All actions Federal, State and Local, must NOT cause or perceive to cause harm, to a person of Australia and must comply, with the Australian Constitution, if they contravene it they will be deemed invalid.

Mr Burgess raised issues of compensation in relation to the current Amendments and the introduction of a Restructure Overlay (RO3) through Amendment C50, which requires consolidation of titles he owns.

Adrian Weston and Alison Couston also highlighted that the Universal Declaration of Human Rights (article 16.3) indicates that families are entitled to protection by the state. They submitted that the Amendments have implications for family farming, such as in relation to succession planning and farmers aging in place.

Discussion

At the Hearing the Panel indicated that it has been appointed under the *Planning and Environment Act 1987* to consider issues raised in submissions and the merits of those submissions within the framework provided by that Act. The Panel advised that it does not have the legal expertise to determine matters of constitutional law. The Panel is not aware of any breach of Human Rights as a result of the Amendments but does not have expertise to make rulings relating to these matters.

Legislation limits the circumstances where compensation is payable. For example the *Planning and Environment Act 1987* provides for compensation in some circumstances where a permit is cancelled or amended (section 94) and where land is required for a public purpose (Part 5). The Panel is not aware of these circumstances applying as a result of the Amendments.

Other processes would be required to pursue and determine these matters.

1.8.2 Council Rating Issues

Submissions raised four fundamental concerns relating to Council rates for properties in the FZ:

1. Rates have been paid for many years on the basis the land is 'residential' land but permits cannot be obtained for dwellings on small lots.
2. Valuations to determine rates have not taken account of the loss of rights to build a house.
3. In the Kialla area, for example, rates have been based on recent sales for speculative land banking or non-agricultural uses rather than agricultural values.
4. Rates have increased in recent years placing financial pressures on farm businesses at a time they were confronting multiple challenges.

Rocky D'Agostino (GS50) submitted that the allowance of residential development and industrial use of farming land in the past has led to increased land values in the Kialla area, putting pressure on farmers to pay higher rates or sell to developers. He argued that the implementation of the FZ in 2007, removed the right of owners to construct a dwelling to house themselves and their family on their own property. Many rural landholders were not aware of the change and the associated 'massive' devaluation of their properties; were not compensated; and Supplementary Valuations within the *Valuation of Land Act 1960* were not conducted.

Gordon Hamilton (GS1) and Rocky D'Agostino also highlighted that speculative land banking under a 'Ponsie' scheme operating in southern Shepparton had unrealistically inflated the basis for land valuations on which rates are struck.

Mr D'Agostino referred to a document prepared by Mr Peter Hann of LG Valuation Services for the Greater Shepparton City Council as a result of a VCAT order to justify his valuation. The five 'Comparable Sales' of nearby land were based on speculator and industrial uses⁸ not allowed in the FZ - none related to agricultural values of the land. He argued that this runs counter to the Councils' submission:

'This highlights the need for agricultural land to be bought and sold based upon its agricultural productive values and not the inflated potentially speculative value based upon Rural Living or Lifestyle opportunities. Unless land can be bought at a reasonable price, farming will not be viable'.

Michael Toll submitted that supplementary valuations should be undertaken when major planning changes are made.

Discussion

Like the Councils, the Panel understands submitters' frustration and resentment relating to the refusal of proposals to build houses on land that had been rated as 'residential' for many years. However, any reconsideration of municipal rates is beyond the scope of this Panel.

Nevertheless, we note the Councils' advice that this issue is common to all rural Councils as they are bound by Section 2(1) of the *Valuation of Land Act*

⁸ Mr D'Agostino indicated three properties were sold for land banking by an investment/ Developer Group; one was sold to a recipient of a sale of nearby land to the Developers on which the owner conducts an Electrical Business and another was sold to a Transport Operator as a base for their business. At the Hearing he indicated that some farms sold to a 'ponsie scheme' relating to land to the south of Shepparton at 2-3 times the price for farming land.

1960 which specifies that for, rating purposes, farmland must be greater than 2.0 ha in area and that land below 2.0 ha must be treated as residential land. While the legislation may require small lots to be rated as residential, the Panel would have thought that the valuation on which rates are based should recognise the nature of the most likely permitted use and development of the land. The minimum rate applied may also need to take into account the potential use of small lots and the associated demands on services. These are matters for the relevant Councils to address under other legislation.

1.8.3 Evaluating Specific Proposals that Require a Permit

The underlying purpose of some submissions was to obtain support for specific proposals, notably the construction of a house on an existing lot, rather than the appropriate zoning of the land. It is not the Panel's role to determine whether specific development proposals should be approved. These submissions have provided insights into real circumstances and have informed our evaluation of the planning framework for planning decisions. However, we have not made findings on whether proposals should be approved on specific lots – that is the function of the permit application process.

Similarly, two submissions related to whether the use of buildings on their properties has, or could have, the necessary planning consent. Again this is beyond the scope of the Panel's role⁹.

1.8.4 The Integrity of Officers Administering the Planning Scheme

Campaspe Concerned Citizens submitted '*... in our view, of questionable character and not suitable to administer and enforce the current and proposed planning controls.*' Attached to their post-hearing submission relating to revisions to Amendment were documents circulated by the Councils, VCAT and Industrial Relations Court of Australia relating to the conduct of a particular officer.

We consider the material is beyond the scope of this Panel's consideration and we do not intend inviting a response from the Council concerned. However, we consider broader issues of the implementation of the planning framework for the FZ in Chapter 3.12.

⁹ I G & G C Bond (M31), John & Sue Meguyer (C64)

1.9 Overview of Issues

Few submissions challenged the core purpose of the Amendments to secure the future of agriculture as the engine of the economy in each municipality and afford protection to agricultural productive capacity.

The vast majority of submissions objected to the Amendments either generally or in relation to their property/area. As is often the case when Amendments are exhibited, there were few submissions that strongly supported the Amendments. A number of individual submitters endorsed the Amendments' provisions¹⁰. The Environmental Farmers Network submitted that long term interests of the Region are served by resisting the temptation to allow subdivision of productive farm land for low density residential use. The Goulburn Valley Environment Group supported the Amendments as a means to halt the fragmentation of rural land, which contributes to the loss of native vegetation, and the application of the RCZ to conserve environmentally significant areas. This Group sought greater consistency in the use of planning mechanisms across the three municipalities and wider use of the ESO to protect biodiversity values.

It is notable that while the Victorian Farmers' Federation (VFF) did not submit in relation to the Amendments, its submission to the Planning System Ministerial Advisory Committee strongly supports the provisions of the FZ as necessary to protect farming and secure its future, although it argues that the requirement for a permit for a dwelling should be set at a level that recognises the productivity of the land in question. Although the Panel and parties did not have the benefit of an opportunity to explore the VFF views on issues that are specific to the Amendments, we accord some weight to this view of a peak organisation representing the farming sector on matters of principle particularly those relating to the planning framework established by the FZ.

Most submissions sought a change to the FZ as it affects their property in order to provide greater opportunities for subdivision and particularly the development of houses without the need for a planning permit. Most submissions related to irrigated land, although there was a cluster of submissions from dryland farmers around Dookie who objected to the proposed RCZ. Otherwise there were few objections to the exhibited RCZ. Extension of the RAZ was also sought along the Murray River, on the outskirts of Shepparton and, perhaps, around the Waranga Basin near Rushworth.

¹⁰ For example GF and CM Rathven (C4), Damian Janssens & Jane Macey (C40), Gary Gledhill (C11).

A number of submissions raised matters of principle rather than explicitly seeking changes to Amendment provisions relating to particular properties. Animosity towards planning processes was evident in some submissions which saw the Amendments as imposing further challenges for farmers on top of the drought, restructuring in the agricultural sector and water reform processes. The issues raised are noted below with the Panel's consideration provided in subsequent Chapters of this report. The issues related to:

- Ideological opposition to planning constraints. A number of submissions primarily challenged the Amendments on the basis that they undermine property rights or reflect a lack of understanding of agriculture by those who prepared the strategy. The maintenance of 'rights' to build houses on existing lots was advocated and it was argued that demand for lifestyle housing should be accommodated, particularly on land that is no longer viable for farming.
- The impacts of the Amendments on property values and the financial implications for property values, and impacts on retirement plans.
- Impacts on communities – people are needed in rural areas to maintain small communities which will not survive without policies that actively support population growth.
- The methodology and analysis underpinning the Amendments was flawed.
- The manner of community consultation in preparing the Amendments was insufficient and inadequate.
- Family farms, rather than large corporate farms that the Amendments seem to promote, have proved to be a strong model and should be supported.
- Rather than an across the board approach, the merits of proposals should be evaluated individually, having regard to whether the land is irrigated or dryland; soil types; floodways, rivers, channels and roads.

1.9.1 Submissions from Government Departments and Agencies

The following government departments and agencies raised no objection to the Amendments: Goulburn Valley Water (GS2, C1), APA GasNet (GS3), Department of Sustainability and Environment (DSE) (GS42, M16, and C69), VicRoads (C7), Coliban Water (C24), and North Central Catchment Management Authority (CMA) (C68, M17).

Goulburn Murray Water (GMW) (GS68, C46, and M36) and NVIRP (C72), Goulburn Broken CMA (C42, GS37) Murray Shire (C2) and Gannawarra Shire Council (C5) all supported the Amendments. These submissions raised the following matters:

- Gannawarra Shire Council endorsed the location of the proposed RAZ and noted that it will observe with interest the impacts of modified subdivision and dwelling requirements and the ESO.
- Goulburn Broken Catchment Management Authority (CMA) objected to large variations between the Amendments and suggested that the Greater Shepparton provisions should align with the other Amendments. It suggested that an ESO be applied to the Lower Goulburn and Dookie Hills areas. The CMA advised it would be pleased to be involved with the mapping of such overlays.
- GMW suggested more flexibility in the minimum lot sizes should be allowed. GMW suggested the following revisions to the exhibited Amendment documents which were supported by the relevant Council and are endorsed by the Panel:
 - Corrections to document titles in the Campaspe MSS.
 - Inclusion of the Lake Mulwala Land and On-Water Management Plan (2004) and Addendum (2008) as reference documents in Clause 21.07 of the Moira Planning Scheme.
 - Schedule to the Environmental Significance Overlay (ESO 2) - amended to read:

'The SPPF and the MSS and the NSW Regional Environmental Plan No 2-Riverine Land 1994 and the Murray Shire Local Environment Plan 1989 all identify the Murray River as an asset of international, national and state significance'.

Submissions and advice from these agencies are addressed in subsequent chapters.

The Environmental Protection Authority (GS4, M6, and C6) did not object to the Amendments but suggested that the Councils assess Land Capability Assessments for septic systems to be installed. The Panel notes that this is a matter for permit or amendment processes where rural residential development is proposed.

VLine (M14) requested an exemption from permit requirements under the proposed ESO for *'track works undertaken by V/Line or its representative'* (see Chapter 5.9).

Recommendation

Revise the relevant clauses of the Municipal Strategic Statements and the schedule to the proposed Environmental Significance Overlays as suggested by Goulburn Murray Water.

1.10 Evidence Presented at the Hearing

The Councils called expert evidence from:

- Shelley McGuinness is an agricultural scientist who was part of the consultant team that prepared the RRLUS and subsequent strategic planning reports that the Amendments propose to implement. Her expert evidence statement listed relevant parts of these studies, noting the chapters she had had a significant role in preparing. She described the content of the studies at the Hearing and was available at the Hearing to respond to questions relating to the parts of the report she had contributed.
- Peter O'Leary, who is a town planner, provided a peer review of the strategic planning work and the process underpinning the Amendments but on the whole did not extend to the translation of that work to the particular areas or properties.

John Keaney, who is a town planning consultant, made a presentation at the Hearing. He provided annotated Amendment documentation which demonstrated the direct link between the LPPF provisions proposed in the Amendments and findings and recommendations of the RRLUS and the subsequent reports.

We comment elsewhere in this report that it is unfortunate that those responsible for integrating the analysis undertaken to produce zone maps and the data underpinning measures to protect environmental values, were not available at the Hearing to enhance our understanding of the process and respond to questions.

Michael Toll called town planning evidence from Troy Spencer relating to:

- The strategic justification for and process leading to the Amendments; and
- Submissions from Ron & Ronda Crossman (Submission C52), Mr & Mrs Bond (Submission M31).

Mr Spencer's overarching evidence statement was pre-circulated as directed by the Panel and he provided prepared responses to questions from Mr Toll, as well responding to questions from the Panel and parties at the Hearing.

The submission from Geoff and Betty Forryan also referred to the views of Greg Caldwell of Caldwell Real Estate and Livestock relating to the rural property market in the Region.

1.11 Approach Adopted by the Panel

We have considered all written submissions, as well as submissions presented during the Hearing. In addressing the issues raised, we have been assisted by the information provided to us as well as our own observations from inspections of specific sites and areas. We found the detailed Casebooks setting out the submission, aerial photography, planning scheme maps and Council's response for each submission particularly helpful.

This report considers some overarching issues and then addresses issues raised on the basis of the relevant proposed zone and overlay. It addresses the issues and submissions under the following headings:

- **Overarching Issues** including consideration of: constraints on private decisions and fairness to existing owners, the adequacy of consultation, regional consistency, and the basis for the Amendments provided by strategic analysis and mapping.
- **The FZ Provisions** including consideration of whether economic and social analysis provides a sound basis; rural lifestyle opportunities; integration with settlement plans; the appropriateness of distinctions between FZ growth, consolidation and niche areas; minimum subdivision lot sizes, whether the planning framework should distinguish between dryland and irrigated land; excisions; house permit triggers and the decision making framework for houses in the FZ.
- **The Rural Activity Zone** including consideration of: the analysis underpinning the delineation of the zone and the decision making framework proposed.
- **The Proposed Rural Conservation Zones and Environmental Significance Overlay** including consideration of: the analysis of environmental values and assets; planning scheme mechanisms to protect environmental values and the proposed use of the RCZ and ESO in specific locations.

A brief summary of submissions seeking changes to the Amendments and the Panel's response is provided under relevant chapter topics. In many cases submissions sought support for additional subdivision opportunities or the construction of houses. In most instances, understandably, the submissions focused on the circumstances and existing conditions applicable to their property only and did not present a rationale or strategic basis for a change to the relevant policy or zoning for the locality. The Panel's role relates to consideration of the planning framework proposed in the Amendments, not whether specific development proposals should be approved. Thus our consideration of submissions does not extend to matters that are properly determined through the permit process on the basis of planning policy and zone provisions.

2. Overarching Issues

2.1 Constraints on Private Decisions and Fairness to Existing Owners

What is the issue?

The fundamental concern in a number of submissions related to the constraints imposed by the planning system on individual decisions about how people use and develop their land¹¹. Many submissions argued that they had acted to achieve financial security for themselves and their families on the basis of established rights. Of particular concern to many submitters was the loss of the right to develop houses on lots of nominated sizes without requirements for the consideration of proposals through the planning permit process. There was a view that farming is to be subjected to a level of regulation that does not apply to other businesses or the development of houses elsewhere. A further recurring theme in submissions was that those determining constraints to be applied through planning processes lack experience or expertise in farming and the operation of rural communities.

Discussion

Constraints on individual decisions about the use and development of land apply across the State and nation (and indeed in most Western nations). The Panel agrees with the Councils that land use planning inevitably limits how people may use and develop their land in order to achieve the objectives of planning in Victoria¹² which include:

- *providing for the fair, orderly, economic and sustainable use and development of land; and*
- *balancing the present and future interests of all Victorians.*

All zones, in both urban and rural areas, constrain how land is used and developed in order to achieve the purposes of the zone, benefits for the

¹¹ For example WG & KL Barrot (: GS45), RA & JA Duff (GS44), Wendy McHugh (GS9), Paul & Carmen Ashcroft (GS27), Rocco Fasano (GS41), Mark and Fiona Spencer (M2), John Hay (M9), Louis Cook (M12), Land Management Surveys (M20), Martin Kiddle (M28), Warrabilla Wines Pty Ltd (M38), Ian and Dianne Michael (C3), Barry Porter (C19), MB and CJ McLean (C27), Barry Toll (C29), Marie and John Canning (C57), Stephen and Rhonda Snelson (C62), Robert Height (C73).

¹² Section 4 *Planning and Environment Act 1987*, Clause 10.02 of the State Planning Policy Framework.

broader community, to facilitate economic development, to maintain important resources, or to protect neighbours from adverse impacts. There are parallels between the protection of farms from constraints on operations to protect residential amenity with the planning system management of residential development in the vicinity of industrial uses/zones. The focus on broader societal benefits of protecting environmental values is not unlike the limits applied to the form of development to protect significant cultural heritage values in urban areas.

The planning system must be capable of addressing changing circumstances or responding to further understanding of how systems operate. In the rural context, issues such as the restructuring of rural economies, changing farming practices, ecological vulnerability, and new pressures for competing, potentially conflicting uses are cases in point which the Amendments seek to address.

The Panel is conscious that it is an important function of the planning system to provide a level of certainty about acceptable forms of use and development to inform both public and private decisions. In some cases a long standing development potential has not been a significant factor in decisions and indeed, it has only been recent demand for rural living that has raised expectations of changes to residential rather than agricultural land use options and of the associated value attributed to parcels of land. In other instances people have planned or acted in good faith on the basis of the planning framework which, for example, provided for significantly greater 'as of right' housing development opportunities than proposed in the Amendments. We are also conscious that the impact on individuals can be substantial.

While the Panel does not endorse the view that private property rights should be unconstrained, the significance of the implications require the evaluation of proposed planning provisions to establish that they are well founded, would result in a net benefit to the community, and are likely to be effective in producing the intended outcomes.

2.2 Was Consultation Adequate?

What is the issue?

A number of submissions (such as Robert Danieli, Darren Burgess, and the Campaspe Concerned Citizens) argued that notice of these significant Amendments to non-farm properties was warranted because the economy of the Region is so dependent on agriculture.

Others acknowledged that statutory requirements for notice may have been satisfied but argued that the strategic planning process failed to provide for meaningful consultation or stakeholder engagement. It was submitted that:

- Historically, planning provisions for rural areas in these municipalities has not been based on consultative processes as both the introduction of rural zones in new format planning schemes and the new farming zones (in 2006) were approached as translations of existing provisions and the current FZ provisions were introduced via Ministerial Amendments as interim measures.
- The opportunities for input to the RRLUS were poorly timed and provided only superficial, positive presentations of the potential implications of the strategy. For example Mr D'Agostino commented *'there was no ability to speak to either Councillors or Strategic Planning Staff during this process which are the basic ingredients for a consultation process.'* Mr Weston felt that the consultative process avoided controversial issues and was approached as a means to pacify landowners. He suggested that responses to questions at meetings were vague. Ms Couston also highlighted the lack of detailed information available at that time, such as the intended characteristics of farming in the FZ3 (see Chapter 3.7 relating to operating hours).
- Campaspe Concerned Citizens expressed some cynicism regarding consultation with *'unnamed key developers'* in advance of the farming community.
- Michael Toll, Gary Steigenberger, Brian Harland and Mark Langenbacher who are active consultants in the Region, also expressed strong concern that the consultative process had not drawn on the experience of experienced practitioners.

Councils' submissions set out the consultation that occurred during the preparation of the RRLUS and through to exhibition of the Amendments. In summary, key elements of the 'communications strategy' included:

- Initial consultation concerning the scope and methodology commenced in June - September 2007. It comprised:
 - Surveys of surveyors and real estate agents.
 - A total of 10 community consultation sessions across the three municipalities.
 - A Councillor workshop where a joint position was adopted.
- Planners, Councillor and agency workshops early in 2008.
- Public display of the draft RRLUS for a 28 days (4 August to 1 September 2008) which was supported by information sessions for consultants,

Council officers, land management agencies and the public. Seventy-two submissions were received.

- Exhibition of the Amendments for 60 days closing on 18 April 2011. Notices were sent to approximately 15,500 in the three municipalities. Formal exhibition was supplemented by information sessions in multiple locations in each municipality.

The Councils submitted that the consultation and communication program was targeted, thorough and multi-faceted. It extended beyond formal exhibition to include information bulletins, targeted meetings and sessions with regional communities, workshops with Council officers, Councillors, agencies and land management authorities. The Councils tabled a scrapbook of media cuttings in support of their view that the extent of coverage of the RRLUS and Amendment processes in the local media promoted awareness of the process in the community.

Discussion

The RRLUS acknowledged that, while valuable input was obtained, the attendance at the Community Open Days was quite low. That was said to be due to pressures on rural communities arising from the difficult seasonal conditions and the demands associated with consultation on other projects in the region that were addressing the future of agriculture and the irrigation system. It noted that the RRLUS was also informed by the findings of the consultation conducted as a part of other projects such as Irrigation Futures, drought forums, Goulburn Murray Water Reconfiguration and Modernisation Project, the Foodbowl Project and the Shire of Campaspe Rural Zones Review¹³.

The Panel recognises that it is typically a challenge to engage stakeholders in strategic planning processes as the implications are not always readily apparent to members of the community. We are also conscious that in this case the challenge was compounded as the communities' capacity to engage in the RRLUS processes was severely compromised by the stress and competing priorities being confronted by farmers and the community due to the extreme drought conditions and water policy reform process.

The Panel considers that the statutory requirements associated with the Amendment exhibition process were satisfied and exceeded. The notice given was extensive and we do not accept the submissions that broader individual notice of the Amendments should have been given. Notices in local newspapers, information sessions and media coverage were employed

¹³ Page 87 RRLUS

to extend the community awareness of the proposed Amendments and the opportunity to make submissions about them.

The strategic planning process leading to the Amendments was also supported by significant information dissemination and opportunities for informal input and more formal submissions during the evolution of the documents. Digesting and coming to terms with all the material associated with a complex project such as this is not easy, particularly for those in the community who have competing demand on their time and have primary expertise in other fields. Our review of the documents used in consultative and exhibition processes confirms that the key message to protect agricultural productivity, which was not contentious, was certainly most prominent. However, the contentious elements relating to subdivision and the development of housing in the FZ were also presented from early in the process.

The Panel understands submitter concerns that their input was not 'taken on board'. Whereas some issues raised reflected an ideological opposition to constraints associated with planning or related to the fundamental planks of the strategies put forward, our consideration of submissions in Chapters 4, 5 and 6 identifies a number of instances where we consider the Councils' evaluation was limited or responses to anomalies raised in submissions should have at least acknowledged the basis of the matter raised.

2.3 Should Changes be Consistent across the Three Municipalities?

What is the issue?

Submissions questioned the lack of consistency in the proposed lot sizes nominated for subdivision and to trigger a permit for houses for the three municipalities and the basis for those differences. Some also queried why the zones used differed between municipalities. For example, Mr Toll submitted that the FZ3 was relevant to land in Moira but had not been used and that in Greater Shepparton there is a role for the RAZ.

Mr Spencer's evidence endorsed the concept of adopting a consistent approach across the Region but argued that the three municipalities should employ the full suite of rural zones contemplated in the Amendments. He expressed particular concern about the approach adopted by the City of Greater Shepparton, commenting:

As a planner, I like the idea of using a common approach to similar issues, however I only see two of the Municipalities trying to achieve this objective (Moira Shire Council & Campaspe Shire Council). The Greater

Shepparton City Council has not achieved any considerable outcome as a result of this amendment that I can see.

While the Goulburn Broken CMA generally supports the objective of the Amendments, it objects to large variations between the Amendments for each municipality. The CMA suggests that City of Greater Shepparton align minimum lot sizes for subdivision and for building of a dwelling without a permit, to be consistent with the other two municipalities. At the Hearing, GMW was represented by Mr Neil Repacholi¹⁴ who noted that the Loddon Rural Strategy recommends a 40 ha minimum lot size for subdivision and that, ideally, he considered a consistent regional approach to be desirable.

The Councils responded that the proposed LPPFs in each planning scheme will reflect the common and fundamental strategic basis established by the RRLUS. It was submitted for the Councils that:

- Campaspe and Moira have adopted similar lot sizes, based upon the jointly commissioned RRLUS Implementation Report.
- The RRLUS recommended subdivision and dwelling lot sizes were exhibited in the Greater Shepparton FZ Schedule but, after considering submissions, together with existing settlement patterns and land uses, that Council adopted different lot sizes to those adopted by Moira and Campaspe. Greater Shepparton Council submitted that the proposed policy and controls are based on the RRLUS and not on the Implementation Report which has been prepared for Moira and Campaspe Shire Councils and provided the basis for the refinement of their proposed provisions to respond to local circumstances. As irrigation water allocation and provision may change, Greater Shepparton City Council considered minimum subdivision and dwelling controls should not be directly linked to whether the land was irrigated. Given this situation, it is considered appropriate to apply a 40 ha minimum subdivision size and requirement for planning permit to reflect the controls that existed prior to interim controls applied.
- Despite a difference in lots sizes in the FZ Schedules, the common policy basis and the common purposes and decision guidelines in the FZ are likely to produce a similar outcome in the three municipalities where a permit is triggered.

¹⁴ Mr Neil Repacholi disclosed to the Panel that he is also a Campaspe Shire Councillor.

Discussion

The RRLUS recognised the significant challenge in developing a common position across three municipalities. It commented on the broad similarity in purpose and intent of the existing policy and strategies across the Region but highlighted some inconsistencies in provisions relating to subdivision and the development of dwellings. While there was an expressed intention that the RRLUS would provide a consistent planning framework for rural land across the Region, areas would be subject to different provisions, such as zones and lot sizes, on the basis of responses to varied agricultural conditions, local patterns of settlement and development and processes of agricultural change.

The Panel endorses the principle underlying the RRLUS that provisions should be consistent across the Region with variations in planning provisions (both within and between municipalities) on the basis of the characteristics of the area, rather than the municipality the land is within. Accordingly, the Panel does not consider that, as a matter of principle, differences between the provisions in the municipalities is a fundamental flaw in the Amendments.

We note in relation to the divergent position adopted by the City of Greater Shepparton, that none of the strategic planning work undertaken establishes a basis for either the exhibited provisions or the post-exhibition position adopted by the Council. The 40 ha minimum subdivision lot size and level at which a permit now supported by the Council was presented as reflecting the pre-interim controls. However, these provisions were applicable to the Intensive Rural Land Zone (irrigated) but not Broadacre Farming Rural Zone where 80 ha was the relevant lot size or the Intensive Agriculture Rural Zone where 20 ha lot size provisions applied (See Table 1 in Chapter 3.1.1).

2.4 Did the Strategic Planning Analysis Provide A Sound Basis?

The Amendments are intended to implement the outcomes of a body of strategic planning work comprising the RRLUS 2008, *Campaspe and Moira Implementation Report* August 2010 (the Implementation Report) and the *Greater Shepparton Regional Rural Land Use Strategy Issues Paper* July 2009 (the Greater Shepparton Issues Report). After completion of the RRLUS, the subsequent reports responded to issues raised by the respective Councils or in submissions. After briefly summarising the methodologies adopted in these reports, key issues raised about the rigor of the work done or the veracity of assumptions are addressed by the Panel.

The RRLUS

The RRLUS developed a vision and planning framework for managing the rural landscape in the Region through the analysis of:

- Input from consultative processes (see Chapter 2.2).
- The importance of agriculture including trends relevant to specific types of agricultural production. The analysis presented an overview of agricultural production, with discussion of the dairy, horticulture, livestock production and processing, and fodder and crop production at regional and/or municipal levels. Challenges, opportunities and the outlook for agriculture in the Region were canvassed, with consideration of issues such as irrigation infrastructure modernisation, water reform and agricultural development areas.
- Farm business information on the types of farm businesses. Benchmarking of farm gross turnover was provided to inform consideration of issues relating to the level of income generated for farmers and capital funding for redevelopment, growth, reinvestment to increasing production efficiency and to respond to changing market conditions (see discussion in Chapter 3.3).
- The analysis documented characteristics such as soil types, land capability, climate, water supply (irrigation, surface water, and groundwater) and land fragmentation. The RRLUS expressed a high level of confidence in the analysis of land capability and agricultural productivity for irrigated areas. This work drew on mapping of surveyed soils undertaken between 1942 and 1975¹⁵ and Department of Natural Resources and Environment (DNRE) assessment in 2000¹⁶ of land suitable for development of sustainable irrigated agriculture and horticulture (Agricultural Development Areas). In the dryland areas, it was noted that despite the very limited documentation of soil types, land use as an indicator of soil type in combination with climatic condition is satisfactory for strategic planning purposes.

¹⁵ Compiled by Goulburn Murray Water (2006) and reproduced in RRLUS Appendix E.

¹⁶ The RRLUS Agricultural Development Areas are the same as Prime Development Zones (PDZs) identified in a report entitled *Identification of Likely Prime Development Zones in the Shepparton Irrigation Region* (November 2000). The Department of Natural Resources and Environment commissioned that report to provide quality information in order to assist potential investors interested in high value irrigation. The criteria for defining a PDZ related to soil types (primarily Group 1 and 2); access to a secure supply of irrigation water; drainage; minimising environmental impacts with no net environmental loss; changing resource use from low return irrigated enterprises to high return enterprises using more efficient irrigation systems. Existing higher value enterprises such as dairying and horticulture were excluded from consideration as likely PDZ's.

- Information relating to demography (particularly those employed in agriculture), rural property, housing and land supply in rural living precincts.
- Environmental values and threats which considered remnant vegetation, significant flora and fauna, water, flooding, salinity, soil health. This analysis relied on strategies of and information¹⁷ from other agencies, such as the CMAs, DSE, Trust for Nature, Local Government and Parks Victoria (See Chapter 5.2).
- Implementation issues, including planning scheme mechanisms, review of approaches taken elsewhere, and VCAT decisions.

Greater Shepparton Issues Paper

The Greater Shepparton City Council commissioned RM Consulting Group to undertake further work to address the following issues or concerns:

- Whether agriculture remains an economic force in Shepparton;
- Whether water trading is compromising the future of agriculture in Shepparton;
- Whether further controls on land use and development will limit agricultural operations and affect population growth and development;
- That rural living is not supported; and
- The zoning of land in the Shepparton East area.

This work involved updating some data relating to the agricultural sector, a synthesis of the RRLUS analysis and an amplification of the rationale for the recommended approach with the overall conclusion that the *'fundamentals of the RRLUS remain unchanged'*.

Campaspe and Moira Implementation Report

The Shires of Campaspe and Moira commissioned further examination of minimum lot sizes for subdivision and dwellings between irrigated and dry land farming, particularly given the recent NVIRP. The Implementation Report:

- Established criteria for selecting land suitable for inclusion in the RAZ which resulted in the identification of three locations for application of the zone (one in the Shire of Campaspe and two in the Shire of Moira). Arising out of submissions to Amendment C69 to the Campaspe Planning

¹⁷ For example, EVC Mapping has been prepared by DSE 2008; Biodiversity Action Planning; Wetlands Designated by Australia to the List of Wetlands of International Importance – The Convention on Wetlands (Ramsar, Iran, 197); Planning scheme overlays relating to flooding and salinity.

Scheme, the Shire commissioned further examination of the RAZ around Torrumbarry;

- Clarified the rationale for minimum size lots for subdivision and permit triggers for dwellings;
- Reviewed the appropriateness of the RCZ and recommended against its use. Further investigation of the area around Rushworth under a small town's settlement study to determine the most appropriate planning framework for the area was recommended; and
- Concluded that the FZ2 and FZ3, rather than the FZ1, should apply to land to the east of Echuca.

Mr Toll's submissions challenging the methodology adopted in the RRLUS is indicative of submission by others. He submitted that:

- *The brief did not include consideration of the economic and social impacts, as part of the strategy and its recommendations.*
- *The common aims and vision, described in the brief, were not achieved throughout the Region, with substantial differences between municipalities in the use of the Farm Zones and Rural Activity Zones.*
- *The Strategy report used data five years old and did not take into account the last years of drought and the impact this has had on many irrigation farm enterprises.*
- *The Consultants preparing the Strategy adopted the altitude (sic) that big is better and only assumed that larger farms are necessary to make profits due to often falling world market prices as unfair competition is allowed to enter Australia i.e Chinese fruit and vegetables.*
- *The brief recommended that any mapping decisions be justified by the Consultants in writing. To date, no written report has been presented to the panel members or have any Consultants been called to provide evidence to justify these mapping decisions.*

2.4.1 Discussion

This discussion considers whether the analysis in the RRLUS and subsequent reports provided a sound strategic basis for the Amendments. A number of issues relating to the analysis undertaken are addressed in subsequent chapters relating to the Farming Zone, the Rural Activity Zone and the protection of environmental values.

The Councils (with DPCD support) have committed substantial resources to address a fundamental planning issue for the Region. There was extensive

analysis undertaken and further reports were commissioned to explore contentious issues further.

Ms McGuinness provided expert evidence only relating to the parts of strategic planning documents she had a significant role in writing. It is unfortunate that other authors of the RRLUS, and in particular those responsible for integrating the analysis undertaken to produce zone maps, were not available at the Hearing to enhance our understanding of the process and respond to questions.

Mr Keaney's presentation at the Hearing and annotated Amendment documentation demonstrated the direct link between the changes to the LPPF proposed in the Amendments and findings and recommendations of the RRLUS (and the subsequent reports).

The Panel agrees with the finding of Mr O'Leary's peer review that the strategic planning underpinning the Amendments adopted a systematic approach to the analysis of relevant information. Importantly, the RRLUS synthesis and interpretation of the extensive data incorporated in appendices was cognisant of the State planning policy context. The Councils also invested in further work on issues of specific concern. On the whole, the work drew on data that was current at the time and advice or mapping from other agencies with specialist expertise (such as DSE in relation to ecological assets or Department of Primary Industry (DPI) in relation to Development Areas).

The Panel experienced some frustration that it was not possible to interrogate the veracity of mapping and input from other sources that informed the preparation of the Amendments. We comment below on the lack of transparency in how the analysis was integrated to produce the maps delineating the different typologies of areas. This was a critical issue in the preparation of the Amendments being considered and a common concern in submissions.

As various submitters noted, much of the data relied on by the strategic planning process is becoming dated as a result of the time that has elapsed since the original analysis was undertaken; there has been progress in the implementation of NVIRP but water reform and modernisation programs remain contentious; and the demonstrable resilience of family farms combined with the demise of various MIA schemes has tempered the enthusiasm for large scale, tax driven corporate farming models.

Changing circumstances are perhaps inevitable in an extended planning process such as the one underpinning the Amendments and the Panel's consideration of issues raised is informed by the change in circumstances.

With regard to concerns that the outcome of the strategic planning process proceeded on a predetermined path, the Panel notes that State planning policy establishes the parameters for more local strategic planning processes and many of the objections reflected ideological opposition to planning intervention and fundamental opposition to established State policy for the farming areas. Nevertheless the presentation in the RRLUS of the 'Bold Future Vision' before any analysis, plus some of the discussion could have led to an inference that the outcome was not derived from the analysis and consultative processes employed. For example, as Mr O'Leary commented in his peer review:

Section 2.2 discussed a 'steady as it goes' approach against a 'bold future' but there was no analysis of the strengths and weaknesses of these options, nor detailed analysis of any other alternative approaches.

We note however, that the RRLUS report represented a synthesis of the whole process and therefore the analysis throughout the report was presented in the context of the ultimate conclusions or findings.

Impact of Climate Change

At the Hearing GMW expressed concern that the RRLUS had not adequately addressed the potential implications of climate change.

The Panel was provided with the following reports:

- GMW tabled a DPI document *Climate change impacts and rural strategic planning*. It predicted higher temperatures and reduced rainfall for the North Central Regions and potential risks for the main agricultural industries, indicating a range from low to high for fruits, dairy and horticulture.
- *Strengthening Victoria's Foodbowl - Stage 1: Adaptation to reduced water availability in a changing climate* (Draft December 2010) which found¹⁸ that climate change is likely to affect the agricultural industry through: reduced yields from dryland crops, more years of negative return; increased relative feed costs for dairy and livestock industry; and increased risk to permanent plantings in drought and storms. The implications for planning (inter alia) include '*Reduced area of irrigation, reduced agricultural viability, requiring changes in rural land use planning*'.

¹⁸ Appendix B Situation report for Campaspe Shire.

- A subsequent report for the Shire of Campaspe relating to *Planning for Reduced Water Availability (July 2011)*¹⁹ found for land use planning that the impacts of the Basin Plan and climate change will include:
 - Changes in land use such as changes from irrigation to dryland farming, changes in intensity of farming or in commodities produced.
 - Any contraction in the total volume of irrigation water available to irrigators in the Shire, and the potential for water allocation shifts to occur in the short term and longer term, could lead to a change of land use from irrigation to dryland farming. This will have land use planning consequences in terms of the appropriate zone schedules and overlays applied to the areas subject to change. **However, these changes in the Shire of Campaspe are expected to be relatively small in total area.***(Panel emphasis)*

It appears to the Panel that the total area projected to be affected may be small and the potential impacts on different agricultural enterprises are not clear. The report outlines an extensive set of initiatives to adapt to climate change and recommends that the Campaspe Council prepare planning scheme amendments in the future to give statutory weight to the recommended initiatives, once completed.

The Panel acknowledges the potentially significant implications of climate change for the Region but is not in a position to make specific recommendations for any changes to the Amendments to address the mitigation of adverse impacts. We expect this to be an ongoing task for strategic planning.

2.5 Mapping

What is the issue?

Many submissions to the Panel questioned the transparency and rigor of the mapping process used to derive the zones proposed in the Amendments. Submitters were concerned that *'first pass indicative zoning mapping'* from the early stages of the RRLUS process had been translated to the zoning proposed in the Amendments without the refinement process foreshadowed. Various submissions argued the zoning applied to their property was a mapping anomaly (addressed more specifically in Chapters 4, 5 and 6). There was strong concern that even through the Panel process there was no explanation of or opportunity to interrogate the basis for the mapping of

¹⁹ *Planning for Reduced Water Availability-Shire of Campaspe- Strengthening Victoria's Foodbowl (July 2011)*

zones because those responsible were no longer employed by the consultants who prepared the RRLUS.

The Councils responded that the RRLUS methodology considered various land attributes relating to existing parcel sizes, land capability, potential for irrigation and environmental values. The three different sub-zones identified in the 'Indicative First Pass Map' reflected GIS analysis of the attributes with refinement to adopt practical boundary locations. The zones in the exhibited Amendments were the same as in the RRLUS except the following changes recommended by the Campaspe and Moira RRLUS Implementation Project were incorporated in the relevant Amendments:

- Rural Conservation Zone in Moira Shire was not justified by information in the RRLUS and should be in the FZ;
- An area to the north of Rushworth should be FZ1 rather than RCZ;
- Public land, including the Rushworth State Forest and Public Conservation and Resource Zone land was incorrectly included in the RCZ; and
- An area around Rushworth township should be reviewed as part of a small towns settlement study to determine its most appropriate use and planning policy.

the Councils submitted that the areas in the three FZs largely reflect what is on the ground, with FZ1 applied to areas of larger scale farming (whether it be dryland or irrigated), FZ2 is similar but with greater fragmentation of lots and FZ3 was applied where the existing lot configuration, soil types and proximity to existing settlements lends those areas to more intensive, potentially diverse, smaller scale operations.

Discussion

Ms McGuinness, who provided expert evidence only relating to the parts of strategic planning documents she had a significant role in writing, indicated that she was not in a position to respond to questions on mapping.

The Panel has relied on the RRLUS documentation of the mapping process²⁰ adopted to determine the '*first pass indicative rezoning*²¹' which established the basis for the exhibited zones, except for the refinements referred to above that emanated from the Implementation Report. In summary, the methodology was described as follows:

²⁰ Page 105 RRLUS

²¹ RRLUS Appendix E – Map 7.

- Mapping excluded land that is not subject to the suite of rural zoning provisions.
- Where rural zones interface with urban and other non-rural areas, care was taken to incorporate existing planning scheme policies, (eg restructure plans, structure plans or growth boundaries).²²
- The indicative zoning mapping was based on analysis of the following key attributes (See Table 2):
 - The combination of tenement size and lot arrangement and property holdings. The methodology assumed that expansion of agricultural properties is more likely to occur on properties adjacent to existing farming operations.
 - Protection of environmental values.
 - Alignment of Agricultural Growth Areas with land previously identified for agricultural development (Agricultural Development Areas (The Panel is not aware of the veracity of the analysis underpinning the ADAs, their current status or the implications of changes in water policy and infrastructure provision since these areas were identified).

The RRLUS indicated that the analysis of lots and property holdings formed the basis for division amongst the proposed Schedules to the FZ maps. The land/property characteristics identified (ie excluding operational characteristics of future uses) appear from Table 2 to have been:

- FZ1 (Growth) Large contiguous farm properties that may include multiple titles to comprise tenement; indicative farm size >250 ha intensive/>500 ha dryland; irrigation or access to irrigation preferable; preferably good soils and LC.
- FZ2 (Consolidation) Moderate size properties where reconfiguration will result in larger farm holdings; indicative farm size >100 ha; preferably good soils and LC.
- FZ3 (Niche) Often small properties closely located to a number similar sized neighbouring properties; indicative farm size 2 -3 ha; some access to water for stock and cropping; moderate soils and LC.

However, the commentary in the RRLUS also indicated *'It is proposed that a minimum lot requirement of 40 ha in irrigated areas and 160 ha in dryland areas enables consolidation and opportunities for expansion. These sizes are the basis for restructure in the Farming Zone and therefore reflect the intent of the Consolidation*

²² Recommendations from other strategic planning work were considered but the RRLUS used the strategic planning and associated mapping that is either incorporated into existing Municipal Strategic Statement's or adopted by Council.

*areas. Where farming tenements are considerably larger and continue to expand they are recommended for the Growth area.... Given the diversity of uses, combination of both on and off farm incomes and unconventional characteristics of the Niche Farming Zone areas, it is difficult to propose a minimum lot size within this area.'*²³

The RRLUS indicated that existing irrigation areas and planned upgrades for expansion of water infrastructure were recognised. While mapping did not delineate dryland or irrigated areas, text changes to the proposed FZ Schedules were intended to differentiate declared or licensed irrigation areas.

Like submitters, it remains unclear to the Panel how various factors that were mapped (such as agricultural quality, lot and property size, EVC and the like) were integrated to delineate the different categories of the FZ. We do note however that there is a general correlation between property sizes and the delineation of the three categories of the FZ. There is also an alignment between the productivity of the land associated with soil types and access to water for irrigation and lot/property sizes. Submitters commented that this reflects strong local knowledge about the productive capability of the land. As noted in the Shepparton Issues Paper *'Proposed zone mapping results included in the RRLUS do reflect the historic settlement patterns throughout the three shires. Specifically, this includes broad application of the Growth Zone throughout the region with concentrated pockets of the Consolidation zone that generally apply to the soldier settler irrigation areas. These areas have particularly good soil types, lots in the vicinity of 20ha, have good irrigation infrastructure and the potential for individual farms to amalgamate to respond to growth demand as the blocks are still of good size and not all support dwellings.'*

The Panel recognises that it is necessary in strategic planning to characterise areas for the purpose of determining the nature of uses and development that should be facilitated, managed or precluded through the planning system. The inevitability of atypical properties (or anomalies) within strategic planning units is also recognised. Nevertheless, the absence of an explicit methodology poses a risk to the credibility of the framework proposed and why specific parcels of land were included in one category rather than another.

The RRLUS anticipated that *'further detail, and refinement of the zoning maps will take place during preparation of the Planning Scheme Amendments'* but, while broad changes were supported in relation to the RCZ and RAZ as a result of the Implementation Report, this does not appear to have occurred at all in relation to the categories of the FZ that were applied. Ms McGuinness

²³ Page 110 RRLUS.

anticipated that testing through the Panel processes would also provide an opportunity for refinement of the 'indicative first pass zones' and the identification of anomalies.

The Panel is not in a position to undertake a systematic review of the designation of all land affected by the Amendments. However, the consideration of submissions provides examples or 'case studies' where the proposed designations have been interrogated by the Panel (See Chapters 4, 5 and 6). We retain some concern that the designation of areas we have not specifically reviewed could be justifiably challenged.

In any event, in subsequent chapters we recommend an alternative basis for differentiating land in the FZ.

3. Farming Zone Provisions

What is the Issue?

Most submissions endorsed the core purpose of the Amendments to secure the future of agriculture as the engine of the economy in each municipality and to afford protection to agricultural productive capacity. However, some individual submitters questioned the future of agriculture in the Region (eg GS9 Wendy McHugh), or that the extent of agricultural land that will be required in the future given improvements in productivity (Michael Toll). Many submitters argued that their properties were no longer viable for productive farming for a variety of reasons such as environmental constraints, the property size, conflict with residential uses and the like.

By far the most contentious elements of the Amendments were the minimum lot sizes for subdivision, excision provisions and, in particular, the lot size at which a house becomes as of right.

Submitters were offended by what they perceived as a focus in the RRLUS and the proposed planning framework on '*large multi-million dollar investment*' rather than family farming which they argued has proved to be resilient in the trying circumstances of the past decade. The assumption that there would be an ever increasing scale in farm operations was challenged. For example Damian Janssens (C40) submitted that productivity may be increased through improved farming practice, in addition to, or instead of, farm expansion. He also suggested that there is a growing view that there is a limit on the scale of dairy farms and considered an optimum family farm may now be in the order of 220-250 cows, although others may choose a larger scale.

Whether the proposed categorisation of FZ serves a useful purpose was questioned in submissions. For example, Michael Toll highlighted the largely common features of the FZ1 and FZ2 in the three Amendments and that in Greater Shepparton the Council supports post-exhibition changes that apply the same lot size provisions across the FZ. It was also submitted that the RRLUS characterisation of the FZ3 misunderstood the nature of niche farming practices. Niche farming is not a '9-5' business.

Submissions emphasised the significance of both irrigation and land capability in determining the form of agriculture adopted and levels of productivity, yet these fundamental considerations are not reflected in the differentiation of land in the FZ. They argued that the absence of any

distinction between dryland and irrigated land in Amendment provisions is a fundamental flaw that undermines the credibility of the provisions proposed. Further, it was submitted that the capability of different soil types is well understood in the Region and reflected in the established farming uses (eg horticulture, dairying, broadacre dryland grazing and cropping and 'lizard country').

As already noted the basis for mapping of FZ categories was challenged by many submitters (see Chapter 2.5).

The proposed lot size prescriptions were opposed as undermining certainty; constraining incremental expansion of farms, farm succession and new entrants to farming; and/or failing to recognise the circumstance applicable to an area, a property or the submitter. Submissions commonly sought a reduction in lot sizes for subdivision and as of right development of houses. Some also supported a return to a more liberal approach to the excision of house lots. Where submitters raised concerns about the FZ category applied to their land or locality, they generally sought a category with less emphasis on growth/consolidation of agricultural activities, lower lot size provisions or an alternative zoning that provided greater opportunity for the development of houses.

In addition to the uncertainty and administrative burden associated with planning permit processes, many submissions expressed strong concern about how applications are and will be assessed against the criterion requiring it to be demonstrated that a new house is required to support agriculture. Various submissions argued that this criterion should not apply to their land as, for various reasons, it is not suitable for viable agriculture.

The Councils submitted that:

- Subdivision lot sizes and the trigger for a dwelling permit prior to the interim provisions were, arguably, based upon historic matters more than strategic analysis. In many cases they were the outcome of translations from the previous planning scheme.
- The changes to the FZ schedule and applicable policy reflect a refinement in the planning provisions, not any dramatic change. There is no increase in the restrictiveness of the controls over the current interim controls.
- The proposed changes to the FZ schedule better align the minimum lot sizes with relevant considerations such as existing parcel size patterns, land capability, existing development, context, economic considerations and irrigation infrastructure.

The Councils suggested the existing supply of lots means it is unnecessary to create more lots of less than 100ha to meet the requirement for more

intensive agricultural uses. However, it was acknowledged that there is *'a small number of very large lots, predominantly in dryland areas that would be more attractive for transfer between farm businesses if they were smaller. Therefore, a minimum lot size for subdivision should provide for subdivision of these larger lots to a size attractive for broadacre agriculture.'* The Councils submitted there is no practical basis or planning purpose to distinguish between irrigated and dryland agricultural production land.

3.1.1 The Evolution of Farming Zone Provisions

Minimum subdivision lot sizes and the permit trigger for a house in the FZ were key concerns underlying many submissions. Table 1 sets out the evolution of these FZ provisions in each municipality from pre-interim controls (prior to July 2007) to the position put by each Council at the Hearing. We have not gone back to earlier provisions but understand that the conversion of former rural zones to the new FZ was approached as a translation process, rather than being based on new strategic analysis.

It is notable that:

- Pre-interim controls, the interim controls for each municipality and the exhibited Greater Shepparton Amendment provisions differentiated between irrigated and dryland areas. Pre-interim controls in Moira and Greater Shepparton also distinguished between areas within irrigated areas on the basis of productivity/use.
- The Interim controls removed the distinction between areas within irrigated areas, while the exhibited Amendments in Moira and Campaspe and the post-exhibition changes supported by Council in Greater Shepparton removed the distinction between irrigated and dryland areas.
- The pre-interim control minimum subdivision lot size and house permit triggers were much lower than introduced as interim controls and through the Amendment process.
- The minimum subdivision lot size and house permit triggers were set at the same size in the pre-interim controls and the interim controls except in Greater Shepparton where the permit trigger for a house (10 ha) was lower than the minimum subdivision lot size (20ha) in Intensive Agriculture areas.

Table 1: Evolution of Proposed Subdivision Minimum Lot sizes and Permit Requirement for Dwellings in the Farming Zone

	Moira		Campaspe		Greater Shepparton	
	Subdivision (Min lot size)	Dwelling (Lot size –permit required)	Subdivision (Min lot size)	Dwelling (Lot size –permit required)	Subdivision (Min lot size)	Dwelling (Lot size –permit required)
Pre- Interim provisions (Pre- 25/9/2008)	GMID (Plan A) 20ha CPP (Plan B) 12ha Other land 40ha (12/07/2007, C27)		GMID, RID, water licence from Campaspe, Goulburn and Murray Rivers 40ha All other land 100ha (29/03/2007, C52)		Intensive Agriculture land 20ha Intensive Rural land 40ha, or 20ha in accordance with Clause 22.01 (Intensive Agriculture Development Policy) Broadacre Farming 80 ha (02/11/2006, C33)	Intensive Agriculture land 10ha Intensive Rural land 40ha Broadacre Farming 80ha (02/11/2006, C33)
Interim (from 25/9/ 2008)	GMID (Plan A) 100ha CPP (Plan B) 100ha Other land 250ha		GMID, RID, water licence from Campaspe, Goulburn & Murray Rivers 100ha All other land 250ha		Intensive Agriculture land 100ha Intensive Rural land 100ha Broadacre Farming 250ha	
Exhibited	FZ1 100ha FZ2 100ha FZ3 40ha	FZ1 250ha FZ2 250ha FZ3 40ha	FZ1 100ha FZ2 100ha FZ3 40ha	FZ1 250ha FZ2 250ha FZ3 40ha	FZ1 (DID) 100ha; All other FZ1 land 250ha FZ2 (DID) 40ha; All other FZ2 land 160ha FZ3 None specified (> 40ha default)	
the Councils Position at the Hearing	FZ1 100ha FZ2 100ha	FZ1 250ha FZ2 250ha	FZ1 100ha FZ2 100ha FZ3 40ha	FZ1 250ha FZ2 250ha FZ3 40ha	FZ1 40ha FZ2 40ha FZ3 40ha	

Note: The same lot sizes apply to both Subdivision and Dwelling permit triggers where the cells are combined.

GMID = Goulburn Murray Irrigation District DID = Declared Irrigation District CPP = Cobram Precinct Plan RID = Rochester Irrigation District

(Source: Derived by Panel from the Councils' submissions)

3.1.2 The Framework Established by the Farming Zone

The planning framework provided by the FZ is an expression of State policy and determines how applications for permits are evaluated. These State-wide FZ provisions are not changed by the Amendments. Our evaluation of the Amendments is cognisant of the fact that the local provisions proposed in the Amendments do not set aside these overarching elements of the planning framework, rather they add to or amplify the framework provided by State planning policy and the zone provisions.

The FZ purposes of particular relevance to issues raised in the Amendments are:

- To provide for the use of land for agriculture.*
- To encourage the retention of productive agricultural land.*
- To ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture.*

The FZ decision guidelines also establish the basis for the assessment of applications for permit. They require consideration of agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure; the capacity of the site to sustain the agricultural use; and any integrated land management plan prepared for the site. An application for a dwelling must be accompanied by a written statement which explains how the proposed dwelling responds to the decision guidelines relating to (amongst others) whether the proposal:

- will support and enhance agricultural production.*
- will result in the loss or fragmentation of productive agricultural land.*
- is compatible with adjoining and nearby land uses.*
- has potential to limit the operation and expansion of adjoining and nearby agricultural uses.*
- is reasonably required for the operation of the agricultural activity conducted on the land.*
- 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.*
- will adversely affect the operation and expansion of adjoining and nearby agricultural uses.*

- (has potential).. *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.*
- (is located to) .. *avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.*

3.2 Is the Intent of the Amendments Sound?

The Panel endorses the central purpose of the Amendments to secure the productive future of agricultural land in the Region. This is vital to the economy of the Region and supports established State and local policy.

The Panel is conscious that, as the Councils emphasised, while the Amendments modify the lot size provisions in the schedule to the FZ, on the whole, the applicable zone is not changed and therefore the primary purposes that should guide planning decisions remain largely the same. It is also important to recognise however, that the MSS and local policy amplify the FZ purposes and decision guidelines for applications. Much of the local policy content which was in place when the interim controls were introduced will not change as a result of the current Amendments. However, the articulation of different purposes for the three categories of FZ in the LPPF is a significant refinement of the planning framework that influences the operation of the zone provisions and the changes to lot size prescriptions have substantial implications.

3.3 Are the Amendments Based on Sound Economic Analysis?

In many respects the very reason for the RRLUS and the subsequent Amendments is the economic importance of agriculture and horticulture in the Region, a fact not challenged by submitters. As the RRLUS states, the Region grows:

- *90% of the national deciduous canned fruit production*
- *85% of the national pear crop*
- *45% of the national stone fruit crop*
- *14% of the national fresh stone fruit crop*
- *16% of the national apple crop*
- *90% of the national kiwifruit crop*

Even so, the region has been subjected to ongoing structural changes driven in part by the availability of water and its expected availability in the future

and the ways in which the region's industries have and are reacting to this expected change. The Panel was referred to a report prepared since the analysis underpinning the Amendments was undertaken. This later report specifically addressed changes in agricultural land use in the region²⁴ and found:

While a high degree of change was anticipated, the results can only be described as startling, the most significant finding was the movement of properties out of irrigated dairy production due to extended drought conditions and a low water allocation environment that has prevailed since the 2002/2003 irrigation season (when allocations first dipped below 100%), and the extent to which that land is no longer actively farmed.

Findings of this report included that, typically, the idle land retired from active agriculture was dried off ex-dairy and fodder production properties, often within old soldier settlement districts that were once highly sought after due to better than average soils. Our own inspections confirmed the view expressed about the prevalence of general degradation on these properties. Of particular relevance, was the commentary in the report that:

- Underlying land values were often priced above productive values and some of the farms were in the hands of lifestyle buyers not interested in re-developing the farms or returning them to productivity.
- A large number of properties (many of them idle when first assessed) have returned to active production, reflecting significantly increased optimism among landholders as irrigation allocations were better than expected due to good summer rains and progress on extensive works undertaken by NVIRP.
- New Farming Zone regulations had resulted in unwanted surplus land being tied to rural house sites in demand from lifestyle buyers.
- Queried whether current planning provisions are flexible enough to allow the necessary reconfiguration of rural holdings.

Submissions to the Panel also referred to the challenges confronted by the horticultural and fruit sectors due to the renegotiation of contracts, changing conditions affecting produce processors, and deteriorating terms of trade.

The planning framework needs to be cognisant of these demands and facilitate necessary farm transitions that maintain the agricultural productivity of the Region.

²⁴ *Changing Land Use in the GMID 2006-2010 Where have all the dairies gone?* Prepared for Northern Victoria Irrigation Renewal Project and Department of Primary Industries July 2010

3.3.1 Farm size

The Councils noted that the direction the Amendments have taken is informed by the RRLUS which asserts that the future economic conditions will require that *'successful agribusinesses of the future will need lower production costs than currently prevail'* and that *'this will be achieved through further increases in the scale of operation'* (page 4).

The RRLUS goes on to note the advantages of increased scale; specifically the relative decrease in costs, notwithstanding an actual increase in the corporate and compliance costs associated with larger farms. The economic proposition is articulated as follows:

In order to maintain the region's pre-eminent position and to provide the climate under which future investment will take place various economic, resource and development factors need to be in place. One is obviously securing the region's long term water resources (that, in itself, relies on securing the agricultural base), another is providing the conditions under which new privately led water infrastructure investment to service the expansion of agricultural production can take place. It is increasingly evident that such prospective agricultural investment is jeopardised, deterred or completely lost by land uses and development that have the potential to compromise the scale and location of such investment. Large multi-million investment in agricultural investment is far less likely if prospective investors are confronted with land that is already fragmented in ownership with housing dispersed through it.'(Page 4)

In submissions and in response to questions by the Panel, the Councils emphasised the likely importance that corporate investment and by extension large scale corporate farming would play in securing the Region's future.

The extent to which this has occurred, and is likely to continue in the future, became a topic of debate during the Hearing with a number of submitters pointing to the collapse of a significant number of managed investment schemes and other syndicated operations. Indeed, a number of submitters argued that, if anything, the sustained drought had demonstrated that the family based farm was generally more innovative and resilient than larger corporate operations.

In cross examination Ms McGuinness agreed that, notwithstanding the upheaval in farming enterprises over the past decade, the family farm had proved to be more resilient than alternative corporate models.

This discussion led to a number of submitters emphasising the large number of family farming operations that rely on off-farm employment to supplement the income (or lack thereof) derived from the family farm.

This was in part a response to modelling undertaken in the RRLUS and discussed in subsequent documents such as 'Implementation Report' (August 2010) in which a base land area required for different types of agricultural production (eg dairy, beef, vegetables and fruit) to generate revenue of \$300,000 per annum was established.

A number of submitters were critical of this modelling, noting that 'one size fits all' assumptions are inappropriate given the range of soil and other conditions in different parts of the Region. Various submitters emphasised that profitability is more relevant than gross turnover. Others pointed to the large number of farming operations where off farm income played an important role and effectively rendered the models conclusions about minimum farm size useless.

Ms McGuinness and the Councils argued the '\$300,000 revenue farm size model' had been interpreted too literally by submitters. It was, they argued, intended as a point of cross reference (a sanity test) and did not determine detailed planning controls in the Amendments.

Discussion

The Amendments are driven by expectations about the future economic direction of agriculture in the Region.

The difficulties confronting the Panel rest more in the inherent paradoxes that lie beneath the RRLUS principal objective.

For example, while the avoidance of further fragmentation of agricultural land may be considered to be of importance to the economic wellbeing of the Region, the outcome of such a policy direction may be to the financial detriment of individual land owners. While financial implications for individuals are recognised and acknowledged, as discussed in Chapter 2.1, the focus of strategic planning is securing positive long term benefits for the community and in this case, the agricultural sector.

There is also the question as to whether the family farm can be, or should be, considered as a standalone business or whether it can be regarded as both a business and a way of life.

What did become clear to the Panel during the course of the Hearing is that there is, in all likelihood, a personal story and set of circumstances behind every farm and each parcel of land.

Overall, the Panel is inclined to think the RRLUS has overemphasised the extent to which farming is likely to move towards a corporate farming model. The resilience of the family farm and the inherent efficiency of the family farming unit are, in the opinion of the Panel, likely to remain the mainstay of agricultural production across the Region.

That said, the Panel does not believe the general direction of the Amendments is without foundation. Rather, the Panel believes that many farms will continue to increase in size as efficiencies in farming techniques, approaches and production allow it. The question is whether there is a maximum optimal size for the family farm above which inefficiencies are likely to occur.

The Panel believes the real challenge is to craft a planning framework that recognises the importance of agriculture to the Region and seek to preserve the agricultural capacity of good agricultural land and, at the same time, encourage the growth of farming operations whether that be by increasing the scale of land holdings or by increasing the efficiency of existing operations.

The latter is largely outside the control of the planning system while the former is directly impacted by the direction of these Amendments.

Thankfully, the Panel does not need to guess what the optimal or 'viable' future farm size will be. We consider that the importance of off-farm income to many farm enterprises must be recognised, together with the fact that many existing farms comprise parcels in multiple locations and incremental growth of farms may well occur through the addition of land that is not contiguous. This suggests that the core issues for the planning framework are to:

- Recognise the productive potential of the land;
- Promote parcels of a size that enable optimal farming practices;
- Accommodate anticipated incremental growth of farms; and
- Establish planning controls to best protect the agricultural capacity and operations on the land.

In the view of the Panel, the RRLUS and by extension the Amendments should be less concerned with ultimate farm size and more focussed on providing a framework that supports the trading of land areas that represent logical incremental increases in the scale of farming.

The objective is to facilitate best practice farming outcomes. Understanding the optimal scale of parcels for farming operations (as distinct from the stand alone financial viability of a holding or combined holdings) and, just as importantly, the manner in which they grow over time are key factors.

Duncan Sutherland (Submission GS11), whose family operate a large farm in multiple holdings around Dookie, responded to questions from the Panel that their acquisition of parcels of 60-100 ha has been opportunity driven as land closely held. He considered a single family cropping operation of approximately 500ha is a workable unit. Mr Janssens' (Submission C40) response to questions from the Panel was instructive. He is a dairy farmer from the Yarroweyah area and explained that the optimal scale for a family dairy farm in his area would be in the order of 120ha and that, in increasing his holdings towards an operation of that size, 20-40ha acquisitions represented a logical increase in his holdings from both a financial and operational perspective. The Panel believes that this kind of approach may have provided a better understanding and basis for the planning controls adopted.

In regard to the '\$300,000 revenue model' the Panel accepts that the purpose of the model was to inform rather than direct. It serves as a useful guide but is not, and should not, be used as a definitive measure on which to establish planning controls.

Finally, the Panel notes that while the proposed Amendments are in part influenced by changing economic circumstances, their timing is regarded by a number of landowners as unfortunate. During the period of sustained drought governments (at all levels) responded with a raft of initiatives and policy changes which, while well intended, have added to the prevailing uncertainty facing many farmers. The drought itself, the NVIRP initiative, the Murray Darling Basin Plan and the Amendments that are the subject of this report appear to have fostered a feeling of never-ending change and uncertainty within rural communities, particularly those that rely on irrigation. While the Panel recognises this has been and remains a difficult time for many farming communities it also of the view that ensuring a forward looking planning framework is in place is not something that should be delayed.

The Panel concludes there is a sound economic basis to the Amendments.

Agriculture is the foundation stone upon which the Region is based and the importance of irrigation to the Region cannot be understated. Accordingly, it is imperative the agricultural capacity of land in the Region should be afforded protection in the planning scheme. Moreover a planning

framework should be introduced that acknowledges the ongoing restructuring of the rural sector and the likelihood of increased farm sizes whether they be family based enterprises or large corporate concerns.

The critical issue is to ensure that in developing planning controls to support these broad objectives the appropriate balance is achieved.

3.3.2 Rural Land Values

The Panel heard from a significant number of submitters who stated that depreciation in land values has already occurred as a result of the interim controls and/or as a result of expectations about the proposed Amendments. It was claimed that a decline in property values was particularly acute on small parcels of land where the potential to secure a permit for a dwelling was now unlikely. Greg Caldwell of Caldwell Real Estate and Livestock referred to demand for lifestyle properties and cited examples of reduced property values in recent years. He also noted that there has been some return of interest in dairy properties.

Another group of submitters owned small lots (typically less than 4 hectares) as a result of earlier subdivisions. These submitters included some who, based purely on the description of their properties on rates notices as 'residential – rural', had an expectation that the construction of a dwelling on their property would be permitted. In some cases the landowner had previously endeavoured to obtain a permit for a dwelling and failed. In other cases it was apparent that receipt of information pertaining to the RRLUS and these Amendments was the first time they had realised that a permit for a dwelling was unlikely.

In such instances, it is acknowledged that the agriculture value of small lots in the FZ are likely to be much less than their potential value if a dwelling was an as of right use. Unfortunately for owners of anomalous small lots, the absence of an as of right entitlement for a dwelling predates the RRLUS.

The outcome however is that various people are likely to experience a potentially significant decline in their real or perceived net asset base as a result of the Amendments. Several submitters, particularly within Campaspe Shire, noted that in their discussions with Council officers, it was pointed out to them that one of the objectives of the proposed Amendment is to deflate farm values.

Consultation and documentation on amendments such as those before the Panel need to be undertaken and communicated in a sensitive manner. The Panel does not suggest that this has not been the case in this instance but notes that in rural (or any) areas where there has been a sustained period of

economic uncertainty there is a need to be acutely aware of such issues in undertaking significant changes to the planning scheme.

The Panel does however note that when subdivision or dwelling rights (whether real or perceived) are removed, there is generally a negative impact on the value of property.

From a planning policy perspective, farmers are more able to compete for land in the FZ where the price is based on its agriculture value rather than a value that is inflated by expectations that uses that are actively discouraged, notably rural residential uses. As noted in the VFF submission to the Victorian Planning System Advisory Committee, it is difficult for farmers to compete where land prices are not based on agricultural values and landuse restrictions in the FZ tend to be enabling for new entrants to the farming sector (see Appendix D).

The Panel further notes that the rezoning of land or the introduction of other forms of planning controls that may be prejudicial to the value of property are not unusual in land use planning and are certainly not unique to rural properties.

3.4 The Analysis of Social Implications

Submitters, such as Campaspe Concerned Citizens, submitted that social impacts on rural communities and the cumulative effect of implications of the proposed planning framework for individuals (particularly for new entrants to farming, farm succession and retiring farmers) was not adequately considered in the formulation of the strategies to be implemented by the Amendments.

They argued that, rather than strategies such as the RRLUS which will lead to further depopulation in rural areas, planning should be actively promoting population growth to support businesses, community facilities and services in rural settlements. Submissions highlighted the importance of titles with an entitlement for a home for young farmers' capacity to meet requirements of lending institutions and to gain access to government assistance such as first home owner grants. This can affect both the succession plans for family farming businesses and new entrants attempting to build their business. Further, while the prevalence of off-farm income to many farm businesses was acknowledged in the RRLUS, it was submitted that the proposed planning framework does not adequately recognise that active agricultural production is commonly supported by off-farm income streams. The value of mentoring by older farmers, both within families and

the local community, and the desire of some to 'age in place' was also stressed.

Ms Cousin argued there should be greater analysis of health and wellbeing issues. Mr Dennis Flood, a counsellor with extensive experience in the Region, related the impact of the trying circumstances experienced by many farmers in recent times.

Many submitters related their personal experiences to illustrate the points, for example:

- The Weston family actively farm their property and the adjoining Homes property on a co-operative basis to provide a 3050 ha farming unit. Mr Homes is an older farmer who is involved and provides valued advice but leases his property; they have made personal decisions relating to gearing, risk management and intensity of the operations; off farm income has enabled investment in the farm together with environmental improvements and their son wishes to join their farming enterprise.
- Ms Couston also highlighted the impact of the protracted uncertainty relating to water entitlements on their ability to make decisions about upgrading much needed infrastructure on their dairy farm (as well as the associated stress for her family and many others in the farming community). She emphasised the mutual support provided within the farming community and the value their relationship with older farmers in the immediate area.
- Mr Scali who has an expanding orchard enterprise has been facing the challenges of gaining a permit for subdivision and a house for his son who is also active in the business. In addition to providing a level of financial independence for family members, he highlighted the benefits of land with a house entitlement in accessing government grants and meeting bank requirements.

As noted above, a significant number of submitters emphasised the impact on their financial plans and security due to the depreciation in land values, particularly for small lots, where the potential to secure a permit for a dwelling is unlikely (see earlier discussion).

The Councils' submissions acknowledged the obvious hardship faced by many farmers and businesses that rely on the agricultural sector but argued that *'many of the consequences of the amendments feared by some submitters, such as detrimental cultural and social impacts, are simply not ones that flow from the amendment. It appears that some submitters were associating NVIRP and GMW actions and proposals with the RRLUS.'* The Councils' submissions emphasised the overriding economic (and by extension social) importance of securing the

future of agriculture in the Region which translates to strategies reinforcing established policy to preclude housing in the FZ if it is not required for farming. They submitted that the planned accommodation of 'lifestyle housing' opportunities close to settlements serves a range of planning objectives, including supporting rural communities (see Chapter 3.5).

Discussion

The Amendments are likely to have a negative impact on property prices where the value accounted for a right (or potential) to develop a house, rather than the value derived on the basis of its agricultural productivity. The cumulative effect of financial impacts at the individual level can translate to a broader social impact.

Explicit Analysis of Social Impact

The RRLUS included some analysis of demographic, agricultural, employment and residential development trends in the Region. This analysis recorded growth focussed on larger centres and 'leisure landscape' localities, while noting that many rural and small town populations have declined. Consistent with most regions in Victoria, the population is ageing and smaller household size has resulted in household growth at rates above population growth. In rural areas, the age profile is mixed. There is a younger median age in irrigation areas whereas there is an older age profile in areas where farming activity is less (such as areas experiencing a transition from agricultural activity) and where lifestyle oriented development has been more evident.

The RRLUS referred to the NSW experience with 'concessional lots'²⁵, which were intended to enable farming families to stay in their homes on a small acreage while selling the remainder as a farming enterprise. Concessional lots were being phased out as they have been misused and are now viewed as a rural lifestyle opportunity.

The RRLUS appropriately maintained a strong focus on the driving policy to protect the agricultural productivity of rural areas. However it did not analyse the implications of strategic options for specific cohorts of farmers or the farming community. The Panel considers this is a significant weakness in the analysis. We note that Social Impact Assessments are commonly provided to inform planning decisions relating to projects such a road and infrastructure proposals with much more confined social implications.

²⁵ In NSW 'concessional lots' are defined as '*a privilege within some Local Environmental Plans that allows the potential to subdivide small allotments intended to facilitate farm succession to enable retiring farmers to remain on their land, subject to merit based assessment*'.

The absence of systematic analysis of the social implications of strategies in the Amendments, as distinct from broad recent trends, means that the Panel is left in a position of forming a view based on assertions and anecdotal information presented in submissions.

Impact on Rural Communities

Submitters saw housing on smaller lots in rural areas as a means of attracting more people to strengthen small townships by supporting the viability of local businesses, community facilities such as schools, and sporting clubs.

The Panel does not concur with submissions that the requirements that housing in the FZ are necessary for farming will undermine the survival and vitality of small towns. As discussed in Chapter 3.5, the Panel agrees with the Councils that the provision of housing opportunities, including rural residential opportunities, in and near the towns can achieve the desired support for small towns but with better outcomes in terms of access to services for residents and cost effective delivery of community infrastructure and services. At the same time, the impacts on farming are also more manageable than where housing development is dispersed throughout rural areas. The Panel also agrees with the Councils that a decline in agriculture due to incremental, dispersed housing development would impact negatively on the economy and viability of many small rural townships.

Implications for Family Farming – Retirement, Succession, New Entrants and Farm Workers

These issues largely relate to the financial consequences of constraints on the as of right development of new houses in the FZ on lots below the threshold for a permit and on the excision of house lots. The Panel observes that in a number of instances houses were not 'as of right' previously anyway, but understands that from the perspective of these submitters the Amendments will, in all likelihood, result in it becoming more even difficult to obtain a permit for a dwelling.

Planning strategies are predicated on the achievement of land use and development objectives and outcomes rather than maximising the value of parcels of land or responding to the financial circumstances of individuals. While planning policy is intended to facilitate development, this should not be at the expense of fundamental planning objectives, which in this instance relate to securing the long term future of productive agriculture in the FZ. This principle applies in all parts of the State, not just the FZ.

The Panel notes that it is established State and local planning policy in the three municipalities (and in policies applicable prior to the interim FZ

provisions) that housing in the FZ is to be necessary for agricultural purposes. House lot excisions are actively discouraged but accommodated to achieve farm consolidation purposes. The Moira planning scheme explicitly aimed *'To discourage small lot subdivision which is based on satisfying personal circumstances'* and the Greater Shepparton Planning scheme also stated *'Subdivision of rural land at a density greater than these minimums, especially for personal and financial reasons; could jeopardise the economic future of the region.'*

There is nothing to preclude retiring farmers remaining in their homes and leasing their land to others but the Panel recognises that this does not 'unlock' the capital value of the land which may be a financial objective for succession or estate planning. The Panel also has some sympathy for young farmers if they cannot gain access to mortgages or first home owner/farmer grants without title to land on which they are entitled to build a home. However, these personal arrangements should be addressed through individual legal and/or financial arrangements, rather than dictating subdivision and housing development provisions. The conditions of lending institutions and government programs are matters that should be addressed directly, rather than being a determinant of planning strategies. It is not appropriate to distort the planning provisions as a remedy for flaws in funding and financial institution conditions.

Further, the Panel notes the VFF view that the FZ provisions can positively support new entrants. For example, avoiding land prices being determined by factors other than their agricultural value, can enable access to land with an existing house by new entrants to the farming sector and additions to the farm over time at a price that is not inflated by an expectation that a house may be built on the land for a primarily residential purpose.

The recognition of the importance of off-farm income to farming enterprises and the potential for small farms to match to productivity/ha of larger businesses, poses challenges for the planning framework. It is in these circumstances that the exercise of discretion through the planning permit process is necessary, albeit that it is an imperfect mechanism.

With regard to houses providing accommodation for farm workers, there is no assurance that residents of excised or new housing would be occupied by farm workers. Either the existing stock of housing in the FZ or new housing in small towns can serve this purpose without adding to potential for landuse conflict in the FZ. Having said that, the decision guidelines of the FZ include *'Whether the dwelling is reasonably required for the operation of the agricultural activity conducted on the land'*. This does not preclude a dwelling for a farm employee should a sound case be made.

3.5 Rural Lifestyle Opportunities

What is the issue?

A significant number of submissions sought additional opportunities for further 'rural lifestyle' development. Recurring themes in these submissions included:

- Elements of the RRLUS project brief relating to rural residential development were not satisfied.
- There is strong demand for lifestyle properties that should be accommodated.
- Development of small lots will support towns and community facilities;
- The submitters' land is:
 - In an area or near an area where rural residential uses are prevalent – 'the horse has bolted'.
 - Not large enough for viable agriculture.
 - Not suitable for farming due to characteristics such as soil types or its proximity to incompatible uses.

A number of submissions relating to the Bundalong area seeking rural residential development opportunities or recognition of the nature of the existing development are discussed in Chapter 3.6.

The Councils submitted that, while it is understandable that individual landowners seek to maximise the value of their land, rural planning seeks to avoid the inflation of the land values above its agricultural production value as a result of the potential to develop rural land for residential purposes.

The Councils acknowledged that rural residential uses are a legitimate form of use that should be accommodated by the planning framework. However, where the residential use predominates, residents' amenity expectations are often incompatible with the 'right to farm' nearby land. Dispersed rural residential uses also reduce the cost effectiveness of delivering infrastructure and services. The analysis in the RRLUS indicated that no additional areas of rural living land are required to meet current trends. In each municipality the supply of land zoned for rural residential purposes exceeds demand for a reasonable planning timeframe.

The Councils submitted that the RRLUS relates to land within the rural zones other than the RLZ. The RRLUS did not make any specific recommendations with regard to expansion of the RLZ and no rezoning to LDRZ or RLZ are proposed in the Amendments. Each council has identified that consideration of any expansion of LDRZ or RLZ needs to be based upon a strategic

examination and requires investigation beyond that undertaken in the RRLUS. The Councils did not support any submissions seeking changes from the FZ to RLZ or LDRZ as such a change was not justified by the RRLUS.

Greater Shepparton Amendment C93 has recently provided for additional rural residential opportunities in locations that are close to settlements in the municipality. Moira and Campaspe Shires have indicated that further strategic work in relation to housing matters will be undertaken and support adding 'undertake a Shire wide Rural Living Land Review' to the Further Strategic Work identified in each MSS.

Discussion

The following broad definition of rural living is used for the purposes of the following discussion - primarily a residential use of rural land that may or may not include some agricultural activity. It incorporates uses where 'rural lifestyle' objectives are predominant for the residents. The following discussion relates to the zoning of areas for rural living purposes, as distinct from the dispersed development of housing in rural areas, which is discussed in Chapter 3.11.

There is clear State planning policy to limit new housing development in rural areas and direct housing growth into existing settlements (Clause 11.05-3). This policy position is amplified by the requirement in Minister's Direction No 6 (and the associated guidelines²⁶) that the planning authority must demonstrate that an Amendment providing for rural residential use:

- *is consistent with the housing needs and settlement strategy...*
- *is supported by and supports sustainable and viable settlements and communities*
- *does not compromise the sustainable future use of existing natural resources, including productive agricultural land...*
- *protects existing visual and environmental qualities of the area...*
- *avoids predictable adverse environmental processes and effects, such as flooding, erosion, landslip, salinity or wildfire*
- *can efficiently be serviced by social and physical infrastructure, at an acceptable and sustainable community cost.*

Both State policy and the Amendments are underpinned by sound principles that rural residential should occur where the benefits to potential residents

²⁶ *Rural Residential Development Guidelines* (DSE, 2006).

can be maximized, where the utilisation of investment in social and physical infrastructure is optimised, and where the risks to farming are minimized.

The RRLUS discussed the types of land use conflicts between farming and residential uses in rural areas which may cause conflict or constrain productive agricultural practices. While the RRLUS did not provide 'evidence' of the potential for conflicts or incompatibility, the need to avoid conflict is recognised in established policy and practice notes. Mr Keaney and Council officers cited examples at the Hearing such as legal action associated with the movement of dairy cattle on roads and the operation of cool stores. Several submitters also brought conflict of use difficulties to the Panel's attention. The Panel is also aware of complaints relating to dogs from rural residential properties causing stock losses, pressures on operating practices resulting from complaints about spray drift or the operation of frost fans, visual impacts of bird/hail netting, scare guns and the like.

The Panel considers the potential for land use conflict is real and may be greatest where more intensive forms of agriculture operate but there is also a sound basis for planning schemes addressing the issue for other types of farming. As more rural residential development occurs in an area, be it through subdivisions designed for the purpose or the effect of ad hoc excisions, greater pressure on farming operations is likely as the prevailing character of an area and expectations of those living there change.

The RRLUS project brief had a clear focus on securing a sustainable agricultural sector and not the provision of rural residential opportunities. However, the brief did indicate that the project was expected to:

- Investigate a range of influences which included *'the extent to which the multiple use of rural properties (and especially rural living in the midst of agricultural activity) has given rise to 'right to farm' issues' and housing needs and trends.'*
- *'Identify uses that are appropriate in rural areas, that are not traditionally thought of as agricultural, but that can co-exist with agriculture including rural-residential type uses in appropriate locations' (Panel's emphasis).*

The RRLUS acknowledged the 'rural lifestyle' demand pressures where the location or amenity of a property is considered to be appropriate. However, despite perceptions, the analysis found that in this region there has not been the landscape scale housing growth in rural areas that is evident in peri-metropolitan areas, coastal areas and in some area of Victoria's north east. While the RRLUS found some locations appear to be undergoing functional and structural change with new forms of rural lifestyle occurring, the centralisation of population and the growth of larger centres (or localities immediately within their influence) were identified as greater drivers of

change than 'tree changers'. The regional level analysis of Council strategies²⁷ and trends in supply²⁸ and demand for the rural lifestyle land indicated that there is not clear evidence of demand for expansion of the existing Rural Living zoning in any area.

The recently approved Amendment C93 to the Greater Shepparton planning scheme, which implemented the Housing Strategy for Greater Shepparton, identifies a substantial supply of rural residential development land associated with settlements in the municipality. That Amendment had an explicit intention to provide a choice of rural living opportunities in appropriate locations; support the viability of small towns; and to reduce the pressure for lifestyle housing in rural areas.

Moira and Campaspe Shires have foreshadowed shire wide Rural Living Land Reviews. Clause 21.04-7 of the Moira MSS already identifies this work as a priority and Campaspe Shire has supported identifying this work in its MSS. The Panel recognised that further work is proposed but sought advice about the Councils' current understanding of the supply of rural residential opportunities. We were advised that in Campaspe Shire: Echuca has at least 10 years LDRZ supply (Clause 21.04-1) and some 650 ha developable area available for RLZ; Kyabram has 42 ha of RLZ and 230ha of LDRZ; and Rushworth has over 3000ha of developable RLZ. The Panel is satisfied that there is no urgent strategic need to add to the supply of land identified for rural residential purposes in advance of the proposed reviews.

In any event, the Panel is not in a position to recommend rezoning for rural residential purposes as part of these Amendments because compliance with Ministerial Direction No 6 has not been demonstrated.

The Panel endorses the approach of accommodating lifestyle housing options in association with settlements. For example, submissions were made seeking rural residential development opportunities to the south-east of Katandra West but the provision for this form of housing as part of the framework plan for the settlement represents a better planning outcome that supports the established community infrastructure, provides better access to services for the future residents and establishes a more manageable residential/farming interface.

²⁷ The RRLUS reviewed the following strategies relating to rural residential development in each municipality: The Echuca Low Density Residential and Rural Living Strategy (2003); The Moira Rural Living Strategy (2004) and the Greater Shepparton 2030 Strategy Plan (2006).

²⁸ The six Rural Living Zone precincts within the Region were in areas adjoining Echuca, a small area adjoining Kyabram, areas the south-east of Shepparton, land near Rushworth, and small sites near Yarrawonga and Barmah.

Nevertheless, submissions have highlighted that there are 'de facto' rural living areas within the FZ where the existing predominance of development for rural residential purposes has effectively determined the future of the land for other than farming purposes. In these areas the minimal opportunities for infill development of small existing lots would be unlikely to have adverse impacts on farming as operations need to take into account the existing rural residential population and there is little prospect of the lots being consolidated with farmland.

The Councils' assessment of submissions seeking a rural residential zoning applied the principle that rural living zones were beyond the scope of the current Amendments and no submissions were supported. Even though rezoning as part of this Amendment cannot be recommended, the Panel considers that the specific circumstances that apply to the land referred to in some submissions and its immediate area should have been acknowledged, together with the need for further evaluation to determine whether an alternative zoning appears is warranted to recognise existing conditions and limited adverse consequences. For example, in Bundalong, the response to submissions did not mention the previous planning studies that have identified land for non-farming purposes or the level of existing rural residential development immediately to the 'south' of the urban zone.

The Panel consideration of submissions suggests that 'the horse may have bolted' in localities such as north of Kyabram (which is identified for longer term rural residential development in any event). The appropriate zoning of areas with existing concentrations of small lots, limited infill opportunities and no realistic prospect of either productive agricultural use or consolidation into farms should be specifically addressed in the proposed Rural Living Land Review and Small Towns studies for Campaspe and Moira Shires. In Greater Shepparton the future zoning of these types of areas should also be addressed. Given the supply of this form of housing in preferred locations resulting from Amendment C93, such a review may not match the priority accorded to other strategic planning work the Council is committed to undertake. Those wishing to advance the evaluation of a particular area could initiate an area-specific assessment.

Recommendation

Include 'undertake a Shire wide Rural Living Land Review' in the Further Strategic Work identified in Clause 21.04-1 Settlement of the Campaspe MSS.

3.5.1 Consideration of Submissions Seeking Lifestyle Residential Opportunity

Submission No& Name	Property address and size	Pre-Interim Min subdivision Lot size & House permit trigger	Exhibited Zone Min subdivision Lot size & House permit trigger	Issues Raised	Panel Response
M29 – Karen McClintock	Yarroweyah - 22 ha	FZ – 20 ha	FZ2 – 250 ha	The land is directly south of the Yarroweyah township, the owner has land that considers could be subdivided for workers on the farm. Wants to subdivide to 4 x 2.5 ha blocks for housing and presumably the remainder for industry.	The RRLUS made no recommendations about RLZ or LDRZ to support rezoning as part of the current Amendment. The submissions did not present strategic justification to justify a rural residential zoning of an area as part of the current Amendments, let alone an assessment under Ministerial Direction 6.
GS9 Wendy McHugh	Zeerust - 30.37ha	FZ – 40ha	FZ1 100ha (irrigated) 250ha (dryland)	Amendment C121 will not provide any long term economic benefit to the Region; rather it will cause devaluation of land. Allowing future subdivision to small allotments (5, 10 and 20 acre lots) would attract 'tree change' dollars, bring more employment and wealth, as well as increasing land values.	We note, in relation to Submission GS9 that this property is within an ESO for a waste treatment plant. With regard to submissions M7 and M29, the Panel considers that the FZ should apply and that the Council's Small Town Strategy should address this issue of low density or rural residential development in these areas.
GS44 from RA & JA Duff	Karramomus - 129.44 HA	Broadacre -80ha	FZ1 (250 ha)	Objects to the Amendment C121 as it will devalue the land, limit its use for board acre farming and make it too big for a hobby farm. Suggests allowing small lot subdivision of the land.	With regard to C13 and C52, the Panel does not support the application of the FZ3 as a precursor to a rural residential rezoning. In the case of Submission C13 (Leocata) the Panel understands the land to the south and east is owned by Campaspe Shire and is used for Landcare purposes. If this understanding is correct the potential for consolidation or expanded rural activities on the Leocata land is limited. As such the Panel believes the land should be reviewed as part of a future rural residential strategy for the Shire and considered at that time.
C13 Mr and Mrs Leocata	Boundary Road - 9.769ha	FZ – 40ha	FZ2 – 100 ha	Seeks rezoning to FZ3 as part of this Amendment 69 and ultimately to LDRZ. To the west the land directly abuts existing LDRZ. It is subject to the LSIO.	If this understanding is correct the potential for consolidation or expanded rural activities on the Leocata land is limited. As such the Panel believes the land should be reviewed as part of a future rural residential strategy for the Shire and considered at that time.
C52 Lydia and Peter Allen	Kyabram - 12.53ha	FZ – 40ha	FZ2 – 100ha/250ha	The land is located on the southern fringe of the Kyabram urban area in close proximity to low density development. The submitter seeks a rezoning to the LDRZ or 'at least' the FZ3.	The Panel view on more general comments relating to the RRLUS process and Amendments are addressed in earlier chapters.
M7 – Oasis Homes	Cobram - 165 ha	FZ – 40 ha	FZ2 – 250 ha	The site which is currently open farmland directly abuts the western side of the township of Cobram. The submission seeks extension of rural residential opportunities to the site and was advised by council	

CAMPASPE PLANNING SCHEME AMENDMENT C69
 GREATER SHEPPARTON PLANNING SCHEME AMENDMENT C121
 MOIRA PLANNING SCHEME AMENDMENT C51
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Submission No& Name	Property address and size	Pre-Interim Min subdivision Lot size & House permit trigger	Exhibited Zone Min subdivision Lot size & House permit trigger	Issues Raised	Panel Response
				any decision on Rural Living was deferred to the RRLUS. The Council says the Cobram Strategy Plan (2005) did not identify the subject site for LDRZ of RLZ. The site is in an area subject to flooding (LSIO) and an ESO for the vegetation.	
GS26 Gaetano & Caterina Gallo	Kialla West - 10.95ha	Intensive Rural Land - 40ha	FZ1 100.	The Floodway and Land Subject to Inundation Overlays apply to the land but the Gallo's further submission included a computer simulation from the CMA indicating the land is not impacted by the 1 in 100 year flood (This material is noted but has not been verified by the Panel). The property borders housing in the Devine Estate, a recreation reserve and there is a primary school within about 300m. It was submitted that dairy or fruit production on the property would be impractical due to its small size and the potential for complaints from the bordering estate about chemical spraying. A residential or rural residential zone was sought instead of the exhibited FZ.	The Council acknowledged that as the land lies in a corridor immediately to the south and adjoining the identified settlement boundary on the C93 Kialla and Shepparton South Framework Plan and land presently zoned Low Density Residential, it may convert in the long term to another form of use and zoning. The Panel agrees with Council that: <ul style="list-style-type: none"> ▪ The land has not been assessed, justified or exhibited for rural living type use / zoning under the RRLUS or GSHS, Amendment C93 or the current Amendment and therefore cannot be rezoned under C121. ▪ The GSHS / Amendment C93 provided an ample supply of land for future rural residential development in the vicinity of Shepparton; ▪ The FZ is a suitable 'holding zone' to maximise long term land use options, including a potential expansion of the Shepparton urban area. <p>We consider that planning decisions should focus on preserving long term options (for example in the siting of improvements), as well as agricultural issues such as interface issues, productive use, land management and the like.</p>
GS32 Stephen Frik	Kialla West - 4.046ha (to the south of the land referred to in GS26)	Intensive Rural Land - 40ha	FZ1 100.	Seeks a rezoning to facilitate rural residential development. (The Floodway Overlay and Land Subject to Inundation Overlay apply to the land.)	
Submissions relating to Bundalong are addressed in Chapter 3.6					

3.6 Integration with Settlement Plans

What is the issue?

In some areas close to urban centres the proposed FZs are in areas that are also identified in Structure Plans for future urban or rural residential development.

The FZs are proposed adjacent to urban zones including the Residential 1 Zone, the Low Density Residential Zone, the Rural Living Zone and various Industrial zones. This is no different to how rural zones are presently applied.

The issue raised in a number of submissions however is whether land that is within a structure plan boundary and identified as having a future urban or rural residential purpose should be considered differently to land that has a strictly rural future.

A submission from the JC Dowling Estate Submission (C23), which related to approximately 220ha included in the Existing Strategic Structure and Strategy Plans for Yarrawonga and subject to a Development Plan Overlay, endorsed the application of the FZ1 until such time as the land is required to accommodate residential growth.

Others submissions affected by plans identifying the properties for a non-farming future tended to be grouped around three distinct geographical areas: Shepparton, Kyabram and Bundalong.

To the south and east of Shepparton, there were a number of submissions relating to land identified as future urban and within the structure plan boundary or within an area identified on the structure plan as subject to further investigation²⁹.

In both cases submissions requested a partial 'freeing up' of proposed controls to provide for additional housing opportunities while the urban front progressed towards the subject areas or, in the case of the investigations areas, while their future was determined.

To the north-west of Kyabram several submitters³⁰ argued that, while their land was identified in the structure plan as a potential future rural residential

²⁹ Shepparton Harness Racing Club (GS19), Michael Toll (GS33), Gaetano & Caterina Gallo (GS26), Stephen Frik (GS32), Mr Barry Laws (GS20), Radevski Family (GS36).

³⁰ Sandra Fitzgerald (C9), Wendy and Terry Taylor (C20), Gregory and Vikki Evans (C67).

area, the existing fragmentation of the area rendered any interim rural uses almost impossible. Accordingly, even though the area is to remain in the FZ for the time being, the existing fragmentation and considerable number of existing dwellings should be taken into account in the consideration of permit applications.

A third area was Bundalong.³¹ Submissions relating to land between Pyke Street and Austins Road queried the application of the FZ in an area that already appears to form part of Bundalong's urban area and comprises primarily of 2 ha parcels (including a significant number of dwellings). The Montrose family (Submission C25) have a vision for 100 ha of their property for residential development. However, their without prejudice submission to Amendment C51 sought review of the FZ1 applied to approximately 100 ha of their property. They sought consideration of the part of the property closest to Bundalong for residential zoning and the area to the west of Majors Creek as a RAZ. The submission referred to a series of Council initiated planning studies which included:

- The *Woodlands to Bundalong Strategy (Draft 2006)*, which although abandoned, identified the western portion of the Montrose land as RAZ (15ha minimum lot size) and the eastern portion as Rural Living Zone (4000m² minimum lot size).
- The *Yarrowonga to Bundalong Foreshore Master Plan Analysis Report 2007* which identifies the Majors Creek area as a significant boat launching area and public nature reserve.
- The *Bundalong Strategy Plan (November 2007)* which was adopted by Council but was not supported by the DPCD due to concerns about excessive supply of rural residential land. This strategy identified the eastern portion of the Montrose land for low density residential development.

It was also noted that VCAT had refused an application for resort development on adjoining land between two parcels of the Montrose property as lacking strategic justification but the Tribunal member acknowledged that the area should be investigated to determine the most appropriate zoning.

The Council explained that while the application of the FZ may seem anomalous in the Pike Street/Austins Road area, previous initiatives to implement the Draft Bundalong Strategy (2007) had stalled, Department of Planning and Community Development (DPCD) advice had been taken in

³¹ For example, Leon van Ieperen (M32), Sandra Douglas & Damien Cooper (M1), Peter Elliot (M33), C G & F M Stevens (M37)

defining the boundary of the urban area of Bundalong and planning for the Bundalong will form part of the Small Towns Study that is underway.

3.6.1 Discussion

The Panel draws some distinctions between the various positions outlined in submissions and evidence.

Shepparton

In the case of Shepparton, the need for and protection of land identified for future urban development has been considered as part of the Greater Shepparton Housing Strategy (2009) and Amendment C93. As a large and growing regional centre it is imperative that an appropriate future supply of development is provided in accordance with State planning policy.

The Panel regards the application of the FZs to areas identified for future urban development (or investigation for urban purposes) as a 'holding zone'. The Panel believes that any quasi-rural residential style development that is allowed to proceed in the interim could potentially compromise the ultimate development potential of such areas and, should urban use be determined as appropriate, undermine the orderly conversion of the land to that use. Until its future use – urban or otherwise – is determined it is important to ensure its future development potential is not compromised.

Kyabram

The Panel sees the situation on the north-west fringe of Kyabram differently as the Structure Plan already identifies a non-farming future for this land. The area that was the subject of several submissions, is identified in the Kyabram structure plan as having 'rural living opportunities' and its future will be ultimately determined as part of a strategic review of rural residential requirements. The area is already subdivided into small, but varying, parcels of land generally smaller than 2 hectares. A considerable number of dwellings have already been constructed. Following inspection, the Panel formed the view that a reasonable person would regard the area as rural-residential in its current context. Moreover, the Panel has doubts that the residual parcels of land will be used for agricultural purposes in the future.

While the Panel is not suggesting that Campaspe Shire should rezone the area within a given timeframe, we expect permit applications for dwellings within this area would be considered having regard to their existing character, context and the pattern of land use, rather than as if they are part of a long term agricultural area.

Bundalong

The exhibited Amendments do not propose to implement strategies for Bundalong and the immediate area and it is beyond the scope of this Panel to form a view on the content of draft strategies.

We understand that there is some history to the preparation of the Bundalong Strategy Plan 2007 and it is intended to resolve planning strategies for this area in the Small Towns Study that is being prepared. This work should be advanced as soon as practicable to enable full evaluation of the various issues raised by landowners, the Council and DPCD.

The Panel found the situation at Bundalong perplexing and frustrating. It was evident to the Panel from submissions (and reinforced during inspections) that the application of the FZ1 to the area between Pyke Street and Austins Road was entirely out of context with the existing subdivision and built form. In all but name only the area comprises the southern part of Bundalong township and is a mirror image of the low density subdivisional pattern to the immediate north (also 2 ha lots).

While the Panel accepts that Moira Shire Council may not be in a position to deal with this anomalous situation as part of Amendment C51, the Panel cannot understand why Council did not refer to the planning history of the areas in responses to some and why it did not re-assure submitters that the proposed zoning of some area is incorrect and will be rectified at the first available opportunity.

In many respects, the Bundalong matter is indicative of concerns the Panel has reflected elsewhere in this report about the Councils broad brush approach to mapping and apparent unwillingness to consider specific submissions on their merits.

Conclusion

The Panel concludes that the FZs are appropriate to apply to land that is identified for future urban development but that an appreciation of the context and circumstances is imperative in considering permit applications for subdivision and dwellings.

In larger urban centres such as Shepparton and Echuca it is important not to compromise the development potential of future urban areas.

In smaller townships and particularly where there is already a highly fragmented ownership pattern and a rural residential context has been

established, there is a need to consider permit applications in the appropriate context.

In the case of Bundalong, the Panel encourages Moira Shire Council to work with the DPCD to facilitate the implementation of strategic planning for the area.

Recommendation

Moira Shire Council to work with the Department of Planning and Community Development to facilitate the implementation of strategic planning for the area.

3.6.2 Consideration of Submissions - Land Affected by Planning Strategies and/or the Farming Zone is a 'Holding Zone'

Pre-Interim Min subdivision Lot size & House permit trigger	Exhibited Zone Min subdivision Lot size & House permit trigger	Issues Raised	Panel Response
Intensive Rural Land - 40ha	FZ1 100 irrig/250 dryland.	The submission is that the land is not suited to agricultural use, noting that it has not been farmed since at least the 1950's. An alternative zoning of residential, low density residential or FZ3 is sought. The land is to the west and adjoining the identified settlement boundary on the Shepparton North Framework Plan. The Public Acquisition Overlay applies to the land as it is affected by the proposed Goulburn Valley Highway bypass and, will in time, be partly acquired and severed for this purpose.	The MSS recognises the need to further investigate options for future land use and zoning. Amendment C93 introduced into the strategic work program of Clause 21.07 the item: <i>Prepare a strategy for future use or remnant parcels of land created by the construction of the Goulburn Valley Highway – Shepparton Bypass.</i> Like the C93 Panel, which considered a similar submission relating to this land, we agree with Council that in this instance the FZ1 is an appropriate 'holding' zone prior to highway acquisition and further investigations.
Special Use Zone (SUZ4)		The submission, which predated the adoption of Amendment C93, suggests reclassifying the land, and neighbouring properties, to Rural Activity Zone or even Special Use Zone due to the location of the harness and greyhound tracks.	A planning framework that recognises the need to investigate the issues raised in these submissions is proposed in the adopted Amendment C93. The RAZ could be one option considered in those investigations. In the meantime, the Panel agrees with Council that the SUZ4/FZ3 is an appropriate 'holding' zone.
Intensive Rural Land - 40ha	FZ3 – 40ha (default)	The submission sought the application of the Rural Activity Zone to allow a mix of small scale farming activities with rural living, tourist development, recreation, caravan parks, conference centres, schools, churches, hotels/motels and rural industries to capitalise on opportunities associated with the Harness/Greyhound Racing Club complex. Council advised that in adopting Amendment C93 Investigation Area 1 (Kialla Paceway and Shepparton Greyhound Racing environs) was extended to all land lying east of the Goulburn Valley Highway, south of River Road, west of Archer Road and north of Mitchell Road. The	

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Pre-Interim Min subdivision Lot size & House permit trigger	Exhibited Zone Min subdivision Lot size & House permit trigger	Issues Raised	Panel Response
		extension of this area was recommended by the C93 panel. When fully investigated, site conditions and future land use and development potential will be fully determined.	
FZ – 40 ha	FZ2 – 250 ha	The submitter wishes to develop the properties. The land is identified as 'Long Term Industrial' in the Numurkah Strategy Plan.	The FZ is a suitable 'holding zone' to maximise long term land use options, including a potential expansion of the urban area. We consider that there should be a focus in planning decisions on preserving long term options (for example in the siting of improvements), as well as agricultural issues such as interface issues, productive use, land management and the like.
Intensive Agriculture - 20ha	FZ2 40 ha	The submitter accepts that the subject land is currently located outside the urban growth boundary of Greater Shepparton but suggests that the future expansion of residential and commercial development will occur to the east and niche farming of the subject land will allow for appropriate future growth. There is already a low density residential estate to the west (Davies Estate).	In the case of GS20, Council has included the land in Investigation Area 4 (east of Doyles Road, Grahamvale) on the C93 Shepparton East Framework Plan at the suggestion of the C93 panel. The Panel agrees with Council that this investigation process will provide a comprehensive assessment and justification for future land use and development in the investigation area, including residential, industrial and agricultural uses.
Intensive Agriculture - 20ha	FZ2 40 ha	<p>The land has approximately 400m frontage to the Midland Highway and currently has a 10,000m² cool store, offices, car parking and access way as well as fruit trees on the western side. The land lies immediately to the west of land zoned Business 1, south and opposite land zoned Low Density Residential and southwest of Investigation Area 4 (east of Doyles Road, Grahamvale) which was identified on the C93 Shepparton East Framework Plan for further investigations regarding suitability for industry, residential, commercial or other rural uses.</p> <p>It was submitted that the three proposed FZs are not appropriate in this location. An urban</p>	<p>With the exception of the reference to FZ2 which the Panel considers should be replaced with FZ, we agree with Council's view that, <i>'While the subject land and immediate area may reasonably be in a 'transition' towards another form of land use, the FZ2 is considered to be an appropriate holding zone until future study to assess and justify an alternative land use / zone. At this stage, the land is productive rural land with substantial infrastructure located on it, land that should be recognised and protected under an appropriate farming zone. Any potential development of dwellings on the land under an alternative zone will compromise the productivity and versatility of this rural land.'</i></p> <p>This is a locality where transport related uses and uses that support the agricultural sector (e.g. cool stores) are</p>

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Interim subdivision size & House permit trigger	Exhibited Zone Min subdivision Lot size & House permit trigger	Issues Raised	Panel Response
		zoning was sought in recognition of the commercial, industrial and residential in the immediate area. The land has been the focus of previous correspondence with Council about a possible rezoning of the land to Business 4 Zone.	established and it may be worthwhile considering the merits of a Rural Activity Zone as well as urban zones through a separate process.
sive Rural - 40ha	FZ3 – 40ha (default)	The submission suggests the rezoning of the subject land to Residential 1 Zone as identified in Amendment C93. Development Plan Overlay (schedule 1) currently applies to the land. Council advised that under the adopted Amendment C93 Tatura Framework Plan, the land is within the settlement boundary and is indicated as 'urban growth area'. The land was justified for residential use /zoning under the GSHS and will be rezoned for that purpose in the future.	The Panel endorses the Council view that the exhibited zoning of this land as FZ3 is appropriate as a 'holding' zone until the future rezoning of land in Tatura following the approval of C93.
20 ha	FZ1 – 250 ha	The land abuts the Strathmerton Township. The submission indicates that the land was subdivided into approximately 50 lots and 5 roads were created in 1988. Council responded that it is currently preparing a 'Small Towns Strategy' which proposes rezoning of the land to Township as part of that Strategy.	The Panel notes that the land to which FZ1 is proposed to apply is currently in the FZ. We consider that maintaining the farming zoning of this land as FZ1 is appropriate pending further investigations and evaluation of the appropriate future zoning through the Small Towns Strategy.
40 ha	FZ3 – 40 ha	Argues the FZ does not reflect the allotment sizes and existing built form pattern of the area. Adjacent existing RLZ. A planning permit was previously granted for the property but has now lapsed. Concerned about impact on value of the property. Council observes that a rural residential strategy will establish future needs for more RLZ or LDRZ.	The specific area that relates to these submissions is identified in the Kyabram Town Structure Plan as having 'Rural Living Opportunities'. Based on site inspections the Panel agrees that regardless of when or whether this area is rezoned to accommodate rural residential development, its capacity to accommodate productive agricultural uses looks limited. But for its present

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Pre-Interim Min subdivision Lot size & House permit trigger	Exhibited Zone Min subdivision Lot size & House permit trigger	Issues Raised	Panel Response
FZ – 40ha	FZ3 – 40ha	Submits the rezoning is not relevant or suited to the characteristics of the area which is highly fragmented. Argues that, given this, the area will never be suited to intense agriculture. Concerned value of the property will be reduced.	zoning it has the appearance of a rural residential area on the outskirts of Kyabram. While the Panel is not in a position to make specific recommendations in regard to the future zoning of the land, it does suggest that Council recognise that the area is identified as providing 'Rural Living Opportunities' in considering applications for a permit for dwellings within this area. This area should be specifically addressed in the proposed Rural Living Land Review.
FZ – 40ha	FZ3 – 40ha/40ha	Regards the property as too small for viable farming operation.	
FZ – 40 ha	RAZ	The submitter has an objection to the 40 ha minimum lot size for subdivision. Council say that the minimum lot size is to provide for agriculture and other compatible uses but has not objection is offered to the consideration by the Panel of the minimum lot size for subdivision that should apply.	As discussed in the body of the report, the Panel considers the planning for this area should be advanced as a priority component of the Small Towns Strategy. In the meantime, we do not support revision of the RAZ lot size provisions as requested in Submission M25. In relation to submission M31 See Chapter 1.8.3.
FZ – 40 ha	RAZ	The submitter seeks a Rural Living Zoning. He argues the land is not viable for board acre agriculture due to high rates and issues of use of fertiliser and chemicals on Lake Mulwala. The submitter has a proposal for a 350 cabin eco-friendly short stay tourism development. Council's position is that proposed RLZ was not covered in the RRLUS and that Council is preparing a Small Towns Strategy which includes Strathmerton (sic Bundalong)	With regard to M1, M32 and M33 it is the Panel's view that the area between Pyke Street and Austins Road is an obvious anomaly that should be addressed through the Small Towns Strategy. In the meantime applications for permits for dwellings in the area between Pyke Street and Austins Road should have regard to the existing context.

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Pre-Interim Min subdivision Lot size & House permit trigger	Exhibited Zone Min subdivision Lot size & House permit trigger	Issues Raised	Panel Response
FZ – 40 ha	RAZ	<p>Submitter wants land zoned LDRZ in line with the Bundalong Strategy Plan (2007).</p> <p>Council acknowledged that the Bundalong Strategy Plan did recommend that land on the northern side of the Murray Valley Highway between McPhails Road and Andrew Court but implementation of the Strategy did not proceed. This will now be addressed as part of the current development of the Small Towns Strategy.</p>	
FZ – 40 ha	FZ1 – 250 ha	<p>The land is directly abutting Austins Road on the southern side of Bundalong. The Owner understood that their land was LDRZ in the Bundalong Strategy.</p> <p>The Council did not make recommendations about RLZ or LDRZ as part of the Bundalong Strategy but is currently preparing a 'Small Towns Strategy' and will review the issues raised by Gavin Williams as part of that process.</p>	
FZ – 40 ha	FZ1 – 250 ha	<p>At the Hearing it was indicated that the owner is living in shed since 1998 when they purchased the property and would like to build a house.</p> <p>Owner has area of 16 ha with a water license for 50ML and 2.5ML for stock and domestic. Want to confirm that current dwelling complies with current regulations and seeking a permit to legalise.</p> <p>Council could not find any record of a permit and recommend no change.</p>	
FZ - 40 ha	FZ1 - 250 ha	<p>Submissions relating to land between Pyke Street and Austins Road queried the application of the FZ on an area that already appears to form part of Bundalong's urban area and comprises primarily of</p>	

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[Redacted]	e-Interim Min subdivision size & House permit trigger	Exhibited Zone Min subdivision Lot size & House permit trigger	Issues Raised	Panel Response
[Redacted]	- 40 ha	FZ1 - 250 ha	2 ha parcels (including a significant number of dwellings).	
[Redacted]	- 40 ha	FZ1 - 250 ha		

3.7 Distinctions between FZ Growth, Consolidation and Niche Areas

The Amendments implement the RRLUS recommendations to distinguish three types of FZ. The characteristics of the 'Growth' (translated to FZ1), 'Consolidation' (translated to FZ2) and 'Niche' (translated to FZ3) farming areas area were summarised in the RRLUS in a tabular format, which is presented below.

Table 2 Values and constraints associated with Proposed Farming Zone Schedules
 Source RRLUS Table 10-1

Land attributes	Growth – Expanding Enterprise	Consolidation – Room to Move	Niche – Compact and Amenable
Proximity of Neighbours	Limited and well buffered from activities	Some, excision may assist in management	Often adjacent and within 1 kilometre
Settlement Pattern	Large contiguous farm properties that may include multiple titles to comprise tenement	Moderate size properties where reconfiguration will result in larger farm holding	Often small properties closely located to a number similar sized neighbouring properties.
Likely Agricultural Activities	Large scale dryland cropping and grazing business including – dairy, horticulture & broilers	Moderate – viticulture , beef or lamb, horticulture, diversified	Limited or niche – specialist crops, viticulture and equine farms
Indicative Farm Sizes	Intensive > 200 ha Dryland > 500 ha	> 100 ha	> 2 – 3 ha
Road frontage (for each lot)	Not critical	Not critical – useful for reconfiguration of lots	Yes – more conventional subdivision arrangements
Conservation Values	Intensive – Likely to be low Dryland – May be moderate to high to manage	Low	Moderate
Infrastructure	Irrigation or Access to Irrigation preferable	Potential. Opportunity to access power and water	Likely. Access to road and power. Some Access to water for stock and cropping.
Soils	Preferably good soils and LC	Preferably good soils and LC	Moderate Soils & LC
Hours of operation	Can be 24/7	Can be 24/7	Conventional working hours
Attenuation from noise, spray, dust	Required – large areas and buffering necessary for OHS requirements	Required – large areas and buffering necessary for OHS requirements	Intensity of use such that impact is likely to be low

The Amendments proposed that most land would be in the FZ1 and FZ2 with much less extensive application of the FZ3.

Mr O'Leary, who undertook a peer review of the RRLUS process, acknowledged that the differences in lot size provisions in the three categories of FZ are subtle, particularly between the FZ1 and FZ2, but planning policy amplifies the expectations for each category. He advised that he had not evaluated the actual delineation of the categories of FZ.

Mr Spencer also commented in his evidence statement that, irrespective of the category of FZ adopted the FZ provides that dwellings must be associated with agriculture. In relation to the Farm Zone 1, 2 and 3 in Shepparton, which applies the same lot size and house permit provisions to the three categories of FZ, he stated:

It is difficult for me to see the difference in the proposed locations or where Council has justified the difference.

The Panel shares submitter reservations about the utility of the three categories of FZ for the following reasons:

- Property size is one factor for consideration of broad strategic planning but the zone provisions in the Amendments are applied on a property by property basis, with significant implications for land holders. There appears to be a general alignment between the existing lot/property sizes and delineation of zones³² but the application of this criterion to determine the FZ categories has not been made explicit. The influence of other factors, either at a strategic or local area level in determining the categories of FZ remains unclear, even after the Hearing.
- Property size does reflect existing development, past decisions by farmers informed by land capability, and historic distinctions in planning provisions. However, the categories of FZ proposed do not align with the productive capacity of the land, notably as a result of access to irrigation.
- Submissions suggest there are 'anomalous' areas within these categories that do not exhibit the apparent criteria for the zone. While there is a degree of inevitability that planning frameworks will create some anomalies, the proposed FZ categories appear to be largely based on the RRLUS 'first pass indicative' maps and only general responses to queries about the mapping process were given at the Hearing.
- There appeared to be limited specific consideration of the circumstances identified in responses to submissions that suggested the categorisation of their property was anomalous and should be changed. Examples include submissions relating to the Bundalong area and land identified for a non-agricultural future in the Kyabram settlement framework plan.

³² This view is based on illustration of alignment in some areas at the Hearing and the Panel's review of 'overview' mapping at a very small scale.

- The differences between the description of the FZ1 and FZ2 are limited to:
 - The FZ1 is identified as being *areas for growth and expansion of existing farm businesses and for new investment*; and excisions are to avoid rural residential outcomes and non-agricultural neighbours.
 - The FZ2 is identified as being *areas for support for existing farm businesses to operate and grow*; and there is provision for excisions where restructure is an outcome and impact on neighbours is minimised.

The Panel does not think these distinctions will assist in the decision making process or the quality of planning outcomes. We anticipate that new investment would also be encouraged in the FZ2 and excisions that provide restructuring which minimise neighbour impacts may well be appropriate in the FZ1, particularly in anomalous areas with smaller lots within the FZ1.

- There is no distinction between exhibited lot size provisions in the FZ1 and FZ2 in any of the municipalities and Greater Shepparton now supports no distinction between lot size provisions in any of the categories of FZ.
- The FZ categories do not recognise whether the land has access to irrigation and this is a fundamental consideration in determining the type of agriculture that can be supported (See discussion in Chapter 3.10).

The Panel sees little reason to distinguish between the FZ1 and FZ2.

The Panel notes that the Councils' evaluation of the issues raised in individual submissions was often limited and did not address the basis of the matter raised. For example, where submissions challenged the category of FZ adopted, the response often simply indicated that the RRLUS established the strategic basis and the issue of the category applied was not justified in the context of the property concerned. This runs counter to the expectation in the RRLUS that the indicative first pass zoning would be reviewed and refined through the Amendment process. There are also examples where the planning history of the area (e.g. Bundalong) or the status of the land in planning scheme framework plans (e.g. Kyabram) was not acknowledged in the Councils' responses.

We agree with submitters that aspects of the conceptualisation of the FZ3 are flawed. For example, the RRLUS identified small scale viticulture as a potential use in the FZ3 but there is no basis to the RRLUS suggestion that it will adhere to conventional business hours, particularly when operated by part time farmers. Further, the management of noise and spray issues may well present more significant challenges than are confronted by less intensive forms of agriculture and/or in less fragmented areas where housing is more

dispersed. Other intensive niche agriculture, particularly those of a horticultural nature, may also raise similar considerations.

Nevertheless, the Panel considers that it is reasonable for the planning framework to distinguish these areas. The benefits of the FZ3 in highly fragmented areas identified include:

- The circumstances applicable to the land would be recognised;
- The protection of agriculture as the predominant 'lens' through which proposals are assessed would be maintained;
- Policy to facilitate boutique agriculture (as distinct from consolidation) in areas that are currently highly fragmented and to accommodate houses that may be required for that use would be explicit;
- Full evaluation of proposals, including measures to promote productive use of the land in question and ensure agricultural production on nearby land is not compromised further would be enabled.

We note in Chapter 4 that consideration could be given to the application of the RAZ to the south and east of Shepparton to extend options for tourism and rural industry in recognition of the fragmentation of holding, the mix of uses in these areas and the pressures/opportunities presented by locations close to a large regional centre, on major roads and the airport.

The Panel is also concerned that there is a risk that the FZ3 will become a de-facto rural living zone as there was a clear expectation apparent in some submissions that the FZ3 would open up opportunities for lifestyle housing. Indeed the indicative farm size of 2-3ha identified in the RRLUS and policy to 'provide for houses' support that inference.

The Panel recognises that the FZ3 is a response to significant planning challenges in areas with high levels of property fragmentation of land and incursion of non-farming uses and, (in some cases) where the influence of proximity to settlements on property values and owner expectations is evident. While the FZ3 is an attempt to acknowledge the circumstances of some areas, it will not resolve the challenges of securing productive agriculture of land in these areas in the longer term. Nor will the FZ3 eliminate the challenges in determining whether proposals are contrived for the short term purpose of securing a permit for a house. It remains to be seen how effective the FZ3 will be in managing these legacies of past decisions to approve subdivision and housing in rural areas.

Should the FZ3 be Applied to Other Highly Fragmented Areas with Significant Housing Development?

Submissions relating to other highly fragmented areas with significant housing development illustrate the compounding nature of risks from laissez faire approaches to agricultural areas. Development expectations are raised and these expectations, rather than agricultural productivity, become central to property values. Over time a cycle is established where argument relating to the viability of agriculture is reinforced and non-farming amenity expectations prevail with implications for farm operations.

The Panel's review of submissions confirmed there are circumstances where land fragmentation and the development of houses is at a level where more traditional forms of agriculture on the fragmented land and consolidation with other farms are likely to be significantly compromised.

We considered whether the application of the FZ3 on a more fine grained basis than proposed in the Amendments could have a role in some other areas to recognise the legacy of high levels of fragmentation and housing development where '*the horse is well on the way to bolting*' mean the promotion of boutique farming is likely to be the most realistic strategy. While the FZ does not require permits for boutique farming use and permit process under the FZ should allow the circumstances of properties to be taken into account, a specific designation as a 'niche farming area' within the zone could provide more specific recognition of the applicable circumstances as an influential factor in planning decisions.

On balance, we have not recommended additional FZ3 areas. A consistent basis for delineating additional FZ3 areas has not been developed; potential areas have not been exhibited; the permit process provides the mechanism for judgment about applications in these areas; and, importantly, we have expressed our reservations about the challenges in implementing the FZ3 to achieve the intended outcomes.

The Panel suggests that the potential additional FZ3 areas should form part of the analysis in the proposed evaluation of rural living opportunities in Campaspe and Moira.

Given the provision for this form of use and the extensive investigation areas identified in Amendment C93 to the Greater Shepparton planning scheme, other priorities are likely to prevail. Proponent-led proposals could be evaluated on their merits within the framework provided by the FZ in Greater Shepparton (and other municipalities) and for proposals a rezoning of an area to FZ3 where a strategic justification and support from those affected is demonstrated.

In terms of objectors' pragmatic concerns, the changes to exhibited house permit triggers recommended by the Panel elsewhere in this report mean that an FZ3 would not necessarily result in fewer requirements for permits as sought by many submitters (and would increase permit requirements in some cases in horticultural areas).

The Panel notes that there comes a point where a rural residential zone, rather than an FZ becomes appropriate. Where the areas with high levels of fragmentation and extensive development of housing are large and the potential for conflict with farming uses is limited, the maintenance of residual larger lots under a planning regime to protect agricultural production can become inconsistent with its context. In these areas it may be appropriate to recognise existing conditions through the application of an alternative zone. The FZ3, Rural Living Zone or RAZ may all be options for consideration. This is a task for the proposed Review of Rural Living opportunities in Campaspe and Moira or proponent-led initiatives in Greater Shepparton.

3.8 Lot Size Provisions – The Starting Point

The Panel considers the Councils' submissions presenting the interim provisions as a 'starting point' for consideration understates the nature of change proposed by the Amendments. As illustrated in Table 1, the interim provisions significantly reduced minimum subdivision lot sizes, and significantly increased the lot size at which a house becomes as of right. The removal of the distinction between irrigated and dry land areas in these provisions in each planning scheme also represents a fundamental change. The interim provisions were a 'holding measure' while new provisions were formulated and then introduced after scrutiny via the Amendment process. The experience gained through the operation of the interim provisions can inform the assessment of the Amendments but the Panel considers the former provisions should be treated as the 'base case'.

3.9 Minimum Subdivision Lot Sizes

As Ms McGuinness advised, the determination of lot size provisions is not a precise science and the relevant guidelines are limited to the VPP *Practice Note: Applying the Rural zones* statement with respect to the FZ that '*the minimum lot size for subdivision may be tailored to suit the farming practices and productivity of the land.*' Mr O'Leary indicated that the basis for the lot sizes nominated in the Amendments was beyond his expertise.

The RRLUS commented that specific viable minimum farm sizes cannot be substantiated as there are many variables including property type, soil type,

farming enterprise, and the business structure. Nevertheless, the tables below present the findings of analysis relating to existing farm sizes and Implementation Report analysis of viability and a growth scenario for different types of farms. This analysis serves to illustrate the characteristics of different farming activities in the Region and was undertaken to inform the development of the strategy to be implemented by the Amendments.

Table 3: Productive Land Units³³ and Average Property Sizes.

	Implementation Report Productive Land Units (P26-27)	RRLUS Average Property Size within the Shepparton Irrigation Area (P77)
Intensive Horticulture	less than 20ha	25ha
Broadacre Irrigated (e.g. dairy)	around 50ha	70ha (<i>'and growing'</i>)
Dryland Agriculture (mixed property)	around 180ha	463ha

Table 4³⁴ Estimate of viable farm size and area for 25% growth.

Enterprise	Average income/ha	Farm size (ha) to generate \$300,000	Area (ha) for 25% growth every 5 years
Dairy	\$1,500	200	50
Beef	\$400	750	190
Vegetables	\$10,000 - \$40,000	7 - 30	2 - 7
Fruit	\$5,000 - \$20,000	15 - 60	3 - 15

The RRLUS preferred an entirely performance based assessment of subdivision (and housing) proposals but, given the structure of the VPP, it was accepted that a minimum lot size needed to be specified in order to trigger permit requirements, which then allow the evaluation of proposals. The evidence of Ms McGuinness and Mr O'Leary, as well as submissions for the Councils, emphasised the role of the planning permit process in evaluating the merits of proposals in the context of the central policy objective to protect agricultural use of land in the FZ, having regard to the particular circumstances that apply.

The Panel endorses and adopts the following aims for lot size minima that were expressed in the Implementation Report to:

- *Facilitate farm growth and expansion*

³³ The Implementation Report description of the term 'productive land unit' provides for transactions of lots of a size that enables efficient management and production practices but is also merged with broader landscape scale concepts. It states '*The minimum subdivision size should reflect a productive land unit – one that will allow farming properties to expand, for land parcels to be easily transferred between farming properties and avoid fragmentation of rural land to ensure that the landscape remains viable for farming and enable the use of efficient management and production practices.*'

³⁴ Source: Implementation Report Page 16 Table 2-4.

- *Prevent proliferation of dwellings not associated with agriculture*
- *Maintain land in parcels with productive and management potential*
- *Recognise that most farm units are comprised of multiple lots*

The Panel does not think that minimum lot sizes should be aligned with a 'viable' farm size. Rather, we agree with the RRLUS view that subdivision lot size provisions should:

- Recognise the industry requirement for incremental growth; and
- Enable the adoption of efficient agricultural production practices.

As the RRLUS commented, *'the purpose of specifying a lot size minimum for subdivision in the Farming Zone is to enable the transfer of land parcels between farm businesses for growth and succession purposes as well as retaining land in lots sufficiently large enough to enable landowners to own³⁵ and use equipment necessary for efficient management of the farm.'*

The RRLUS process has emphasised that there is a substantial supply of existing lots in the FZ that may be traded to provide opportunities for incremental farm growth. It adopted the view that new/smaller lots would rarely be required in any of the three categories of the FZ. The RRLUS recommended a 'graded' approach throughout the three categories of the FZ.

The RRLUS recommended subdivision minimum lot sizes:

- For the FZ1 (Growth) of 100ha in irrigated areas and 250ha in dryland areas *'to facilitate farm growth and expansion, enable implementation of best practice management and minimise risk of land use conflict'*.
- For the FZ2 (Consolidation area) of 40 ha for irrigated areas and 160ha for dryland areas³⁶.
- For the FZ3 (Niche) lot sizes were not specified, given *'the diversity of uses, combination of both on and off farm incomes and unconventional characteristics'*. This has the effect of applying the FZ default 40 ha lot size.

However, a rationale for the lot sizes subsequently put forward, and reflected in the Amendments and through to the Hearing is less clear (see Table 5).

³⁵ We do not consider that the ownership of equipment is an appropriate criterion as it is common practice to utilise contractors where use of expensive equipment is required infrequently.

³⁶ Based on analysis that a dairy farm would need to acquire 40 ha every 5 years and a beef grazing business 160 ha every 5 years.

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Table 5: Evolution of Minimum Subdivision Lot Sizes in the FZ1, FZ2 and FZ3.

	RRLUS	Implementation Report	Exhibited		Councils' Position at Panel	
			Greater Shepparton	Campaspe & Moira	Greater Shepparton	Campaspe & Moira
FZ1	Irrigated: 100 ha Dryland: 250 ha	100ha	100ha (DID) Other land 250ha	100ha	40 ha	100ha
FZ2	Irrigated: 40 ha Dryland: 160 ha	100ha	40ha (DID) Other land 160ha	100ha	40ha	100ha
FZ3	40ha (default)	40ha	40ha (default)	40ha	40ha	40ha

(1)DID: Declared Irrigation District

No one at the Hearing could provide any rationale for Greater Shepparton's post-exhibition support for applying a 40 ha minimum lot size (and trigger point for house permits). It was suggested that the 40 ha lot size reflected pre-interim provisions but in fact the pre-interim lot sizes were less for Intensive agriculture areas (20 ha) and more for Broadacre farming (80ha). The Panel is unable to discern a strategic justification for the approach now put forward by the City of Greater Shepparton and it appears to be a 'pragmatic' response to submissions.

The Panel also finds it difficult to discern any relationship between the planning intent to facilitate incremental farm growth and the lot sizes put forward in the Amendments. This concern relates in particular to irrigated farms, which are of vital importance to the Region's economy. Indeed, when the proposed lot sizes are considered with Tables 3 and 4, it is apparent that:

- The minimum subdivision lot sizes in the three categories of FZ in the three Amendments is greater than the average Productive Land Units/property size for horticulture; and
- In the FZ1 and FZ2 minimum lot size proposed in the Moira and Campaspe Amendments is also greater than the average Productive Land Units/property size for Broadacre Irrigated farms (e.g. dairying).

This means that for irrigated land where lot sizes are smaller, the Amendments would necessitate very substantial reliance on the transfer and/or restructure of existing lots for incremental farm growth. Even in dryland areas, the proposed minimum subdivision size (as distinct from excision) would result in very few opportunities to create new lots. For example, in Moira there are only 24 lots greater than 200 ha.

Nevertheless, there were few challenges to the subdivision lot size in dryland areas beyond the Murray River Corridor and this provides a level of comfort that a reasonable size has been struck.

We note that a 100 ha minimum subdivision lot size has been recommended in the recent Draft Rural Strategy for the Loddon Shire³⁷, as is proposed for the whole of the FZ1 and FZ2 in the Moira and Campaspe Amendments, but a 40 ha minimum subdivision lot sized is recommended for irrigated areas. This study was also prepared by RMCG.

The Panel anticipates that 100ha is large enough to employ efficient farming practice and appropriate equipment (as part of a larger enterprise). We endorse a minimum subdivision lot size of 100 ha in dryland areas in the three Amendments, as exhibited in the Moira and Campaspe Amendments.

3.10 The Farming Zone – Should Dryland and Irrigated Land be Distinguished?

What is the issue?

The Councils submissions to the Panel suggested that the proposed changes to the FZ Schedule are to *'better align the minimum lot sizes in relation to subdivision and dwellings with relevant considerations such as existing parcel size patterns, land capability, existing development, context, economic considerations and irrigation infrastructure'* (Panel emphasis). However, they also submitted:

20.1 As a result of current and proposed reforms to the management, allocation and distribution of irrigation water, there is no practical basis to distinguish between irrigated and dryland agricultural production land for planning purposes.....

20.5 Defining an irrigation area has no practical planning purpose in relation to the proposed amendments.

The questions are:

- Is it desirable to distinguish irrigated and dryland areas in the planning provisions?
- Can irrigated and dryland areas be delineated in the planning framework?

3.10.1 Is It Desirable To Distinguish Irrigated And Dryland Areas In The Planning Provisions?

State planning policy 14.01-1 emphasises agricultural productivity as a key consideration in planning to protect agricultural land. As the Future Farms Rural Planning Group commented:

³⁷ Draft Loddon Shire Council Rural Zones Review (July 2011). RMCG were also a lead consultant for that review.

The availability of water and its associated infrastructure are fundamental influences on the location and health of Victoria's agricultural economy and communities and should form the starting point in setting strategic regional land use plans.

The transformation of the productivity of land in the Region when water is applied is indisputable and is illustrated by the following characteristics identified in the RRLUS and Implementation Report³⁸:

- The 'Productive Land Units' were less than 20ha and around 50ha for intensive horticulture respectively, compared to around 180ha for dryland agriculture (Implementation Report p26-27).
- Average property sizes of 25ha for intensive horticulture and 70ha for broadacre irrigated (e.g. dairy) compared to 463ha for dryland agriculture (RRLUS p77).
- Average income/ha of \$5,000 - \$40,000 for fruit and vegetables and \$1,500 for dairy compared to \$400 for beef.
- Farm Size to generate \$300,000 of 7-60ha for fruit and vegetables and 200 ha for dairy compared to 750ha for beef.

We consider that the differentiation of lot size provisions for irrigated and dryland areas will add to the credibility of the FZ provisions by recognising the agricultural productive capability of the land.

The Panel does not agree with the Councils that the distinction between irrigated and dryland areas of the FZ has no practical purpose. The subdivision lot sizes and house permit triggers are important to provide certainty and avoid unnecessary permit applications where land characteristics mean permits would be routinely granted.

The RRLUS recommended zone provisions should recognise the difference between irrigated and dryland areas. It was during subsequent reviews that the view was formed that it was not possible to delineate these areas.

The Panel made it clear at the Hearing that it was concerned about this departure from a key basis for the FZ provisions to recognise the productive capability of different areas.

³⁸ The veracity of these figures has not been verified by the Panel. They are presented here only as indicators of the relative productivity of different forms of agriculture.

3.10.2 Can Irrigated and Dryland Areas Be Delineated In the Planning Framework?

While the Panel has not doubt that it is desirable to distinguish between irrigated and dryland areas in the planning framework, it has grappled with the different views presented on whether it is possible to delineate irrigated areas in a meaningful way.

The Councils advised that the RRLUS recommended different minimum lot sizes and the lot size to trigger a permit for a dwelling for irrigated land and non-irrigated land. However, this distinction was dropped³⁹ by the planning authorities in the proposed Campaspe and Moira amendments because irrigation districts will be less defined than in the past and lot size minima that differentiate between irrigated land and dryland will be impractical. Greater Shepparton also supported dropping the distinction between irrigated and dryland areas after exhibition in response to advice from the CMA.

The RRLUS Analysis

The RRLUS indicted that:

- The soils of most land within the irrigation areas are suitable or highly suitable for irrigation having attributes such as good drainage and low salinity. The suitability of soils for irrigated agriculture on the basis of the following six groups (from Group 1 best to Group 6 worst)⁴⁰:
 - Group 1 - Suitable for irrigation of horticultural crops, vegetables, tomatoes, cereals, summer fodder crops, lucerne and perennial and annual pastures.
 - Group 2 – Generally suitable for irrigation of vegetables, tomatoes, cereals, summer fodder crops, and perennial and annual pastures. Some situations suitable for horticultural crops and lucerne.
 - Group 3 – Suitable, given appropriate management, for irrigation of cereals, summer fodder crops, and perennial and annual pastures.
 - Group 4 – According to the effective means of measures to control salinity, suitable for irrigation of cereals, summer fodder crops, annual and perennial pasture.

³⁹ Campaspe and Moira dropped the distinction on the basis of the Implementation Report and Shepparton has dropped the distinction post-exhibition in response to the submission by the Goulburn Broken CMA.

⁴⁰ RRLUS Map 3 (Appendix D) Land suitability for irrigation (Goulburn Murray Water 2006)

- Group 5 – Effectiveness of drainage and grading measures determine suitability for irrigation of cereal, summer fodder crops, annual and perennial pastures and, on Sub-group A soils, lucerne.
- Group 6 – Soils generally not recommended for irrigation because of swampiness or surface features making layout for irrigation difficult.
- It is important that planning controls encourage protection and retention of land for agriculture both now and in the future, particularly Group 1 and 2 soils around urban centres. (RRLUS p38, p44, p51) The scale and reproduction of the map makes interpretation difficult but it appears to show relatively confined areas of the best land for irrigation suitable for intensive agricultural land use of horticultural crops, vegetables and tomatoes (Group 1 and Group 2 soils). Mapping⁴¹ of land use in the Shepparton Irrigation Region defined relatively small areas for horticulture, mainly around Shepparton, Cobram and Ardmona.
- Most of the land in the Region is capable of being irrigated provided farm management practices address issues such as leaching and water logging⁴².
- Irrigation areas do not represent all land that is currently irrigated. While the majority of the irrigated land use aligns with irrigation areas, there are substantial areas of predominantly irrigated mixed farming outside irrigation areas to the south of Rochester⁴³. Further, in 2000 Agricultural Development Areas were identified outside existing higher value enterprises (such as dairying and horticulture) to encourage changing resource use from low return irrigated enterprises to high return enterprises using more efficient irrigation systems.
- The identification of the irrigation areas, soil suitability mapping, analysis to identify Agricultural Development Areas, and understanding of climatic conditions provide an excellent picture of the attributes of land for agriculture. Although there is very little documentation or mapping of soil types in dryland areas, land use is an indicator of soil type which, in combination with climatic conditions, is *'more than satisfactory'* for strategic planning assessment (RRLUS p33).

The RRLUS commented in relation to the indicative zoning mapping that, in addition to analysis of key attributes of tenement (property) size and lot arrangement, protection of environmental values and alignment with Agricultural Development Areas *'Recognition of existing irrigation areas planned upgrades for expansion of water infrastructure was also a key*

⁴¹ RRLUS Appendix D Map 1 Land use in the Shepparton Irrigation Region (GMW 2006).

⁴² RRLUS p15.

⁴³ RRLUS Appendix D Map 14 'Irrigation regions in the study area (GMW 2006), Map 1 – Agricultural Quality Indicators: Soil Suitability for Irrigation.

consideration’. It remains unclear to the Panel how this key consideration was reflected in the delineation of zones.

The RRLUS mapping did not delineate dryland or irrigated areas within the Region. However different lot size minima for irrigated and dryland were recommended and the RRLUS envisaged that *‘textual changes to the proposed Farming Zone Schedule will include declared or licensed irrigation areas within the municipality’*(RRLUS p113).

It appears to the Panel that the RRLUS recognised that the productivity implications of irrigation should be recognised in the planning framework but the importance of this factor has been lost in the Amendments before the Panel due to the practical difficulties of delineating irrigated areas identified in subsequent work and submissions.

The Implementation Report Position – An Uncertain Future Irrigation Footprint

The Implementation Report (p17) noted that the following points relating to the mapping of irrigation areas and dryland areas:

- Moira and Campaspe Councils did not consider it was practical to apply different lot size minima for irrigated land and dryland on a spatial basis. The Councils noted that historically this could be achieved using irrigation district boundaries or the like but that separation of water entitlements from land titles, water trade and the renewal of irrigation infrastructure are resulting in rapid change in land use inside and outside of irrigation district.
- The unbundling of water from land with water being able to be traded on the water market means that land can be irrigated or retired from irrigation for extended periods or permanently.
- Greenfield irrigation areas can be established in previously dryland areas and water traded back to land from which water had been permanently traded.
- NVIRP will produce some rationalisation of existing irrigation infrastructure and a reduced public infrastructure footprint. On the other hand NVIRP may see irrigation introduced to previously dryland areas such as the PDZs.
- The Australian Government will influence the total volume of water available for irrigation through major policy initiatives including *Restoring the Balance in the Murray-Darling Basin* to purchase water entitlements and the *Murray Darling Basin Plan* which was due for release in 2011.

The Implementation Report concluded that:

Water trading, fluctuating water allocations and the Northern Victoria Irrigation Renewal Project (NVIRP) means that the location of irrigation and dryland will vary in the short and long term. An alternative approach is required to simplify the achievement of the land use outcomes (RRLUS Imp p2).

'..a lot size minima that distinguish between irrigated and non irrigated land are not workable.

A discussion paper commissioned by the Greater Shepparton City Council in 2011⁴⁴ on 'A Future with Less Water' found that:

NVIRP already involves a contraction of the irrigation network and there is a real risk that further rationalisation will need to occur beyond what is already proposed to achieve a viable system in a reduced water environment under the Basin Plan and climate change. A buyback process that is not targeted could also add further risk to the future viability of the system leading to a 'Swiss cheese' effect.

The Divergent Views on Mapping Irrigated Areas

Opinion on whether it is possible to distinguish between irrigation and dryland farming areas differed.

Various submitters supported the GMW view at the Hearing that irrigation areas can easily be identified as the Goulburn Murray Irrigation District (GMID). However, it was also noted that irrigated properties can pay out the delivery fee and change to dryland in the middle of an irrigation area (Day 3 GMW presentation).

In their closing submission at the Hearing, the Councils highlighted that the GBCMA reiterated its support for the removal of any distinction between irrigated and non-irrigated land in a letter dated 14 October 2011. The Councils maintained that:

- *There is no practical basis to distinguish between irrigated and non-irrigated land in planning terms.*
- *One of the objectives of the irrigation infrastructure modernisation project, is that the scope of land that can be irrigated is expanded and that there is greater flexibility in terms of irrigating suitable farm land.*

⁴⁴ *A Future with Less Water: Discussion Paper for the Stakeholder Reference Group – Final Report* (October 2011).

- *In planning terms, one problem with distinguishing irrigated land from non-irrigated land is that there is no certain permanent practical definition that identifies land that can be irrigated and which is irrigated at any particular time.*
- *For example land can be irrigated by way of private schemes, groundwater or pumping from rivers or streams.*
- *Given the existing lot configuration, the lot sizes chosen for subdivision and the lot size at which a dwelling becomes Section 1, among other things, will make little practical difference in relation to irrigated and non-irrigated areas.*
- *The removal of the distinction between irrigated and non-irrigated land is consistent with the analysis in the RRLUS regarding lot sizes on the basis of incremental growth opportunities when the existing lot configuration is taken into account.*

In view of the implications of irrigation for farm productivity, at the completion of the Hearing we sought further advice from GMW on a number of matters relating to irrigation. GMW responded that:

- *For the long term irrigation footprint, 'It is difficult to predict what the irrigation footprint will look like in northern Victoria in 20 to 30 years time, given all the uncertainties and variables'. They identified that:*
 - *A key component of the project (NVIRP) involves reducing public infrastructure by half while providing irrigation services through an increased network of privately owned infrastructure to most of the properties currently supplied that want to continue irrigating; and that*
 - *The long term irrigation footprint will certainly be smaller and look different to what it is now but the significant structural adjustment that is currently occurring and will continue to occur over the next decade makes delineating the future footprint with any confidence problematic and Goulburn-Murray Water is not attempting to make such long term predictions.*
- *Planning work done by NVIRP and GMW would enable the delineation of the likely medium term irrigation footprint. GMW supported this with a map that shows the Stage 1 and Stage 2 irrigation supply backbone development and the areas in the 4% Exemption Zone (which delineates areas not considered by NVIRP and GMW to be priority areas for modernisation and unlikely to be connected to the backbone channels).*
- *The use of groundwater resources is already highly developed and the total area under groundwater irrigation is unlikely to expand with*

trading of existing groundwater entitlements being the mechanism for any proposed new development.

It is our understanding that NVIRP plans and implementation has advanced significantly since the RRLUS process commenced. The NVIRP⁴⁵ mapped detailed work projects for irrigation infrastructure upgrade in the Rochester, Central Goulburn and Murray Valley Districts. There is no equivalent information provided for the Shepparton Irrigation area. The Shepparton Irrigation Region⁴⁶ Land-Cover 1996-97 map shows the area of the '*perennially active / summer active*' crops that are said to define the land within the SIR which is irrigated⁴⁷. A map of the backbone presented at the Hearing shows the extent of the backbone and areas subject to further investigation, and the GMW remaining channel and current GMW pipeline. Mr Smith advised that the backbone project not complete and 90% of the irrigation meters are within 3km of the backbone.

However, there remains uncertainty about detailed implementation of NVIRP, particularly of the second stage. For example, in the case of Shepparton East, Gary Steigenberger from Chris Smith & Associates (Submission GS46) raised doubts about the rollout of proposed upgrading of irrigation infrastructure upgrades because of landholder perception of a poor cost/benefit ratio in that area.

Federal and State water reforms, including the Federal government water buyback scheme and the finalisation of the Murray Darling Basin Plan, also have major implications for the future of irrigated agriculture. These plans remain contentious.

Panel Discussion

The Panel has grappled with this issue both during the Hearing and in writing this report.

We recognise that Councils and Goulburn Broken CMA support the removal of the differentiation of minimum lot sizes between irrigated and dryland areas in the Moira and Campaspe Amendments and suggest that it should also be removed from the Greater Shepparton Amendment. Further, GMW

⁴⁵ In terms of the RRLUS area, the NVIRP includes the Rochester, Central Goulburn, Shepparton and Murray Valley Irrigation Areas of the Goulburn-Murray Irrigation District (GMID). These irrigation areas, in turn include the mapped Rochester, Central Goulburn and Murray Valley Districts.

⁴⁶ The Shepparton Irrigation Region comprises the municipalities of Greater Shepparton, Campaspe and Moira.

⁴⁷ http://www.gbcma.vic.gov.au/downloads/CatchmentEconomy/SIR_brochure.pdf
http://www.nvirp.com.au/the_project/maps.aspx

did not oppose the removal of the distinction in its written submission although that view was qualified during discussion at the Hearing.

The Panel is conscious that the Councils and GBCMA maintain that the progressive outcomes of water reform mean that distinguishing between irrigated and dry land is not practically possible. We are also conscious that the trading of water rights and objectives of irrigation infrastructure modernisation projects provide for greater flexibility and expansion of irrigated areas (for example through private schemes or pumping from waterways) and more effective use of water. Predictions of the impacts of climate change add uncertainty and suggest a potential for contraction of irrigation.

It is significant for the planning framework that in areas with access to irrigation water there may well be a 'mosaic' of land where entitlements are used or not, sometimes due to longer term restructuring of agricultural land use and sometimes changing from year to year as water entitlements are traded.

The Panel does not underestimate the challenge posed by planning in parallel with major reforms where water availability and infrastructure has progressed but is not finally resolved.

However, the Panel does not consider that the uncertainty that exists justifies the planning framework making no explicit reference to a fundamental determinant of agricultural productivity. The issues associated with whether permanent irrigation water will be available to the land will need to be confronted when applications are lodged irrespective of whether the planning framework explicitly distinguishes between irrigated and dryland areas. The Panel considers it is preferable for both applicants and decision makers if the planning framework establishes a transparent, consistent basis to specifically address those considerations.

The formulation of the planning framework should draw on the best available information and can be informed by the progress made in determining the location of core irrigation infrastructure since the RRLUS and associated documents were prepared.

GMW advised that it is not possible to delineate the long term (20 – 30 years) irrigation footprint with reasonable certainty but work undertaken by NVIRP and GMW has largely established the medium term footprint of public irrigation infrastructure. This is an acceptable timeframe on which to base strategic planning and planning provisions.

The Panel supports the view of GMW and various submitters that the GMID provides a means of distinguishing between irrigation and dryland areas.

The Declared Irrigation Areas, with updating to reflect the NVIRP mapping of the irrigation supply network which identifies either backbone or non-backbone channels should enable the delineation of the likely medium term irrigation footprint. Areas of irrigated agriculture occurs utilising established rights to irrigate using direct pumping or groundwater could also be added (on the advice of relevant authorities) (This picture could be complicated by the Agricultural Development Areas. However, the Panel was provided with no clear understanding of the current status of these ADAs. We conclude, in the absence of any evidence to the contrary, that basis for designating ADAs has been superseded by NVIRP, other water reform initiatives and recognition of constraints on the sustainable use of groundwater).

There has also been extensive soil mapping within the irrigated region that distinguishes between areas suitable for intensive irrigated agriculture, dairy and irrigated mixed farming. The RRLUS further identified the value of the Group 1 and 2 soils and the Panel does think it is feasible and desirable based on the mapping provided and information held by Councils on intensive agriculture from pre-interim controls planning schemes to further differentiate the irrigated areas to define areas for intensive irrigated agriculture.

Within the areas identified as irrigation areas, the Panel considers that when a proposal is put forward the permanent water rights in place at that time should determine permit requirements and inform the exercise of discretion. This is similar mechanism to that adopted in use tables where nominated conditions or criteria determine whether a permit is required for specific uses.

It is common for a range of circumstances to change and the Act requires regular review of planning schemes. Updating of the FZ provisions can occur, if necessary, in that process.

3.10.3 Recommended Subdivision Minimum lot sizes

The Panel considers it should not be necessary for land to be in parcels that are independently 'viable' in their own right and it should be possible for irrigated farms to grow incrementally. Incremental growth of farms may generally draw on the existing supply of lots but the creation of new lots for this purpose should also be possible.

We consider there should be two broad categories of irrigated land adopted, as has applied in the Moira and Greater Shepparton planning schemes in the past, which distinguish horticultural and other irrigated areas largely on the basis of soil types but also recognising established patterns of land use⁴⁸. However, we are reluctant to nominate a minimum lot size for these two types of areas on the basis of the material before us.

We note that the recent Draft Rural Zones Review for the Loddon Shire, for which RMCG were lead consultants recommended a 40 ha minimum subdivision lot size for irrigated areas (the horticulture in the Shire is limited). It was also suggested at the Hearing that 20- 40 ha may represent a logical increment for family operated dairy farms in the Region⁴⁹. Mr Scali suggested that parcels of 12 – 16ha (allowing 4ha free to replant new varieties) are suitable for incremental growth of orchard enterprises.

The Panel considers that expert advice should be obtained, with comment from experienced farmers in the Region, to determine minimum subdivision lot sizes for irrigated areas. The following criteria should be taken into account in the identification of appropriate minimum subdivision lot sizes:

- The size necessary to employ best practice farm management. This includes a capacity to operate modern equipment efficiently, with some capacity to accommodate innovations that can reasonably be anticipated.
- The desirability for flexibility to change the type of produce. For example, in horticultural the areas, although vegetable growing may require small parcels, setting a subdivision lot size that accommodates orchards, vineyards and vegetable growing would provide options to respond to changing circumstances.
- The lot should not be required to sustain '*stand-alone*' operations unless required by operational requirements or issues such as biosecurity. For example, in dairying operations turn out paddocks for part of a larger operation need to be of a scale that facilitates effective herd and land management but not at a scale that justifies the duplication of all infrastructure. Similarly, in horticulture, it may be appropriate to set the size at a level that supports investment in machinery and infrastructure for commercial operation but not at a level that warrants the investment in infrastructure (such as cool stores) that can effectively serve multiple properties or investment in infrequently used specialist equipment that

⁴⁸ The Panel notes, for example, that land Group 1 and 2 soils in the vicinity of Tatura are established dairying areas although soil types may suggest capability for horticulture.

⁴⁹ For example Damian Janssens suggested that 8 – 10ha represents a logical scale of increments for his dairy farm.

can be contracted or conveniently sourced from other parts of the operation.

3.10.4 Excisions

What is the issue?

The Amendments actively discourage excisions in the FZ1 and FZ3 but the excision of a dwelling is contemplated in the FZ2 if it would result in consolidation of larger farming parcels and a net gain in terms of the long term productive use of the land concerned.

Some submissions supported a return to more generous opportunities to excise existing houses, citing reasons such as: facilitating aging in place for older farmers who can mentor younger entrants; financial benefits to fund retirement or further investment in farming; and the provision of housing for farm workers or residents who would support the viability of small towns. On the other hand, the Councils argued that retiring farmers will be short term residents and in all cases the excised property can be sold to any person, potentially resulting in conflict with surrounding agricultural use.

Discussion

In reviewing submissions, it was evident that excision provisions were widely used in the past and this raised expectations of an 'entitlement' to excise houses and to build an additional house. The result has been housing dispersed throughout some farming areas. Submissions have illustrated that the cumulative effect of excisions is used to justify further conversion of land for non-farming use.

The Panel agrees with the Councils that, irrespective of the justification put forward with an application to excise a house, the land ultimately (and often in the relatively short term) becomes available for a residential use without any association with agriculture. As already noted, this can cause land use conflict (see Chapter 3.11.1).

The planning framework makes it clear that it is the ongoing viability of farming uses that should be supported and residential uses are to be accommodated where they are required for the agricultural use of the land. The Panel endorses the established policy position that minimising risks to ongoing agricultural use of farming land should take precedence over responses to individuals' personal circumstances. This means that strong justification for what invariably will be a shift to a residential use of land in the FZ should be required.

The Panel notes the proposed policy provision that the approval of excisions may be conditional upon the landowner entering into a Section 173 agreement which *'prevents the construction of a dwelling on the residual lot other than in accordance with the minimum lot size for the construction of a dwelling in the zone'*. This condition provides for additional houses in the FZ where the parent lot even marginally exceeded the minimum lot size. This could be interpreted as diluting the current policy predisposition against further housing as a result of excisions.

The Panel notes that existing policy in the Campaspe planning scheme (which was in place prior to the interim provisions) indicates *'that any approved excision is contingent on a legal agreement being entered into prohibiting a house and further subdivision on any lot which has been subdivided for the purposes of farm consolidation'*. If the policy is implemented, such as through permit conditions, further housing as a result of an excision is precluded. This represents a stronger policy than proposed in the Amendments and would go further to address issues of housing proliferation in farming areas. We prefer this stronger policy response to excisions.

We appreciate that the proposed accommodation of some excisions in the FZ2 recognises there may be net benefits for agriculture which outweigh the risks to agriculture from a residential use in some, albeit rare, circumstances. The Panel questions the distinction drawn between the proposed policy relating to excisions in the FZ1 and FZ2 zones. We consider that similar pros and cons will also apply in the FZ1 (and perhaps even the FZ3) as have been recognised by the FZ2. Like in the FZ2, if net benefits for agriculture from excisions can be demonstrated in the FZ1 it would be reasonable to support an application. The excision provisions are within proposed local policies and as such are not mandatory; rather, policy allows for excisions in exceptional circumstances where there would be a clear long term benefit for agricultural use. Such an approach should also apply to the land proposed for inclusion in the FZ1 and FZ3.

Recommendations

Delete the distinction between FZ1, FZ2 and FZ3 in excision provisions.

Avoid the creation of opportunities for additional houses in the FZ as a result of excision by including policy to the following effect:

'Excisions of house lots should not create any additional entitlement(s) for a dwelling or dwellings without a planning permit.'

The approval of excisions of house lots is contingent on a Section 173 agreement under the Planning and Environment Act 1987 being entered into prohibiting a house and further subdivision on:

- *A residual lot created as a result of a house lot excision;*
- *A new lot that incorporates the residual lot after a house lot excision unless a house was as-of right before consolidation with the residual land.'*

Consider whether an alternative zoning is appropriate for highly fragmented areas with extensive levels of housing development as part of the proposed evaluation of rural living opportunities in Campaspe and Moira or in Greater Shepparton, through proponent initiated area based rezoning proposals which are supported by those who are directly affected.

3.11 House Permit Triggers

The objections to the lot sizes nominated as triggers for permits related to:

- Ideological opposition to constraints on the development of private property (discussed in Chapter 2.1).
- The effect of no longer being entitled to build a house on the value of smaller lots (discussed in Chapters 3.3 and 3.4).
- The social implications of the strong disposition against the development of houses that are unrelated to agricultural production (discussed in Chapter 3.4).
- Whether residential uses in farming areas actually constrain farming operations.
- A lack of recognition of the importance of farming where the land is actively farmed but is at a scale where off-site income is an important component of the business model adopted.
- The implications for the use of and development plans for existing lots where a permit is required for a house but there is limited capacity for agricultural production generally and/or at a level that would require a house to support the farming activity.
- The uncertainty, delays, costs and administrative burden associated with what was seen as unnecessary planning permit processes.
- A lack of confidence in the assessment process for applications for permits for houses, and in particular the evaluation of whether a house is required to support the agricultural use of the land (See Chapter 3.12).

It is notable that the VFF⁵⁰ strongly supports the provisions of the FZ as necessary to protect farming and secure its future, although it argues that the requirement for a permit for a dwelling should be set at a level that recognises the productivity of the land in question. The VFF cited examples of the much more intensive use of irrigated land justifying housing on smaller parcels of land. The VFF also shares submitter concerns about planning permit application assessment, which is discussed below.

The Councils submitted that the lot size below which a permit for a dwelling is triggered should be conservatively large to enable the opportunity to consider the merits of the proposal against the relevant zone purposes, decision guidelines and applicable policy. The minimum lot size for which an incompatible land use can occur as of right must be sufficiently large to minimise offsite impacts on productive agricultural use.

The Councils, the RRLUS and expert evidence from Ms McGuinness (with general support from Mr O'Leary's peer review) emphasised that:

- The purpose of the permit trigger for a house (250 ha in the FZ1 and FZ2 in Campaspe and Moira and 40ha in all categories of the FZ in Greater Shepparton and the FZ3 in the other shires) is to afford the Council the opportunity to assess whether it is genuinely required for the agricultural use of the land and to it does not compromise the agricultural future of the land.
- The more extensive requirements for planning permits for houses under the Amendments does not equate to prohibition of houses as some submitters believed.
- Given the size of lots and in line with the land use outcomes sought for FZ1 and FZ2, new dwellings will generally not be required⁵¹ or supported on lots below the minimum lot size for a dwelling unless an applicant is able to overwhelmingly demonstrate the need for a dwelling on a lot below 250ha.

3.11.1 Discussion

The Panel is cognisant that it is established planning policy expressed in the SPPF, the LPPF and the FZ that housing in the FZ should be '*reasonably required for the operation of the agricultural activity conducted on the land*'. We

⁵⁰ The VFF did not make a submission about the Amendments but after the Hearing the Panel became aware of its submission dated 31 August 2011 to the Victorian Planning System Ministerial Advisory Committee which specifically addressed the issues raised by the Amendments. A copy of that submission is attached in Appendix D of this report.

⁵¹ The RRLUS commented '*the small size of many properties (see analysis of settlement trends Section 5) suggests that any new rural dwellings are primarily residential in nature.*'

consider this requirement is important to achieve the core purpose of the FZ to protect agricultural use by minimising the potential for residential uses (with associated amenity expectations) that can constrain agricultural operations and to avoid land values being inflated by expectations and improvements that are unrelated to the agricultural purpose of the land. As emphasised by the Councils, the requirement for an application for permit does not prohibit houses on lots below the nominated threshold but does mean that the justification for a house would be subject to scrutiny.

The Panel does not agree with the view of some submitters who argued that residential uses do not carry a significant risk of constraining farming operations because those who choose an FZ location understand the amenity implications. The Councils and the RRLUS as well as some submitters referred to complaints from 'lifestylers' about sprays, dust, odour, manure on roads and noise: stock losses from pet dogs and weeds from neighbouring rural living properties. Mr Keaney and the Councils cited examples of actions and complaints by non-farming rural area residents that can create pressures to limit farming activities. Our own experience confirms that this is the case and that the risk due to residential amenity expectations increases with the level of non-farming related residential use in an area and also the intensity of the farming activities.

The Panel strongly endorses the principle in the Implementation Report that:

In order to break the nexus between subdivision and dwellings and in recognition of dash point 4⁵², it is recommended that different lot size minima be specified for subdivision and dwellings. In most cases, the minimum lot size below which a permit is required for a dwelling will be substantially higher than the minimum lot size for subdivision.

This should be a fundamental feature of the planning framework to ensure that there are not expectations that there is a right to develop houses on lots created to facilitate the incremental growth of farm businesses.

The Panel notes the RRLUS comment that in areas with high amenity and areas close to major centres where the demand for 'lifestyle' development is high, local experience indicates rural lifestylers will purchase larger lots⁵³. This pressure is recognised but should not overwhelm the planning framework to the point where legitimate strategies to secure the future of farms are precluded.

⁵² Dash point 4 is 'Recognise that most farm units are comprised of multiple lots'.

⁵³ RRLUS p77.

The Panel considers there is likely to be a point at which the size of a lot means that:

- The price of the parcel of land together with management demands would act as a significant disincentive for those seeking primarily rural residential opportunities.
- Housing is so dispersed that the risk of constraints on farming operations is significantly reduced. However, we note that the FZ and policy relating to houses in the FZ do not codify development provisions that address inter-property amenity impacts. While generous front setbacks are specified, the setback of houses from other boundaries may well be more important in managing amenity impacts from farming. Although not raised in submissions or discussed at the Hearing, we think consideration should be given to increasing setbacks from side and rear boundaries for as of right houses. This would provide for a level of separation and space for new houses to implement measures within their own properties to reduce some impacts (e.g. buffer planting). A permit could be sought to vary those setbacks to take account of the circumstances applicable to the land.

In dryland areas we consider it is reasonable to require a permit for a house on lots less than 120 ha, rather than the exhibited 250ha size in Campaspe and Moira and 160 ha in Greater Shepparton.

In irrigated areas the dynamics are more complex; we are conscious of the potential of water entitlements to be traded and for dryland and irrigated land to be interspersed. The Panel considers that the average property size (which often comprises multiple lots) of 25 ha for horticulture areas and 70 ha for other irrigated areas provides a point of reference for as of right housing development in irrigated areas. In irrigated areas, the more intensive nature of both horticulture and animal husbandry would suggest that houses would usually be justified on a lot of this size.

In order to recognise differences in productivity and address the 'mosaic' of dryland and irrigated land, we consider the 'as of right status' of houses in irrigated areas should be subject to a condition that the property has a permanent irrigation water entitlement that is consistent with horticultural or dairying production, as relevant. There should also be provision for modified farm operation in exceptional circumstances, such as drought. The relevant level of water entitlement and recognition of exception circumstances should be determined by agricultural experts and reviewed by farmers in the Region who are experienced in farming irrigated land.

The Panel also notes the Future Farms Rural Development Committee recommendation that the reintroduction of tenement provisions be

considered. While this option was not foreshadowed in the RRLUS we agree with Ms McGuinness' response to questions from the Panel that tenement provisions can be an effective mechanism to manage expectations relating to the development of houses on properties with contiguous lots. We consider this option should be explored as part of the further work identified above.

The Panel has identified interim provisions pending the completion of further work necessary to delineate areas and to incorporate expert views on appropriate levels at which permits should be triggered and water required to support different forms of agriculture. The interim provisions recommended are:

- Maintain the delineation of irrigated and dryland areas of the current interim controls but consolidate the irrigated areas in Greater Shepparton and Moira.
- In dryland areas adopt the recommended alternative provisions of a 100ha minimum subdivision lot size and 120 ha as the lot size at which a house requires a permit.
- In irrigated areas adopt a 50ha minimum subdivision lot size and 70 ha as the lot size at which a house requires a permit (i.e. the other irrigated area house permit trigger suggested below).
- Apply the exhibited provisions relating to FZ3 to a renamed FZ2.
- Strengthen policy discouraging excisions in the FZ.

The Panel reluctantly foreshadows alternative provisions if it proves impossible to delineate irrigated and dryland areas. The 'fall back' provisions have a basis that relates to non-horticultural irrigated areas as: almost 70% of the land is irrigated; there are fewer pressures for subdivision and housing in dryland areas; and it is irrigated land that is the engine of the agriculture (and dependant sectors of the Region's economy).

If it does not prove possible to delineate irrigated and dryland areas:

- Consolidate the exhibited FZ1 and FZ2.
- Adopt a 60 ha minimum lot size for subdivision. This would reduce the potential to create new lots to facilitate incremental growth of irrigated farms but given the existing supply the impact on planning objectives would not be unacceptable. For dryland areas the permit process would allow policy objectives and the utility of the land for the intended agricultural purpose to be considered.
- Require a permit for new dwelling on lots less than 80 ha. In irrigated areas this would generate permit requirement where it could be expected approval would routinely be justified. The associated costs, delays and

uncertainty are undesirable but additional policy guidance could minimise the adverse implications.

- Adopt the 40ha as the minimum subdivision lot size and to trigger a permit for a dwelling in the FZ3.

Recommendations

Changes to Exhibited FZ

Pending the implementation of subsequent Panel recommendations relating to alternative FZ provisions:

- Consolidate the exhibited FZ1 and FZ2 and rename these areas FZ1 Growth and Consolidation.
- Consolidate LPPF content relating to the exhibited FZ1 and FZ2 under a renamed FZ1 Growth and Consolidation.
- Maintain the delineation of dryland and irrigated areas that apply in the current interim with consolidation of the irrigated areas in Greater Shepparton and Moira.
- In the renamed FZ1 Growth and Consolidation:
 - In dryland areas adopt a 100ha minimum subdivision lot size and 120 ha as the lot size at which a house requires a permit (ie the dryland provisions recommended below).
 - In irrigated areas adopt a 50ha minimum subdivision lot size and 70 ha as the lot size at which a house requires a permit (ie the other irrigated area house permit trigger suggested recommended below).
- Renumber the FZ Niche from FZ3 to FZ2.

Recommended Alternative FZ Provisions

The Panel recommends that the following alternative provisions for the FZ be formulated as a matter of priority:

Remove the distinction between the FZ1 and FZ2.

Establish a principle that the minimum subdivision lot size is less than the lot size at which a house requires a permit to avoid expectations there will be an automatic entitle to build a house on lots that are created.

Modify the FZ schedule and planning scheme zone maps to:

- Differentiate dryland (a new FZ1) and two broad categories of irrigated areas – ‘Horticulture’ (a new FZ2) and ‘Other Irrigated Farming’ (a new FZ3).
- Maintain the Farming Zone Niche (Fragmented) (a new FZ4) and set the level at which a permit is required for a house at the 40 ha default.

Delineate irrigated areas on the basis of:

- The Declared Irrigation Areas, with updating to reflect changes in the footprint as a result of NVIRP; plus
- Areas where irrigated agriculture occurs utilising established permanent rights to irrigate using groundwater or direct pumping from waterways and water bodies (on the advice of relevant authorities).

Obtain expert advice, with review by farmers in the Region who are experienced in farming irrigated land, to determine:

1. The horticultural and other irrigated areas.
2. Minimum lot sizes for subdivision in irrigated areas.
3. The level of irrigation water required:
 - On a permanent basis to sustain horticulture and dairying in the Region on an ongoing basis; and
 - As a minimum during exceptional circumstances (such as during drought).
4. The following land size at which a permit is required for a House in the Farming Zone irrigated areas that are suggested by the Panel:
 - 25 ha in irrigated ‘horticulture’ areas (a New FZ3) where it is demonstrated that there is a permanent water entitlement that supports horticulture.
 - 70 ha in other irrigated areas (a New FZ2) where it is demonstrated that there is a permanent water entitlement that supports dairying.
 - 120 ha where it is not demonstrated that there is a permanent water entitlement that would support irrigated forms of agriculture.

Apply a minimum subdivision lot size of 100ha in Dryland areas.

Set the land size at which a permit is required for a House in the Farming Zone dryland areas (a New FZ1) at 120 ha.

Where land within an irrigated area does not have permanent water at a level that would sustain irrigated agriculture, exercise discretion in the permit process to apply the minimum subdivision lot size applicable to dryland farming, ie 100 ha.

Consider increasing setbacks from side and rear boundaries for as of right houses in the FZ.

Consider whether tenement provisions would provide a useful mechanism to minimise the development of dispersed houses in the FZ.

3.12 Houses in the Farming Zone – The Decision Making Framework

What is the issue?

On the one hand, submitters expressed concern about the uncertainty and costs (in terms of time and application preparation) associated with the permit process. There was also a lack of confidence about the assessment process at the Councils being informed by the expertise necessary to determine whether a house is needed for the agricultural use of the land. There was a call for 'common sense' to be applied. This sentiment is also reflected in the VFF view that a lack of understanding of the realities of farm businesses amongst city trained town planners compromises the capacity of responsible authorities to distinguish between genuine and false proposals.

On the other hand, both the Councils and some submitters expressed a level of cynicism about the legitimacy of many submissions for houses on smaller lots attempting to demonstrate that the house sought is actually reasonably required for the operation of the agricultural activity on the land. In closing, the Councils' submitted that some landowners, understandably, seek to maximise their capital gain on the basis of the use of rural land for residential or other purposes but this is an example of the types of general pressures that rural planning seeks to control. The RRLUS noted under implementation issues:

.... Many of the proposals received by Council include a justification that the land use is agricultural and that the dwelling is required to support that use. Calf raising is a commonly used proposed use. Based on experience, Council staff are aware that although the land use proposal

may be legitimate in the short term, it often is not maintained. In many cases, it may be unlikely that there is any intention to establish the use.

and

.. Improved direction is required to determine the appropriateness of new dwellings in rural areas to ensure that unplanned rural living is not displacing agriculture or preventing flexibility and adaptability for farm businesses. In particular, existing minimum lot requirements that allow 'as of right' planning approval for dwellings within the Farming Zone require review. This review is required to ensure that any introduction of new dwellings within the farming zone does not inhibit the long term productive land use of farming land.'

The Councils correctly emphasised that the FZ purposes and decision guidelines set out the relevant considerations concerning an application for dwelling use in the FZ (see Chapter 3.1.2)

It noted that, although there are many VCAT decisions that deal with houses in the FZ, a recent Tribunal has expressed the view that 'A clear test about when a dwelling is 'reasonably required' is yet to emerge.' The analysis of VCAT decisions in the Councils submission highlighted that the following factors have been taken into account in determining applications for houses in the FZ:

- Whether a relationship between the dwelling and a bona fide agricultural activity on the land itself is established. The lot size, physical characteristics of the land and its context, and nature of existing and proposed agricultural activity on-site are critical in considering this relationship⁵⁴;
- Whether a Whole Farm Plan or Farm Management Plan demonstrates the relationship between a dwelling and the proposed agricultural use⁵⁵;
- The nature of the proposed or existing farm activities are hands-on and require permanent and continuous care, supervision or security⁵⁶;
- Whether frequent and continuing use of the dwelling is required to support the agricultural activities⁵⁷;

⁵⁴ Wiseman v Moorabool SC [2008] VCAT 737; Sharman v South Gippsland SC [2011] VCAT 125, Wiseman v Moorabool SC [2008] cf Premier Projects Pty Ltd v Bass Coast SC [2007] VCAT 2078

⁵⁵ Pausacker v Macedon SC [2007] VCAT 1432, Wiseman v Moorabool SC [2008] VCAT 737; cf Deacon v Murrindindi SC [2009] VCAT 1164; Hutchins v Greater Shepparton CC [2008] VCAT 2284

⁵⁶ Pausacker v Macedon SC [2007] VCAT 1432, Living Street Designs Pty Ltd v Greater Shepparton CC [2009] VCAT, Goff v Baw Baw SC [2011] VCAT 839, Sharman v South Gippsland SC [2011] VCAT 125

⁵⁷ Hossack v Glenelg SC [2011] VCAT 1412

- The land's inability to sustain agriculture due to poor soil quality or existing remnant or native vegetation⁵⁸;
- Whether the proposed dwelling is sited on land that is of poorer quality for agriculture; not used for agriculture; or incapable of being used productively for agriculture⁵⁹;
- Whether the lot is capable of being consolidated with surrounding agricultural uses either currently or in the future⁶⁰;
- Whether a dwelling will convert the land into a rural residential use or hobby farm, or is to support a rural living lifestyle⁶¹; and
- Whether the proposed dwelling, in light of existing dwellings on surrounding land, will change the character of the area from rural to rural-residential, which would contribute to pressure to grant further permits for dwellings in the locality⁶².

The Councils noted that the Tribunal has granted permits for dwellings that do not support an agricultural use where:

- The land has virtually no agricultural capacity and is not able to be consolidated with surrounding rural lots⁶³; and
- Surrounding residential development has converted the area to residential land uses character and rural character cannot be recovered⁶⁴.

The post-hearing revisions circulated by the Councils suggested policy could indicate the following additional matters, in addition to the decision guidelines in the zone, would be considered by the responsible authority in the evaluation of applications dwelling in the FZ (additions are tracked):

- [*The relationship between the proposed dwelling and the agricultural activity on the land.*](#)
- [*Evidence, including a Whole Farm Plan or similar addressing the relationship between agricultural activities on the land and the proposed dwelling.*](#)

⁵⁸ Lovrecic v Hepburn SC [2009] VCAT 329, Lukic v Strathbogie SC [2006] VCAT 55

⁵⁹ Sincock v Greater Geelong CC [2010] VCAT 1066, Pausacker v Macedon SC [2007] VCAT 1432, Puican v Macedon Ranges SC [2006] VCAT 265, Spedding v Greater Shepparton CC [2007] VCAT 2142.

⁶⁰ Ryan v Moorabool SC [2009] VCAT 1474, Lukic v Strathbogie SC [2006] VCAT 55.

⁶¹ Roads Corporation v Macedon Ranges SC [2007] VCAT 2381, Hatzisiannis v Macedon Ranges SC [2008] VCAT 939, Turner v Northern Grampians SC [2011] VCAT 1103; cf Wiseman v Moorabool SC [2008] VCAT 737.

⁶² Gippsland Coastal Board v South Gippsland Shire Council (No 2) [2008] VCAT 1545, Kinnersley v Hepburn SC [2009] VCAT 308, Hossack v Glenelg SC [2011] VCAT 1412, Tomkinson v Surf Coast SC [2011] VCAT 930.

⁶³ Redl v Wangaratta RCC [2011] VCAT 919, Tomkinson v Surf Coast SC [2011] VCAT 930.

⁶⁴ Rehn v Mitchell SC [2011] VCAT 229.

- *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.*

When considering a permit application for the construction of a dwelling, all of the following requirements should be met:

- *the agricultural use must have been established; and*
- *the dwelling lot is to have been created after 1st January 1960; ~~and~~,*
- *the landowner is required to enter into an agreement under Section 173 of the Act to ensure that the dwelling is used in conjunction with agricultural production; and*
- *the landowner is required to enter into an agreement under section 173 of the Act to prevent the subdivision of the lot containing the dwelling where the proposed lot size is less than the minimum lot size for subdivision specified in the zone; and*
- *the landowner may be required to enter into an agreement under Section 173 of the Act acknowledging the impacts of nearby agricultural activities.*

Discussion

While the Panel does not endorse the underlying concern in some submissions that there should be greater opportunity for rural residential type uses in the FZ, we do consider there is a basis to the concerns expressed by both submitters and conceded by the Councils about the difficulties in determining whether a house is reasonably required for agriculture. We note that there is a significant incentive for applicants to seek approval for a house on small lots when it is not required for agriculture and planning officers' expertise in farming may well be limited. Ms McGuinness acknowledged that, given officers' expertise, the assessment of applications can become formulaic.

We see merit in the additional guidance circulated by the Councils but consider additional policy guidance relating to the following matters would contribute to the transparency of the basis for decisions on applications:

- In Chapter 3.6 the Panel commented that applications for houses should be treated differently where the FZ effectively operates as a holding zone for an alternative future use, such as where the land is identified for expansion of settlements. In these circumstances, the key considerations are to preserve the future development potential of the land and land use conflict in the interim period.
- The potential for land to be consolidated with other land to enhance agricultural productivity is a relevant matter to be highlighted.
- The availability of water to sustain the proposed agricultural activity and a commitment to maintain water rights in the long term should be highlighted in policy decision guidelines.

We also consider that it may be more reasonable to require a commitment to establish an agricultural use rather than use to be established. It may not be appropriate to require the agricultural use to be established. For example, purchasing processes may be conditional on consent, in establishing a horticultural use it may advantageous to be onsite, requiring an applicant to rent during the establishment phase is onerous.

The Panel was concerned that a perception apparent in some submissions that the FZ3 would open up opportunities for lifestyle housing would create a risk that the FZ3 would become a de facto rural living zone. Nuances in the exhibited planning framework for the FZ3 may have contributed to this perception. There was a policy objective *'To provide for new dwellings but only where it can be overwhelmingly demonstrated that it is required for the agricultural use of the land.'*, whereas the policy for the FZ1 and FZ2 was to ***'Strongly discourage establishment of dwellings not associated or required for the agricultural use of the land'*** and it is policy to ***'Provide for dwellings in the Farming 3 Zone where it can be demonstrated it is to support the productive use of the land consistent with the direction for the area.'***

An annotated, tracked changes version of the Campaspe Clause 22.01 policy is provided to illustrate suggested further changes to the Post-Hearing version that was circulated.

The Panel considers the different wording of these policies compounded the risk that fragmented land holdings in the FZ3 would convert over time to rural residential areas. The post-hearing revisions put forward by the Councils included removal of this distinction and is endorsed by the Panel.

The Panel recognises that judgement would be required regarding the bone fides of the case supporting applications will always be necessary.

The Panel canvassed the potential for an expert agricultural advisory committee to review/advise on applications for houses in the FZ. We agree with responses from the Councils and some submitters that this may well add unnecessary delay and bureaucracy. While we reject the introduction of such an additional element as a routine part of the assessment process, we do consider an advisory group of this type could provide a resource to officers, could contribute to ongoing staff development and could have a role in the periodic review of application assessment and decisions.

Recommendations

Revise policy guidance in the Local Planning Policy Frameworks of the three planning schemes relating to the development of houses in the Farming Zone to the effect illustrated in the annotated example of the Campaspe C22.01 policy in Appendix C.

The Councils consider establishing a farming advisory group to provide a resource to officers, to contribute to ongoing staff development and to have a role in the periodic review of application assessment and decisions relating to houses in the FZ (and other relevant matters).

Rezone land at 137 Riverview Drive, Shepparton to accord with the zoning of the adjoining land where analysis associated with Amendment C23 does not justify the application of the UFZ.

3.13 Post - Hearing Editing

After the completion of the Hearing the Councils circulated revisions to the exhibited LPPF provisions. It had been understood that the scope of these provisions would be 'policy neutral', although it was anticipated that some amplification of the policy intent would be articulated, for example, to reflect criteria applied in various VCAT decisions relating to applications for dwellings in the FZ. Unfortunately tracked changes were shown for content that have no relationship whatsoever to the Amendments, such as content relating to urban design, Cultural Heritage, the Echuca Aerodrome, advertising guidelines, and the Echuca CBD and Historic Port parking strategy. We assume this material was shown in error, which was most unfortunate as it made appreciating the nature of revisions more difficult and contributed to an impression that revisions were more extensive than were actually put forward.

Submitters who provided further written comment on these revisions commented on the extent of change shown, suggesting that this was evidence of the flawed nature of the exhibited Amendments. For example:

The members of Campaspe Concerned Citizens (CCC) wish to formally express their disappointment with the inability of the planning authorities to provide information requested by the panel on time, in a suitable format and the provision of irrelevant material.

Gary Steigenberger of Chris Smith and Associates submitted

The 'tracked' revisions put forward reveal the magnitude of the changes made to the documents, which strengthens our view that these proposed revisions barely resemble the exhibited versions.

To this end, we maintain our request that the Panel recommend that the three Amendments be abandoned.

Discussion

Despite the problems with the revised documentation circulated on the Panel's invitation after the Hearing, we endorse the extensive editing undertaken to remove unnecessary duplication of content in the various local provision that were exhibited. It is not necessary to repeat descriptions of the categories of FZ and it is appropriate for the discursive components of the LPPF to be concise with material that will become dated minimised.

We also consider the reduced emphasis on '*large scale multi-million dollar investment*' is appropriate.

Recommendation

Edit the exhibited Amendment documentation to reduce repetition and enhance policy guidance as illustrated in revisions circulated by the Councils after the Hearing.

3.14 Consideration of Submissions – FZ Category, Lot Sizes and House Permit Triggers

Submission No & Name	Property address & size	Pre- Interim Lot size Provisions (Min subdivision Lot size/ House permit trigger)	Exhibited Zone (Min subdivision Lot size/ House permit trigger)	Issues Raised	Panel Response
<i>Seeking Consistent Zoning across the Property</i>					
		Intensive Rural and -40ha	FZ2	A consistent FZ2 over the whole of the property was sought, rather than splitting the property between the FZ1 and FZ2 as exhibited.	This submission illustrates a common challenge in delineating zones but specifically in this instance determining zone boundaries largely on the basis of lot size. After considering submissions Greater Shepparton Council supported removing the distinction between lot sizes in the FZ. The Panel considers the distinctions between the FZ1 and FZ should be removed This would provide a consistent planning framework across the submitter's property.
		Intensive Rural and - 40ha	FZ1 (100ha)	The lot was created over a century ago by the State Government, has been in the same title ever since, and a dwelling on it was removed 40-50 years ago. It has been rated as a residential block. The submitter objects to the Amendment C121 as he will be unable to build a dwelling on his property despite the fact that I, causing financial hardship into the future. The submission indicates a council officer advised him in 2006 that there was no foreseeable problem with building a dwelling on the property because of its unique circumstance.	In all cases these submissions relate to lots below the minimum subdivision lot size and permit trigger for a house that applied before the Interim Controls were introduced, in the exhibited Amendment and recommended by the Panel. The Panel's role is to consider the planning framework in which future applications will be considered, not the merits of plans or proposals for particular parcels of land. The submissions have not justified an alternative to the long standing zoning of the land in an FZ. A permit can be sought for a house on an existing lot and it is in that process that the merits of specific proposals permit process are evaluated.
		Intensive Rural and - 40ha	FZ1 - 100ha	This is one of four 1 ha lots that were subdivided by Ms Ashcroft's parents many years ago for them to build on. The submitters have plans to build a home and use the land for agriculture to be self-sufficient. They consider it is unfair if homes can be built on the other lots but not theirs.	We have endorsed the policy that planning decisions should be on the basis of the evaluation of planning matters and should not be determined on the basis of accommodating personal circumstances. However, we have also indicated further guidance should be provided

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Intensive Rural Land - 40ha	FZ1 - 100ha	The submitters want to create separate lots for two existing houses on the property for personal reasons but this is precluded by the proposed planning provisions.	<p>on how discretion would be exercised (see Chapter 3.12).</p> <p>With regard to the Fitzgerald submission (GS40) justification for an alternative zoning has not been established. The need for residential or rural residential land in the Tatura locality, in addition to that provided for by Amendment C93, has not been established. Nor has the suitability of the land for rural residential purposes been demonstrated, through analysis required by Ministerial Direction No 6.</p> <p>In the case of Submission C48, the Panel understands that a caravan park is a prohibited use in the FZ unless it enjoys existing use rights.</p> <p>We note Council's comment in relation to the Sonneman submission (M8) that a dwelling may be supported if required to protect habitat.</p>
Broadacre Farming - 80ha	FZ1 – 250 ha	The land is in 5 lots that were initially subdivided for a potential village that did not eventuate. The land is part of the Dookie Land Management 'Corridor of Trees' and is opposite a bush reserve. It was submitted that the land is too small to farm and options identified included a house, tourist accommodation of caravan park.	
Intensive Rural Land - 40ha	FZ1 - 100ha	The Floodway and Land Subject to Inundation Overlays apply and significant flooding constraints affect the property. Ms Watts submitted that the land is a small, productive property used for intensive agriculture including agistment and cropping but it cannot be consolidated with any farms. Personal circumstances mean that she no longer lives at the property although she formerly lived in the adjoining property to the south. (The Panel noted on inspections that the property adjoins a commercial walnut grove and, beyond the riverine corridor, the area is actively farmed.)	
Intensive Rural Land - 40ha	FZ1 - 100ha	The lot is just under the required 40ha so they would be unable to build a dwelling on the lot. They argued that decision making should take account of farming practices, rather than simple size rules, highlighting that the land is lasered and has 100 mg water holding capacity which is fully recyclable.	
Intensive Agriculture -20ha	FZ2 – Irrig 40ha, Dryland 160 ha	At the Hearing Ms Diamond advised that a permit for a house issued in 2008 and was extended but the extension has expired. In the interim she has bought a property in the locality. However, she maintains her strong concern about the implications of Amendment C121 for the value of her property.	

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Intensive Agriculture -20ha	FZ3 – 40 ha (Default)	<p>The submitters argue that farming the subject land is unsuitable due to the high human occupancy in the neighbouring caravan park. They object to the Amendment C121 as subdivision and building/rebuilding of the land will be compromised. Allowing residential subdivision of the land or alternatively, subdivision into 2ha-4ha blocks is sought.</p> <p>Council responded that the land is to the west of the Tatura township, outside the area identified under the GSHS and C93 Framework Plan for potential residential or rural living growth.</p>	
FZ – 40ha	FZ3 – 40ha/40ha	Submitter seeks a permit to construct a dwelling on one ha property and is concerned Amendment C121 may prevent a permit being issued.	
FZ – 40ha	FZ1 – 100ha/250ha	Subdivided the land in 1987 and have retained block for the purposes of erecting a dwelling for retirement. Seeking FZ3 consistent with the land to the south.	
FZ – 40ha	FZ2 – 100ha/250ha	The proposed Amendment will affect the ability to earn income from the land. People presently camp on the land which provides extra revenue. Proposed Amendment C69 will prevent tourists coming.	
FZ – 40 ha	FZ1 – 250 ha	This lot was subdivided from original farm 30 years ago. An application for a house was refused in 2011 and the submitter now wants to sell the block.	
FZ – 40 ha	FZ1 – 250 ha	The owner bought the block 24 years ago, is unable to resettle there and wants to sell.	
FZ – 40 ha	FZ1 – 250 ha	Requesting an exemption on the basis that the land is within the township boundaries of Lake Rowan. The Panel was advised that a permit for a dwelling on the property has issued (31/10/2011).	

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<i>for lot size provisions</i>						
			<p>Existing Urban Floodway (most of land) and Rural Living (part) No change proposed.</p>	<p>The submission sought the FZ3 as adjacent land is rural living and this would better reflect what the property is used for.</p> <p>Council advised at the Hearing that that Amendment C23, which related to flooding resulted in changes to the extent of the UFZ contracted or expanded but given the scale of maps the change was not evident or taken into account in the zoning now proposed. Mr calms suggested this is an anomaly that should be fixed.</p>	<p>The Panel agrees with Council that this anomaly should be corrected as part of Amendment C121. Land where analysis associated with Amendment C23 does not justify the application of the UFZ should be rezoned to accord with the zoning of the adjoining land.</p> <p>Recommendation</p> <p>Rezone land at 137 Riverview Dr to accord with the zoning of the adjoining land where analysis associated with Amendment C23 does not justify the application of the UFZ.</p>	
			Intensive Rural land - 40ha	FZ1 – 100 ha	<p>Sought inclusion in the FZ2, which applies to on the other side of the road, as this would apply a 40 ha lot size instead of 100 ha and remove a restriction on his son farming with them.</p>	<p>For irrigated land the exhibited minimum lot size for subdivision and an as of right house was 40 ha in the FZ2 and 100 Ha in the FZ1. The Panel has suggested that the distinction between FZ1 and FZ2 should be removed. We have recommended 25 ha as the permit trigger for horticulture areas and 70 ha for other irrigated areas as the thresholds for as of right housing development in irrigated areas. Irrespective of the lot size at which a permit is required for a house, the merits of a proposal to build a house (on an existing lot) can be considered on its merits. With regard to Submission 14, the size of this property would suggest that two houses could be as of right. However, it appears that an excision has occurred. If the excised house has been sold and is no longer available for family succession, this presents an example of outcomes the Strategy seeks to avoid. With regard to Submission 45, it was apparent on inspections that some properties are not being actively farmed and this is indicative of a sector/areas going through restructure. However, as noted in Chapter 3.5, the Panel endorses a policy response of directing lifestyle development to areas near settlements, with land made available from</p>
			Intensive Rural land - 40ha	FZ1 – 100 ha	<p>The submitter objected to Amendment C121 as it does not allow enough FZ2 land. It was submitted that 40ha lots are preferred by intense agriculture farmers, as this lot size maximises the use of land while minimising financial demands. Mr Fasano suggests that Amendment C121 will devalue land in the FZ1 and the reduced populations mean provision of infrastructure to these areas will become more expensive and less cost effective.</p>	
			Intensive Rural land - 40ha	FZ1 – 100 ha	<p>The submission advised that the property was once a dairy farm but cows were sold in 2008 but the property still has water. They refer to the cost and poor return to maintain the farm in 'decent shape' and extensive areas that have been left to become weed infested with infrastructure falling into disrepair. The submitters commented '<i>Council are deluding themselves if they think is going to go back to what it was and should be encouraging as many new people into the area on lifestyle blocks if that is what it takes so that someone can at least</i></p>	

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		<i>look after the land.</i> The Barrots suggest that they are surrounded by 12 hobby blocks and would like to split the property into two 40 ha hobby lots as they work off the farm and it is currently too large to manage.	farmers leaving the sector being obtainable by new farming entrants or incremental growth of existing farms.
Intensive Rural Land - 40ha	FZ1 – 100 ha	The particular concern related to the potential to build a house on a 66.55 HA lot (lot 3). The submission noted that there is a 59 meg water entitlement attached to the property, which is enough to provide a productive independent farm unit when combined with the land characteristics, and there is an undeveloped underground water site.	
Intensive Agriculture -20ha	FZ1 –100ha	Sought the application of an FZ2 or FZ3 to the property so that they can build a dwelling. This would facilitate tending cows and calves. They note that the land is currently on the edge of FZ2 land to the east and south.	
Intensive Agriculture -20ha	FZ2- 40ha	Concerned about impact on success of an application to subdivide or realign boundaries. Opposes arbitrary division of the FZ into 3 categories. Suggests leaving the FZ as a single zone and waiting on the effect of Amendment C93 before making such changes, with applications considered on their merits. Council advised that the land lies to the south of the Tatura township, is not on the Tatura Framework Plan under C93, and is outside the area considered under the GSHS and C93 for potential residential or rural living growth.	
FZ – 40ha	FZ1 – 100ha/250ha	Considers the land is a viable parcel for farming and is therefore ideal for the development of a dwelling. The land is surrounded by other dwellings. 40ha would be a more appropriate lot size for a dwelling.	
			No justification was provided for an alternative FZ3 or other zone being applied to this property/locality beyond that there are other similarly sized lots in the area and that it would facilitate the construction of a dwelling. The Panel has suggested that the distinction between FZ1 and FZ2 should be removed. We have recommended 25 ha as the permit trigger

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			for horticulture areas and 70 ha for other irrigated areas as the thresholds for as of right housing development in irrigated areas. Irrespective of the lot size at which a permit is required for a house, the merits of a proposal to build a house (on an existing lot) can be considered on its merits.
Z – 40ha	FZ2 – 100ha/250ha	There are many lots in separate titles less than the proposed minimum lot size that are unlikely to be consolidated into larger holdings. The Amendment will devalue such lots. If dwellings are as of right lots are more highly valued and will contribute to the rate revenue of the Shire.	The submission makes only general arguments. No specific justification is provided as to why the specific property should be in a different zone.
Z – 40ha	FZ2 – 100ha	Wishes to discuss purchase of neighbouring property and selling part of the existing farm to rationalise overall farming operation.	Council urged discussion with the Councils' Statutory Planning Team. The Panel encourages these discussions taking place.
Z – 40ha	FZ1 – 100ha/250ha	The Phyland's overall holdings consist of 7 titles, ranging from 20 ha to 72 acres (300 ha in total). The property has a 1,200 meg water right and is an active dairy farm. There are 2 houses presently on the farm and Mr Phyland seeks approval to construct a third. He is concerned Amendment C69 may prevent him from obtaining a permit.	For irrigated land the exhibited minimum lot size for an as of right house was 100 ha in the FZ1. The Panel has recommended, subject to further expert advice, 25 ha as the permit trigger for horticulture areas and 70 ha for other irrigated areas as the thresholds for as of right housing development in irrigated areas. Irrespective of the lot size at which a permit is required for a house, the merits of a proposal to build a house (on an existing lot) can be considered on its merits.
Z – 40 ha	FZ1 – 250 ha	The submitter owns a 40 ha block and seeks to construct a dwelling in the future.	
Z – 40ha	FZ1 250 ha	Want to be able to subdivide land in line with the old Yarrawonga Shire Planning Scheme. Council notes that the submitter does not suggest an alternative zone and that dwellings are possible if reasonably required for an agricultural use.	
Z – 40ha	FZ2 – 100ha/250ha	Objects to Amendment C69. The proposed lot size minima restrict the sale of two lots that are suitable for rural living developments. Land is in relatively close proximity to Kyabram.	These submissions illustrates the type of transition to a quasi rural residential use over time which puts at risk the ongoing use of productive agricultural land. That said, the Panel has recommended 25 ha as the permit trigger for horticulture areas and 70 ha for other irrigated areas as the thresholds for as of right

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			housing development in irrigated areas. Irrespective of the lot size at which a permit is required for a house, the merits of a proposal to build a house (on an existing lot) can be considered on its merits.
FZ – 40 ha	FZ1 – 250 ha	<p>Submitter wants clarification as to whether he can build a new home and shed as opposed to renovating the existing old house. The submitter is not asking for to increase current subdivisions but retaining the ability to develop existing subdivisions.</p> <p>Council says that the settlement of Youanmite is affected by a Restructure overlay which is to identify old and inappropriate subdivisions to be restructured. Council holds that there is no strategic justification for small lots in Youanmite.</p>	<p>The Panel inspected the locality and does not consider Youanmite currently functions as an active township - the lots are largely vacant and it sits in an area of otherwise open farmland. The Panel does not consider resources should be directed to Youanmite to re-establish a township.</p> <p>The Panel notes that as Restructure Overlay already applies to the land and agrees with the Council that the FZ is the appropriate zone.</p>
Broadacre Farming - 80ha	FZ2 with a 40/160 ha	<p>The Fords are Ms Hosie's parents. At the Hearing we were advised that the Fords have progressively sold blocks over the years. They have sold the family home on the farm but still own 4 lots (a 40+ ha lot with irrigation is on the market). Their son-in-law has sown oats on the property. The Fords gave each of their three daughters a block, one of whom built a house and lived in it for several years; another daughter sold her block within a few months. Ms Hosie had a permit for a house but it has lapsed as she did not have the resources to develop it. She saw the block as 'a back up for retirement'. These submitters seek an FZ3 as the lots are not large enough for commercial farming, consolidation is unlikely, niche farming could occur on 5 or 10 ha lots and the additional residents would support Katandra West, which is approximately 3 km away.</p> <p>Council responded that opportunities for rural residential development have been identified in Amendment C93 in Katandra West rather than this location.</p>	<p>These submissions illustrate the type of transition to rural residential use over an extended period which then puts ongoing agricultural use of productive land at risk. We do not agree that there is no potential for consolidation of the Ford land. However, the properties in the vicinity of the south west corner of Rifle Butts Road and Fords Road could be a candidate for an FZ3 as a means of recognising the nature of existing development while maintaining the primary purpose of the land as agriculture. The practical implications would be limited however as a permit for housing would continue to be required and the level of existing fragmentation means that further subdivision is unlikely to be supported. We consider providing for rural residential opportunities associated with Katandra West, as planned, is preferable to reinforcing the role of more remote enclaves of this form of housing.</p>

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Intensive Agriculture - 20ha	FZ2 40 ha	<p>The land is part of the Scali family farming enterprise. It is currently used as an orchard, as well as a cool store and packing shed. At the Hearing Mr Scali highlighted the responses they are making to changing conditions in the fruit growing sector. He also highlighted circumstances, such as bank and government support being dependant on a title with a housing opportunity, which are significant in succession planning to facilitate his son continuing to work on farm. It was noted that they were optimistic that an application to realign the existing title boundaries to provide for independent operation of coolstore packing shed component of the business would succeed.</p> <p>The submitter suggests the FZ3 be applied:</p> <ul style="list-style-type: none"> ▪ To provide greater more flexibility to meet particular circumstances. ▪ In recognition that the high number of surrounding properties with different land owners makes future consolidation of lots unlikely. 	<p>We do not consider an FZ3 has been justified for this land which is and has a future to be actively farmed on a commercial basis.</p> <p>Council acknowledged at the Hearing that the Scali's are a legitimate case relating to succession in an active farm business and we agree. Mr Pridgeon noted the S173 under the Act may provide a mechanism to avoid outcomes that are undesirable from a planning perspective.</p> <p>Our recommendations relating to the categorisation of the FZ and alternative provisions relating to lot size provisions for irrigated land are discussed in Chapter 3.9 - 3.11.</p>
Broadacre Farming - 80ha	FZ1- 250 ha (Floodway, Land Subject to Inundation and Bushfire Management Overlays apply)	<p>Mr Wright submitted that his property should be included in FZ3 as the farm (and neighbouring properties) is not appropriate for broad acre farming and a permit has been granted for a dwelling. He argued the property is inappropriately characterised Broadacre farming as rates have been paid as a residential lot, it has irrigation and a water right, there is significant native vegetation</p>	<p>Unfortunately Council's response did not address the specific circumstances of this submission beyond indicating that the FZ3 is proposed on the outskirts of Shepparton (southern side) and Tatura and the RRLUS has not assessed and justified the application of the FZ3 on the subject land or Murchison East area. The Panel notes from aerial photography that the property also adjoins and forms part of riparian corridor vegetation and there is a level of fragmentation in the immediate area.) The Panel has commented that there may be a role for the FZ3 in addition to the locations identified in the RRLUS but we are not in a position to evaluate the circumstances applicable to this area on the basis of available information. In any event a change to a designation of this property as FZ3 may not have significant practical implications for this property as a</p>

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			dwelling has already been approved and constructed on it and the minimum subdivision size proposed under the FZ3 is 40 ha.
Intensive Rural Land - 40ha	FZ1 – 100 ha	Objects to the severe restrictions associated with the FZ1 and the likely reduction in land values and seeks an FZ3.	No justification was provided for an alternative FZ3 being applied to this property/locality beyond as a means to reduce restrictions (in the case of Submission 63) and there are other small lots in the area (in the case of Submission 66). The Panel has suggested that the distinction between FZ1 and FZ2 should be removed. We have recommended 25 ha as the permit trigger for horticulture areas and 70 ha for other irrigated areas as the thresholds for as of right housing development in irrigated areas. Irrespective of the lot size at which a permit is required for a house, the merits of a proposal to build a house (on an existing lot) can be considered on its merits.
Intensive Rural Land - 40ha	FZ1 – 100 ha	The Allens oppose the inclusion of their property in the FZ1 on the basis that it is near a series of small lots that are unlikely to be consolidated. The FZ3 is suggested as an alternative to the FZ1. (The Panel notes it appears that the area continues to be actively farmed and aerial photography and the locality map suggests there has been a house lot excision on this lot and a number of other lots in the area. This is an example of the pressure for further housing where excisions have occurred).	No justification was provided for an alternative FZ3 being applied to this property/locality beyond that there are other similarly sized lots in the area. Regardless of whether water rights have been sold off the Panel does not agree that there is not some scope for future consolidation in the area. The Panel has suggested that the distinction between FZ1 and FZ2 should be removed. We have recommended 25 ha as the permit trigger for horticulture areas and 70 ha for other irrigated areas as the thresholds for as of right housing development in irrigated areas. Irrespective of the lot size at which a permit is required for a house, the merits of a proposal to build a house (on an existing lot) can be considered on its merits.
FZ – 40 ha	FZ1 – 100ha	Objects to the application of the FZ1 and considers that FZ3 would be more appropriate lots sizes in the general area. Believes the areas identified in the schedules should be reviewed. Notes that many farmers around Stanhope have sold their water rights.	No justification was provided for an alternative FZ3 being applied to this property/locality beyond that there are other similarly sized lots in the area. Regardless of whether water rights have been sold off the Panel does not agree that there is not some scope for future consolidation in the area. The Panel has suggested that the distinction between FZ1 and FZ2 should be removed. We have recommended 25 ha as the permit trigger for horticulture areas and 70 ha for other irrigated areas as the thresholds for as of right housing development in irrigated areas. Irrespective of the lot size at which a permit is required for a house, the merits of a proposal to build a house (on an existing lot) can be considered on its merits.
FZ – 40ha	FZ1 – 100ha	The submitters subdivided the land into 40ha parcels about 6 years ago to enable the sale of the land with a right to a dwelling for rural lifestyle purposes. Submitter argues the size of a farm does not dictate its productive use. Water is available to each lot.	The land is located south of Echuca in an area where fragmented parcels of land give way to larger farms. The Panel agrees with Council that the FZ1 is an appropriate zone in the area around the Kneebone property given the areas attributes and characteristics.

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		Suggests FZ3 would be a more appropriate zone.	However the Panel acknowledges the timing of the subdivision of the Kneebone property (approximately 6 years ago) and notes the Kneebones acted in good faith when they subdivided the property with an intention to sell the individual lots (which at 40ha or more each would be entitled to a dwelling without the need for a permit). While the Panel is not suggesting an alternative zone for the Kneebone property, it encourages Council to consider the circumstances in dealing with future permit applications.
Z (100ha)	FZ1 – 100ha/250ha	Submitter has been unable to gain a permit for a dwelling. Presently uses the property for the purposes of a calf rearing business. Seeks the FZ3 which Ms Munro argues better suits the area which is fragmented. Notes there are other dwellings in the area on similar sized lots. Ms Munro illustrated her farming and animal husbandry credentials at the Hearing.	The Panel has suggested that the distinction between FZ1 and FZ2 should be removed. We have recommended 25 ha as the permit trigger for horticulture areas and 70 ha for other irrigated areas as the thresholds for as of right housing development in irrigated areas. Irrespective of the lot size at which a permit is required for a house, the merits of a proposal to build a house (on an existing lot) can be considered on its merits.
Z – 40ha	FZ1 – 100ha	Submitter notes that land abuts rural residential development. It is presently used for agistment and is not regarded as a viable agricultural property by its owner. The property had frontage to and view of Waranga Basin. The submitter believes the FZ3 would be a more appropriate zone.	No justification was provided for an alternative FZ3 being applied to this property/locality beyond that there are other small lots in the area, FZ3 better suits the area and that there is a lack of FZ3 land in the Rushworth area (Submission 23). Having said that, the Panel believes that there may be potential for site specific opportunities on the shores of Waranga Basin (perhaps in the Rural Activity Zone) but that any consideration of such future opportunities should be considered on their merit.
Z – 40ha	FZ1 – 100ha/250ha	Objects to Amendment C69 and seeks an FZ3 zoning. Argues that prevailing practices around Waranga Basin are more in keeping with an FZ3. Believes the FZ3 would also support potential tourism development.	
Z – 40ha	FZ1 – 100ha/250ha	The submitter seeks an FZ zone. He would like to sell off the larger parcel of land and retain the three smaller lots to continue niche farming operation.	No justification was provided for an alternative FZ3 being applied to this property/locality beyond as a means to reduce restrictions. The Panel notes that Amendment C69 will not introduce an impediment to selling the larger parcel(s) of land and continuing a niche farming operation on the smaller lots.

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			Irrespective of the lot size at which a permit is required for a house, the merits of a proposal to build a house (on an existing lot) can be considered on its merits.
FZ – 20 ha	FZ1 – 250 ha	The owner sought FZ3 as more suitable to future uses.	The lot abuts the eastern boundary of the township of Numurkah. The Panel notes the land is largely affected by the Rural Floodway Overlay and the remainder is subject to the LSIO. Justification has not been provided for an alternative zoning. Any application could be considered on its merits.
Intensive Rural Land - 40ha	FZ3 – 40 ha (default)	<p>The submission argues landholders should have greater freedom in how they use and develop their land. It was submitted that the FZ3 will not resolve planning issues in the locality and bottom up community based master planning for the area between Union and Mitchell Roads is required. Extension of the Rural Living Zone to the north was sought to reflect the current situation. Mr Hamilton tabled a map illustrating the extent of housing in the locality (200 + houses north of Union Road) and submitted that only 2 active farms remain. He questioned the viability of farming, citing a single farmer who leases parcels totalling approximately 300 acres for less than the rates charged on the land. He also cited high lot prices relative to other regional centres due to constrained land supply.</p> <p>Mr Hamilton expressed concern about the lack of certainty under the FZ3, with the meaning of the many undefined terms used being unclear.</p> <p>The rating implications of speculative land sales under 'ponsie scheme' were a central concern in the submission (See Chapter 1.8.2).</p> <p>Council responded that the land is rural and is used for rural production, therefore meeting the objectives of the FZ. No overall change in</p>	<p>A change to the zoning of the land to facilitate rural residential development has not been justified. While a community led planning process for the area could be pursued by landholders, such an exercise would be in the context that the supply of land for rural living was addressed through the GSHS / C93 processes which provided ample land for the purpose.</p> <p>It is difficult to afford protection to people from speculative schemes that are promoted for development that is contrary to the planning framework in the planning scheme.</p>

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		subdivision and housing controls for the land is proposed in Amendment C121.	
	FZ3 – 40 ha (default)	<p>It was submitted that the three FZs are unnecessary and the FZ3 will promote case by case assessment of non-farming proposals without clearly definition of allowable uses. He opposes any change to the current zoning; the council should have been enforcing the policies that were already in place, rather than allowing the urbanisation of what was an area from intensive farming– amending the planning scheme will not fix anything.</p> <p>Suggests that the allowance of residential development, industrial uses and land speculation associated with a 'ponsie scheme' in the past have led to increased values of farming land to the south of Shepparton, putting pressures on farmers to pay higher rates or sell to developers (see Chapter 1.8.2).</p>	<p>The FZ3 has been applied to the southern outskirts of Shepparton in recognition of the fragmentation of land, existing niche farming businesses, and the mix of uses (particularly along the highway). We endorse the FZ3 as one option that maintains the pre-eminent role of agriculture while accommodating smaller scale farming options or rural industry permitted in the FZ. The Panel recognises that the effectiveness of zoning is dependant on the effectiveness of implementation but that is a matter for Council as the Responsible Authority, rather than the Panel.</p> <p>The Panel also raises the possibility of investigating the merits of applying the RAZ in this area but a separate Amendment would be required.</p>
Intensive Agriculture - 20ha	FZ2 40 ha	<p>The submission seeks the FZ3 with the idea to seek a future re-zoning to low density residential. It was submitted that the properties listed, and those south, to the Broken River, and north, to Poplar Avenue, are all small (less than 20ha) and are unlikely to be consolidated as there are many different land owners. Mr Scali advised that the land is opposite a low density residential estate and the Orrvale Primary School which already causes complaints regarding spraying the current fruit trees on the properties. He bought the 20+ha parcel not long ago but has struck problems spraying. The fruit trees are 15-20 years old, he has removed 15-20 acres pears and does not plan to replant in this location.</p>	<p>We do not support the adoption of an FZ3 in order to establish a more favourable context for a future submission for rezoning to rural residential development. A need to provide additional land for that purpose has not been established.</p> <p>We note in relation to the Orrvale submission (GS18) that:</p> <ul style="list-style-type: none"> ▪ The C93 Panel responded to submissions seeking rural residential opportunities in this locality that the Rural Strategy may address rural residential options. ▪ This land is within the influence of Shepparton and this can influence expectations about development opportunities and, consequently, property values and decisions to invest in farming. It is a role of the planning framework to manage use and development expectations. ▪ There is rural residential development and a
Intensive Rural Land - 40ha	FZ2 40 ha	<p>The submitter sought FZ3 with future consideration to Low Density Residential or Rural Living. The land is an old subdivision with 3-4ha lots and it was suggested that consolidation in the future is unlikely</p>	

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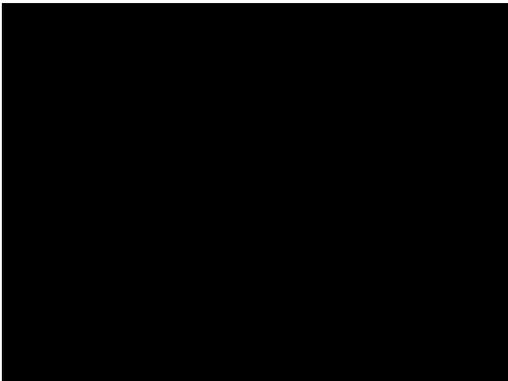
		as most lots are individually owned and many contain dwellings.	<p>school to the south, plus small lots through the area, the area is also suited to and used for fruit growing.</p> <ul style="list-style-type: none"> ▪ Commercial orchards remain in the area and provision for further rural residential development would shift rather than resolve issues relating to the management of interfaces between land uses. <p>In relation to the Toolamba West submission (GS64), Amendment C93 provides substantial opportunities in the Toolamba township area. It appears to the Panel that most of the lots do not have houses constructed on them and we cannot comment on the potential for consolidation as we are not aware of the ownership of the lots that do not have houses. If the ownership of vacant lots is highly fragmented, specific consideration of options for this land would be necessary and could include a restructure overlay or an alternative zoning.</p>
Intensive Agriculture - 20ha	FZ2 40 ha	It was submitted that the land in the area is in small parcels (less than 20ha) and consolidation into commercial farms is unlikely. An FZ3 was sought as the area is ideal for niche farming as the soil types are good and they have an adequate water supply.	<p>It is apparent that there is significant fragmentation of holdings in the locality and the area land is within the influence of Shepparton and this can influence expectations about development opportunities and, consequently, property values and decisions to invest in farming. It is a role of the planning framework to manage use and development expectations.</p> <p>Alternative lot size provisions that recognise the productivity of irrigated land are recommended. Applications for houses associated with niche farming can be evaluated via the permit process where the lot size is below the recommended permit trigger.</p>
Intensive Agriculture - 20ha	FZ2 40 ha	The submitter suggests the FZ3 should apply to a precinct bounded by the Midland Highway, Elliot Road, properties fronting Euroa-Shepparton Road and the river. The precinct comprises 28 lots with 24 dwellings. A change in the current land tenure	Unfortunately Council's written response to the submission did not provide any consideration of the specific issues raised, beyond commenting that they were outside the areas to the south of Shepparton that the RRLUS identified for FZ3. Mr Calms noted

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		<p>and use pattern is not advocated. The FZ is proposed to recognise that the precinct is in the ideal location for intensive niche or boutique agribusiness with convenient access to markets and seasonal labour. All of the lots contain farming infrastructure, productive soils and access to irrigation ensuring that agricultural production will remain dominant, on a small scale.</p> <p>The submission raises significant issues relating to the current view on major upgrading of irrigation infrastructure in the Shepparton East area which are discussed in Chapter 3.10.</p>	<p>at the Hearing that the established horse related uses in the Tallygaroopna precinct would be accommodated by the FZ.</p> <p>The uses described in Shepparton East precinct referred to in GS46 appear consistent with what would be expected in an intensive agriculture area and the category of FZ adopted does not affect the range of uses that as of right or can be considered via the permit process.</p> <p>The Tallygaroopna submissions in particular illustrate the effect of past excisions and subdivision for non-agricultural purposes. The fragmentation of the area to the south of Trewins Road appears to have sealed its fate and recognition through the application of the FZ3 is an option. We are less convinced that the 'horse has bolted in relation to land to the north of Trewins Road.</p> <p>The Panel recognises that designation within an FZ3 may reinforce policy to facilitate boutique agriculture, particularly in areas that are currently fragmented. We consider this can be achieved through policy text. This would extend the principles to areas elsewhere in the FZ that are not delineated on maps where the level of fragmentation and the small size of lots is likely to mean that the promotion of boutique farming (as distinct from consolidation) is likely to be a realistic strategy. The permit process provides the mechanism for judgment about applications in these areas.</p> <p>The changes to exhibited lot sizes recommended by the Panel mean that inclusion of land referred to in the submission in the FZ3 may have few practical implications.</p>
Intensive Rural Land - 40ha	FZ2 40.	<p>A letter of support for FZ3 from 25 other properties in Edwards Road, Trewins Road, Thompsons Road and Katamatite- Shepparton Road was attached to the submission.</p> <p>The submitter suggests the FZ3 should apply to a precinct on block to the south of Tallygaroopna township bounded by the Goulburn Valley Highway, Trewins Road, Thompsons Road and Katamatite-Shepparton Road. The precinct comprises 41 lots with 31 dwellings. 15 of these lots are <1ha 15 lots are 5-20ha 6 lots are 20-40ha and 2 lots are > 50 ha. We were advised at the Hearing there is a mix of rural living and housing to support 'niche farming'. On the lots.</p> <p>A change in the current land tenure and use pattern is not advocated. The FZ is proposed to recognise that the precinct is in the ideal location for intensive niche or boutique agribusiness with convenient access to markets and seasonal labour. All of the lots contain farming infrastructure, productive soils and access to irrigation ensuring that agricultural production will remain dominant, on a small scale.</p> <p>At the Hearing the Louse's advised there is mix of rural living and 'niche housing' in the houses on the lots. They have lived in the area for 22 years and have 4 parcels comprising approximately 200 ha.</p>	

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		<p>Their concern relates to gaining approval for dwellings rather than subdivision. They have invested in infrastructure (water wheels, power to each lock, community drain) but their properties will be devalued as people do not want to buy blocks if they cannot get a planning permit for a house. Mr Maddison also advised that he excised off lots 8-2 years ago.</p>	
Intensive Rural Land - 40ha	FZ2 40.	<p>In 2007 Council approved subdivision of the land to form smaller lots for intensive agriculture with dwellings. A house that was excised with 11 acres is on the market but has not sold yet; two 20ha lots would have been entitled to as of right dwelling; of the smaller lots 1 has a house and 2 x 4 ha lots were subdivided 80 years ago</p> <p>A whole farm plan has been registered, GMW processes to attach water rights to each parcel are being negotiated (but this is challenging given the NVIRP process) and there has been investment in improvements to irrigation infrastructure.</p> <p>The FZ3 is sought as Amendment C121 will not allow for dwellings to be built on these lots.</p>	<p>While the submitters' properties have been fragmented, the characteristics of the locality were not addressed.</p> <p>The submissions do not present an argument for a niche FZ. A permit can be sought for houses on existing lots and the circumstances/merits that apply can be considered through that process.</p> <p>The changes to exhibited lot sizes recommended by the Panel mean that inclusion of land referred to in the submissions in the FZ3 may have few practical implications.</p>
Intensive Rural Land - 40ha	FZ2 40.	<p>The submitter expresses concern houses will not be able to be built on 20ha lots (subdivided in 1999, registered in 2007) under the proposed FZ2. It was submitted that land's size and location makes future consolidation for agricultural is unlikely and principles of fairness should allow the development of houses on existing small lots. At the Hearing the Grants submitted that:</p> <ul style="list-style-type: none"> ▪ While the property is on the backbone channel, water costs are increasing and more than 100 ha is needed to be viable as either dairy or cropping. ▪ Use as out paddock limited because due to the loss of dairy farms in immediate area. ▪ The 3 x 50 acre lots are more viable for 	



		<p>boutique agriculture. The area is already committed to small lots with housing (they only back onto one full-sized farm) but people are not interested in buying their blocks if they cannot gain a permit for a house.</p> <p>Either an FZ3 or reversion to former provisions with some adjustment to protect the 'right to farm' if necessary was sought.</p>	
<p><i>sed in Chapter 3.6</i></p>			

4. The Rural Activity Zone

4.1 What is Proposed?

The Rural Activity Zone (RAZ) is not currently used in any of the three municipalities and is proposed for several locations in Campaspe and Moira Shires adjacent to, or in close proximity to the Murray River. The issue is whether the proposed zoning is justified in a strategic sense and whether the zone might have been applied in other areas within the three municipalities.

The Councils provided an overview of the basis for the introduction of the RAZ in Campaspe and Moira. The stated purposes of the RAZ are set out in the Victoria Planning Provisions. They include:

- To provide for the use of the land for agriculture.
- To provide for other uses and development, in appropriate locations, which are compatible with agriculture and the environmental and landscape characteristics of the area.

The Amendment proposes to articulate RAZ Policy in the Moira and Campaspe planning schemes. For the purposes of assessing the proposed policy the Panel has reviewed the policy proposed at Clause 22.05 of the Campaspe planning scheme.

Both the Schedule to the RAZ and the Clause 22 policies refer to the RRLUS and articulate the following purposes/objectives:

- *To promote and encourage a diverse range of agricultural activities, which do not rely upon large holdings.*
- *To promote and encourage tourism use and development that is compatible with agricultural production and the environmental attributes of the area.*
- *To discourage uses which can be reasonably accommodated in an urban zone.*
- *To protect the rural character of the Shire by minimising the visual intrusion of new buildings on the natural landscape particularly from highways and the Murray river.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of the land for agriculture.*

Post-Hearing revisions circulated by the Councils proposed the changes to the policy objectives removed the duplication of the purposes of the RAZ schedule. The following new objectives were proposed:

- *To ensure that land is retained in parcels suitable for agriculture.*
- *To avoid the proliferation of housing on small lots.*
- *Encourage tourism uses directly related to primary production.*
- *To encourage tourism uses that will not introduce conflict with agriculture.*
- *To ensure that the siting of dwellings and other developments does not detract from the rural landscape and avoids environmental risks.*
- *To prevent ribbon development along major highways and access roads to towns.*
- *To avoid compromising efficiency gains from modernisation of irrigation infrastructure.*
- *To protect environmental values.*

The purpose of the zone/policy objectives provide for agricultural and compatible (tourism) uses and stress that the zone does not seek to provide for rural residential outcomes. All new dwellings in the RAZ will require a permit.

The proposed policy will encourage the following uses in the RAZ:

- Agriculture;
- Tourist and recreational facilities;
- Group accommodation associated with tourist or recreational activities (including backpacker accommodation, camping and caravan park, cabins, residential motel etc); and
- Restaurant (but only in association with a tourist/recreational activities).

The policy explicitly discourages the following uses which are discretionary in the RAZ: 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.

The proposed policy provides decision guidelines stating that all applications for use and development should be:

- *Of modest scale, that is relevant to the land size, surrounding uses and the ability to blend in with the landscape.*
- *Subservient to the landscape so as not to detract from the quality of the landscape.*

- *Capable of net gain environmental outcomes.*
- *Self sufficient in the provision of relevant infrastructure and associated development costs.*

Post-Hearing Revisions

Post-Hearing revisions circulated by the Councils proposed the following additional decision guidelines (in addition to the decision guidelines in the zone):

- *The relationship between the proposed dwelling and the agricultural activity on the land.*
- *Evidence, including a Whole Farm 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.*

The Panel considers the planning framework proposed, with the post-hearing revisions establishes a sound planning framework to accommodate small scale tourism proposals in an area of established appeal for tourism related uses.

However, we note the proposed policy in relation to dwellings, states that *'Dwellings not associated or required for the agricultural use of the land are strongly discouraged'*. Given the nature of the activities to be encouraged in the RAZ and the potential for tourism proposals on lots without agricultural potential, this may be too restrictive. We recognise the risk of minimal tourism activity being used as a means to secure a house permit without a real intention to operate a tourism activity. Nevertheless, the Panel considers there may be a very specific need for a dwelling (or dwellings) to support tourist and recreational activity and particularly group accommodation, camping and the like. Given the purpose of the zone, we consider it is reasonable to

provide for dwellings required to support the tourism related use of the land. The policy can be amended to achieve this by adding the words '*or tourism*' after '*agricultural*'.

4.2 Analysis Underpinning the Rural Activity Zone

Following adoption of the RRLUS, Campaspe and Moira Shires engaged consultants, RMCG, to provide an Implementation Report (August 2010) to examine specific issues relating to the implementation of the RRLUS. One of the areas the Implementation Report provided additional direction on was the application of the RAZ within the two municipalities.

The Implementation Report found that there was strong support for rural-based tourism and developed some specific criteria or land attributes that should be used to identify land suitable for application of the RAZ. The criteria included (Implementation Report, page 4):

- *Proximity to existing townships;*
- *Accessibility to New South Wales Townships;*
- *Proximity to the Murray River;*
- *Proximity to National and State Reserves;*
- *Current planning controls and settlement strategies;*
- *Proximity to NVIRP backbone;*
- *Agricultural quality; and*
- *Existing settlement pattern (lot sizes).*

Based on these criteria the RAZ was recommended for application to areas:

- *West of Echuca;*
- *East and West of Yarrawonga;*
- *East of Cobram.*

A number of submissions sought a broader application of the RAZ generally in the following areas:

- Expansion of the proposed RAZ west of Echuca as far as the Torrumbarry township;
- Additional land between Yarrawonga and Bundalong;
- Land to the south of the Shepparton urban area;
- Land in close proximity to Waranga Basin and near to Rushworth;
- Various locations at and around Ulupna Island and along the Murray River in Moira.

Following exhibition and a review of submissions, Campaspe Shire Council determined to expand the area west of Echuca proposed to be in the RAZ as far as Torrumbarry township. The Councils did not support the application of the RAZ in other areas as it did not consider there was sufficient strategic justification.

Discussion

In questions and discussion the Panel sought to better understand the basis for the application of the RAZ and the development of the criteria. The Panel agrees that the specific criteria developed to assist in the identification of areas as suitable for an RAZ provide a sound basis for evaluation. The Murray River represents a major tourism destination and provides an obvious focus for a zone intended to facilitate tourism development. In time, the Councils may seek to refine the criteria to establish a broader set of criteria that do not, for example, limit the application of the RAZ exclusively to areas adjacent to the Murray River but the Panel believes that, as a starting point for the application of a new zone in the municipalities, the policy basis and evaluation criteria represent a good start.

The Panel notes the post-exhibition extension of the RAZ towards Torrumbarry and supports this modification. On the basis of submissions and inspections, there is little doubt the Torrumbarry area is a major tourist destination with further potential for the kind of development the RAZ seeks to facilitate.

4.3 The Rural Activity Zone Issues

The remaining questions for the Panel are:

- Where the RAZ is proposed, is it applied correctly?
- How should submissions that request the application of a RAZ in other discrete areas be dealt with?

In broad terms, the Panel believes the proposed RAZ has been appropriately applied.

In the Torrumbarry area, the Panel notes that Council's proposed extension is based on the inclusion of specific title boundaries adjacent to the Murray River, rather than simply incorporating all land north of the Murray Valley Highway as it has done elsewhere. The Panel does not take issue with this, except for Submission C37 which, based on an existing tourism based business, the Panel recommends for inclusion. The Panel formed the view that other land in the Torrumbarry area south of the proposed RAZ and

north of the Murray Valley Highway did not generally fit the developed criteria and that any further changes should await a later review.

Some submissions promoted other parts of the municipalities including in Greater Shepparton where no RAZ is proposed as part of Amendment C121.

A number of submissions promoted the application of the RAZ at 'Waranga Shores', the environs of Rushworth, in Moira adjacent to the Murray River, south of Shepparton and elsewhere.

The Panel undertook inspections in these areas and considered the potential for the development of the kind contemplated in the RAZ. In a number of cases the Panel formed the view that while, in time, there may be potential for site specific activities, the identification of broader areas for rezoning to the RAZ requires additional strategic analysis and consideration.

The location that presented the Panel with the most difficulty was the area south of the Shepparton urban area, where the Panel observed a somewhat eclectic mix of uses including tourism/business based activities such as the 'Olivehouse' (restaurant and sales). Given the fragmentation of land and complex set of issues to the south of Shepparton (see Chapter 3.6) the Panel believes further strategic planning should be carried out to determine the future of this area.

Similarly, while the Panel believes there may be other areas that may be appropriate locations for the RAZ in the future such areas should be considered as part of a future review process or, should a submitter wish to pursue it, as part of a proponent-led process.

In short, the Panel believes the RAZ as proposed represents a good 'first go' at what will be a new zone in both Campaspe and Moira.

Recommendations

Adopt the post-exhibition extension of the RAZ towards the Torrumbarry township as supported by Campaspe Shire Council at the Hearing but with the addition of 165 Young Road, Torrumbarry (the subject of Submission C37).

Change policy relating to the Rural Activity Zone to indicate that *'Dwellings not associated or required for the agricultural or tourism use of the land are strongly discouraged'*.

4.4 Consideration of Rural Activity Zone Submissions

Submission No & Name	Property address and size	Pre- Interim (Min subdivision Lot size/ House permit trigger)	Exhibited Zone (Min subdivision Lot size/ House permit trigger)	Issues Raised	Panel Response
<i>re addressed in Chapter 3.6</i>					
		N/A	N/A	<p>Submission argues that the area of land proposed to be in the RAZ should be extended as far west as Torrumbarry Weir Road in order to recognise existing tourism operations and encourage new investment. He argues farming in this area is already compromised.</p> <p>During questions from the Panel discussion turned to the use of Mr Candy's property, which is adjoins the RAZ. Mr Candy noted that he holds a licence to operate a camel riding business, a venture he argued was the kind of tourism based business that might have qualified his property (in close proximity to the Murray River) for the RAZ. Council noted it was not aware of Mr Candy's business when it identified properties as either within or outside the RAZ.</p>	<p>The Panel notes that Council has already proposed an extension to the RAZ in the Torrumbarry area which will incorporate some of the areas relevant to these submissions. With regard to Submission C50, the Panel understands that the Callaway property would be in the extended RAZ supported by Council. The Panel notes however a permit is required for a dwelling in the RAZ and any application will still have to be assessed on its merits.</p> <p>In the case of Submission C37 the Panel believes the Candy property meets the general criteria for the RAZ and should be included in the RAZ as it:</p>
		N/A	N/A	<p>Submission seeks an expansion of the RAZ from Young Road to Bail Road in Torrumbarry incorporating all land north of the Murray Valley Highway. This would assist landowners to preserve farming on their land while investigating tourist based opportunities.</p>	<ul style="list-style-type: none"> ▪ Is adjacent to the proposed RAZ area; ▪ Is an established tourism operation; and ▪ Has a direct frontage to the river. <p>With regard to submission C55, the Panel understands that the proposed additional RAZ area does not include Mr White's land.</p>
		N/A	N/A	<p>The submitters are the proprietors of the Torrumbarry Hotel/Motel. They believe the RRLUS will be detrimental to farmers; the area between the Murray Valley Highway and Murray River offers distinct opportunities for rural residential and lifestyle development; and the RAZ should be extended beyond Fraser Road.</p>	<p>The Panel believes other parcels of land within the general area may be suitable for an RAZ zoning but that such land must be considered on its merits after testing of the effectiveness of the initial RAZ zoning.</p>
		N/A	N/A	<p>Submits that the RAZ should be extended from Fraser Road to include Torrumbarry and Patho areas.</p>	

CAMPASPE PLANNING SCHEME AMENDMENT C69
 GREATER SHEPPARTON PLANNING SCHEME AMENDMENT C121
 MOIRA PLANNING SCHEME AMENDMENT C51
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FZ – 100ha	FZ2 – 100ha/250ha	Argues that area offers excellent recreational development opportunities. Around Torrumbarry there are very few farms of over 100ha. The RAZ should be extended to include Torrumbarry are to Patho School Road.	
N/A	N/A	Some concerns with Amendment 69 and is seeking extension of the RAZ to include Torrumbarry.	
FZ – 40ha	FZ2 – 100ha/250ha	Submits that property too small to farm but too big to manage properly. Area is too regulated from a planning perspective. The RRLUS is a flawed document. The area is not properly managed by DSE. The RAZ should be extended to include all land north of the Murray Valley Highway as far as Torrumbarry Weir.	
FZ – 100ha	FZ2 – 100ha/250ha	Argues the RAZ be extended north of the Murray Valley Highway as far as Torrumbarry Weir Road. Notes there are numerous houses within a 2 kilometre radius of the property, none of whom derive an income from farming alone.	
	FZ3 – 40 ha (default)	Raised issues relating to the proposed changes to the FZ.	The Panel raises the possibility of investigating the merits of applying the RAZ in this area to manage the mix of non-farming uses (particularly in the vicinity the Goulburn Valley Highway) but a strategic assessment and a separate Amendment would be required.
Special Use Zone (SUZ4)		The submission, which predated the adoption of Amendment C93, suggests reclassifying the land, and neighbouring properties, to RAZ or even Special Use Zone due to the location of the harness and greyhound tracks.	A planning framework that recognises the need to investigate the issues raised in these submissions is proposed in the adopted Amendment C93. The RAZ could be one option considered in those investigations. In the meantime, the Panel agrees with Council that the FZ3 is an appropriate 'holding' zone.
Intensive Rural Land - 40ha	FZ3 – 40ha (default)	The submission sought the application of the Rural Activity Zone to allow a mix of small scale farming activities with rural living, tourist development, recreation, caravan parks, conference centres, schools, churches, hotels/motels and rural industries to capitalise on opportunities associated with the Harness/Greyhound Racing Club complex. Council advised that in adopting Amendment C93 Investigation Area 1 (Kialla Paceway and Shepparton	

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		Greyhound Racing environs) was extended to all land lying east of the Goulburn Valley Highway, south of River Road, west of Archer Road and north of Mitchell Road. The extension of this area was recommended by the C93 panel. When fully investigated, site conditions and future land use and development potential will be fully determined.	
- 40 ha	FZ – 100 ha/250 ha	<p>The submitter noted that much of Ulupna Island has already been subdivided into smaller lots and that his farming operation is the only one left on the 'island.' It was argued:</p> <ul style="list-style-type: none"> • the proposed minimum lot size provisions are not practical. • land values (and therefore rates) are inflated based on the prominence of lifestyle lots in the area. • the site has high tourism values and RAZ should be considered. • the RRLUS should be shelved until the Murray Darling Basin Plan is resolved. <p>Council recommended no change but suggested the RAZ is supported in principle in accordance with the RRLUS and Implementation Report.</p> <p>During the Hearing Mr Hay noted that dialogue between Ms Macey (Planner) on his behalf and the Goulburn Broken CBA suggested there was some doubt about the accuracy of the Rural Floodway Overlay which covers much of Mr Hay's land. The Panel requested clarification from Council and was later advised that the GBCMA had confirmed that the flood mapping is reasonably sound.</p>	<p>The Panel does not necessarily disagree with Council or with the submitter that Ulupna Island, or parts of it may represent an appropriate location for the RAZ. We do note however that the RAZ is not a zone that encourages rural residential development and that all dwellings would require a permit.</p> <p>The Panel does not consider it appropriate to a recommendation the RAZ in the Ulupna Island area at this point of time for the following reasons:</p> <ul style="list-style-type: none"> • The accuracy of flood mapping (currently applied in the form of the Rural Floodway Zone and the Land Subject to Inundation Overlay) has not been resolved; and • The application of the RAZ over such a significant area should be the subject of a more thorough strategic investigation. <p>In reference to the area of land that is the subject of Submission M30, the Panel understands that it is not subject to flooding constraints. Even so, the Panel believes there has not been sufficient strategic justification at this point of time to support what would represent a 'spot' rezoning.</p>
- 40 ha	FZ1 – 250 ha	<p>Because of landscape values, proximity to the Murray River and Strathmerton, the submitter considers part of the Hay land (refer Submission M9) as suitable for rezoning to the RAZ for the purposes of potential tourism and recreational development. The particular site is understood to be largely unconstrained from flooding overlays.</p> <p>The Council broadly supports the application of the RAZ to the subject site.</p>	

CAMPASPE PLANNING SCHEME AMENDMENT C69
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FZ (Cobram Precinct) – 12 ha	RAZ	<p>Owner says zoning not consistent with surrounding environment and lot is too small for regular farming.</p> <p>Council says that submitter has not identified alternative use and that there is strong support in the Implementation Report for rural based tourism. All adjoining land has been identified for application of RAZ.</p>	<p>The existing use is open farmland and the Panel supports the Council position of no change from RAZ.</p>
FZ – 40 ha	FZ1 – 250 ha	<p>Property contains two titles and no dwelling.</p> <p>Submitter believes good opportunity for tourism and believes RAZ would be better for maintaining strong environmental values adjoining the Murray River.</p> <p>The council response is that apart from its close proximity to the Murray River the site does meet the other criteria for inclusion in the RAZ.</p>	<p>The property is in an area of open farmland and the Panel agrees with the Council position of no change to the proposed zoning.</p>

5. Proposed Rural Conservation Zones and Environmental Significance Overlay

5.1 Protection of Environmental Values and Assets

The specific environmental issues raised by the Amendments are:

- Protection and enhancement of the Box Ironbark forests by the proposed application of RCZ around Dookie, Rushworth and west of Murchison;
- Removal of the RCZ along the Campaspe River;
- Protecting the biodiversity values of the Patho Plains;
- The application of an ESO for the Murray River Corridor.

A point of contention is whether the RCZ is the appropriate planning tool to protect the environmental values of each area.

5.2 The Analysis of Environmental Values and Assets

The RRLUS provided a sound overview of the environmental issues in the Region.

The RRLUS describes remnant vegetation in the Region as follows:

Most of the region has been heavily modified for settlement and agriculture, and as a result minimal native vegetation remains. Significant remnant vegetation has been preserved along roadsides and along adjacent riparian areas. Policy dictates that these should be preserved.

In addition to areas of remnant vegetation on public land, pockets of remnant vegetation exist on private land (Appendix E – Map 4, 5 & 6).

The vegetation communities on the Victorian Northern Plains have been severely degraded since European settlement and now only small remnant areas remain. As a result, all vegetation communities on the Northern Plains are of considerable conservation significance.

RRLUS mapping⁶⁵ (illustrates remnant vegetation Ecological Vegetation Communities (EVCs) from data supplied by the DSE. This map shows:

- The remnant grasslands in the west of the region around Patho Plains and Gunbower;

⁶⁵ RRLUS Appendix E – Map 4

- The significance of the riverine gassy woodlands or forests along the rivers (including the Barmah Forest which is described as the largest River Red Gum forest in Australia and while mainly on public land extends onto private land where it is poorly represented);
- Box Ironbark Forests around Rushworth and Dookie (the Whroo-Rushworth State Forest is described as part of the largest block of Box Ironbark habitat remaining in Victoria).

RRLUS mapping⁶⁶ emphasises the significance of the remnant vegetation generally in the Region with the vast majority being classified as having the Bioregional Conservation Status of 'Endangered' or 'Vulnerable'.

The RRLUS describes a multi-agency⁶⁷ Biodiversity Action Planning process and priorities⁶⁸ which highlights the significance of the Patho Plains Grasslands (identified as Very High Priority Sites); the riverine environment; Box Ironbark Forests; and Dry Forests.

As a result of this analysis, the RRLUS recommended the application of:

- the RCZ to areas of Box Ironbark around Rushworth, west of Murchison, and Dookie, and Riverine Grassy Woodland and Forest (River Red Gum) west of Cobram; and
- an Environmental Significance Overlay (ESO) over the Northern Grasslands within the Shire of Campaspe.

In terms of significant flora and fauna species, the RRLUS found that the native fauna within the Region is largely associated with the habitat provided by existing tracts of remnant vegetation, waterways and wetlands and concludes that:

The recognition of biodiversity and associated habitat value provided through protecting native vegetation, grasslands and associated riparian areas and wetlands through application of the Rural Conservation Zone and Vegetation Protection Overlays is the key planning tool for biodiversity management.

The Panel understands from the RRLUS that the mapping and analysis of biodiversity values are the result of a partnership between the CMAs, DSE, the Trust for Nature, Parks Victoria and the municipalities. The Panel applauds this collaborative approach but was disappointed at the lack of further explanation of the work at the Hearing.

⁶⁶ RRLUS Map 6 in Appendix E.

⁶⁷ Comprising the CMAs, DSE, Trust for Nature, Local Governments and Parks Victoria.

⁶⁸ Apart from Map 5 in Appendix E, the Panel was not provided with any detail on the Biodiversity Action Planning partnership.

At the Hearing no expert advice was available to further advance the Panel's understanding of issues. There was also a lack of rigorous information provided in response to requests by the Panel for additional analysis of the data and mapping to supplement that provided in the RRLUS and the Implementation Report. This hampered the capacity of the Panel to reach conclusions on the various environmental proposals under the Amendments. It was particularly frustrating to the Panel in regard to interrogating and applying the work done for the Biodiversity Action Planning.

The RRLUS first pass application of the RCZ (Map 7 in Appendix E) in the Shires of Moira and Campaspe was reviewed in the Implementation Report. The recommendations from this review provided the basis for the Campaspe and Moira Amendments and are included in the discussion of specific areas that follows.

5.3 Planning Scheme Mechanisms to Protect Environmental Values

A general issue raised at the Hearing was whether zones or overlays provide the appropriate planning tool to protect environmental values, specifically the use of the RCZ or a combination of overlays.

The RRLUS (P72-73) articulated the following approach to the use of the RCZ versus Overlays:

Where significant values are identified the choice of selecting an appropriate overlay, or the use of the RCZ (perhaps with overlays) should be guided by the following principles:

- *If the identified value can be considered to exist at a landscape scale, the RCZ should be applied*
- *Specific features, habitat areas and flood related landscapes should be subject to an appropriate overlay*
- *In addition to the application of RCZ, it is recommended that the application of a Vegetation*

The RRLUS also identified the need for consistent application of the Vegetation Protection Overlay throughout the Region, at times in addition to the RCZ. The Panel considers use of the RCZ may be appropriate when the biodiversity asset is identifiable at a scale that reflects protection and enhancement of the integrity of ecological vegetation communities, such as a substantial contiguous area of box-ironbark forest. This would usually relate to environmental assets across a number of properties, rather than small areas of isolated remnant or scattered trees. Mapping available from DSE

and the relevant CMA of the EVCs is a sound starting point which then needs to be followed up with ground-truthing.

After establishing that the extent and quality of an area justifies specific environmental planning provisions, the selection of the appropriate planning scheme mechanism will require consideration of distinctive features of zones and overlays. The Panel considers the following characteristics of zones and overlays need to be taken into account:

- Zones, including the RCZ, can manage environmental matters through use and development provisions whereas the overlays do not manage use. The RCZ may be the appropriate mechanism where the environmental issue of concern extend to managing changes in land use through the planning permit process (or exemptions from permit requirements if specified management conditions are met). However, where uses that may be associated with threatening processes enjoy existing use rights, the RCZ may have few advantages over overlays. In these circumstances an overlay or combination of overlays is likely to serve the purpose.
- The RCZ does not specifically require a permit for the removal of vegetation and therefore relies on Clause 52.17 provisions or overlays relating to the protection of vegetation.
- The RCZ may provide a less targeted mechanism than overlays. It is good practice to apply zones to entire properties to avoid an outcome where the provisions of both zones must be satisfied. On the other hand, overlays commonly apply to parts of properties to target areas where environmental values and circumstances warrant consideration or management. This targeted approach can also provide an incentive for development to occur on less environmentally sensitive parts of a property.

5.4 Moira

The RRLUS recommended the application of the RCZ over an area west of Cobram and adjacent to the Murray River, as delineated in the 'First Pass Indicative Rezoning'. The review in the Implementation Report found that this land has been cleared and developed for irrigated and dryland agriculture and its environmental values are substantially modified. It was concluded that the RRLUS did not provide strong justification for the RCZ and this zoning was not be applied to the area in the exhibited Amendment. The area in question is covered by a combination of the flood overlays (RFO and LSIO) and these in turn delineate the area covered by the proposed ESO2. The proposed ESO2, along with the native vegetation provisions, control development to protect the biodiversity values of the area.

The Panel agrees with the Council's view that, given the existing use rights that apply to farming activities, the main issue for the area is not controlling agricultural land use, other than intensive farming. Therefore the application of the proposed ESO2 is the appropriate planning tool, along with the existing planning tools for protecting remnant vegetation, to support control the environmental impact of future development on biodiversity values.

The Panel agrees with the use of the ESO as the appropriate planning tool in this area.

5.5 Greater Shepparton – Proposed Rural Conservation Zone around Dookie

The RRLUS identifies the Dookie Hills as an area zoned FZ where there are significant areas of remnant vegetation that warrant consideration through the application of the RCZ. The RRLUS says:

The extent of these proposed Rural Conservation Zones extend beyond identified values to incorporate a contiguous area incorporating existing private parcels that also contain ecological significant values.

The purpose of the exhibited RCZ for Dookie is:

To allow housing and other development at appropriate intensities while improving vegetation and habitat linkages across the landscape and maintaining scenic values.

Submissions from the Dookie and District Development Forum (GS55) and Tony Moylan (GS67) objected to the application of the RCZ, raising the following grounds:

- The inadequacy of the information supporting the proposed RCZ with specifically:
 - Only one of three mountainous regions (Mount Major) surrounding the township having been included, while excluding Mount Saddleback and Gentle Annie that have areas of fragility that require conservation;
 - The vegetation in the proposed RCZ could not be distinguished from other land in the area; and
 - Crucial areas for conservation within the University of Melbourne precinct were ignored.
- Prime agricultural land was included;
- The designation of land for environmental conservation purposes can have significant implications for access to international markets and can

result in GrainCorp discounting the price of grain from such land. An example of access to bio-fuel markets was cited; and

- The implications of the RCZ for future agricultural land use are uncertain.

The Forum asked:

.....that a land based survey be done on current and proposed future land usage and typography of the region before Council accepts any changes to current zoning and that this process should include a series of consultations with affected landholders and the wider Dookie Community.

Mr Moylan (GS67), a submitter from the Dookie area, said that he had a property not in the proposed RCZ that is similar to areas included. He questioned the lack of reference in the proposed RCZ to values to be protected. Another submitter (GS38) whose farming property is included in the proposed RCZ questioned the conservation values being protected.

Council's response to the submissions in the Hearing Casebook indicated the land has conservation values that apply over the general surrounding area that justify the use of the RCZ over that whole area. However, after considering submissions, the Council now proposes amendments to the MSS Clause 21.05-1 Natural Environment and Biodiversity to identify the need for further strategic work to determine the appropriate zone or overlay(s) to achieve the conservation outcomes envisioned in the strategy.

At the Hearing Mr O'Leary questioned the strategic justification for applying the RCZ to the Dookie area.

Council acknowledged that RCZ included highly productive agricultural land that does not have obvious environmental attributes and the existing agricultural use of this land can continue. However, in its concluding submission at the Hearing the Councils considered that the mapping in the RRLUS for the RCZ area appeared to be soundly based having regard to its EVC and the biodiversity action planning status mapping. The Councils identified two issues relating to consideration of:

- The best planning tool(s), given the existing environmental overlays; and
- Potential constraint on land use with planning permission required for cropping in the RCZ.

The Councils did not come to a final position and invited the Panel to make recommendations regarding the use of the RCZ at Dookie.

Discussion

The RRLUS identifies the Dookie Hills as an area zoned FZ where there are significant areas of remnant vegetation that warrant consideration through the application of the RCZ. The RRLUS comments that the application of the RCZ should extend beyond the protection of these identified areas of significance remnant vegetation to a zone that is contiguous area across properties setting the basis for the control of land use and development to promote larger-scale and resilient ecological vegetation communities.

This approach is consistent with the purpose of the exhibited RCZ for Dookie to:

To allow housing and other development at appropriate intensities while improving vegetation and habitat linkages across the landscape and maintaining scenic values.

The Panel was unable to get satisfactory information from the Councils on the mapping used or process for determining the recommendations for the RCZ around Dookie. The inadequacy of the information supporting the proposed RCZ with specifically, only one of three hilly regions (Mount Major) surrounding the township having been included, while excluding Mount Saddleback and Gentle Annie have areas of fragility that require conservation. The remainder of the 'Dookie Hills' may also be important to the protection of scenic values referred to in the RCZ purpose but not identified or analysed in any way.

The Panel considers there is a lack of information from which to assess the specific and environmental (including habitat links) and 'scenic values' intended for protection in the Dookie area. Submissions to the Panel have raised questions about the inclusion of some farmland which does not have obvious environmental significance but may contribute to these scenic values.

The nature and extent of biodiversity assets and the key characteristics that contribute to significant scenic values should be verified. The extent of the area that warrants additional controls and the appropriate planning tools can then be crafted to protect the values identified.

We are conscious of unnecessary requirements for permits where environmental and scenic values are not evident or could be managed through exemptions. The Panel also notes submissions that international markets may exclude produce from land identified for conservation purposes and the price of produce may be reduced as a consequence. These types of international protocols may well be an increasing consideration that

will need to be taken into account when planning provisions to manage environmental impacts are proposed for land that is intended to be actively farmed.

We are conscious of unnecessary requirements for permits where environmental and scenic values are not evident or could be managed through exemptions. The Panel also notes the potential implications of the RCZ (or an environmental overlay) for access to international markets where these mechanisms are applied to land intended for active agricultural production. These types of international protocols may well be an increasing consideration that will require specific consideration when planning provisions affect agricultural land but are not intended to preclude ongoing farming activities.

The Panel understands that the RCZ may have been put forward to avoid the use of multiple overlays. We do not see this as a primary justification for application of the RCZ. Firstly, the RCZ does not provide additional control over the removal of vegetation and an overlay to serve that purpose may prove necessary after further assessment. Secondly, overlays can focus applications and decision making on the specific environmental issues and areas with significant assets or management requirements. Thirdly, the need for and efficacy of RCZ control of land use in Dookie should have regard to environmental assets identified for additional protection, the nature of existing use rights and the form of land use management envisaged if this form of control is introduced.

In the Panel's opinion the existing Salinity and Erosion Management Overlays address salinity and erosion issues respectively and are not suitable mechanisms to protect of biodiversity values. We have significant reservations about the use of the RCZ in areas around Dookie that are actively farmed. There is a lack of information about the specific values to be protected and this is necessary to determine the appropriate planning tools. We note that the Goulburn CMA suggested that an ESO be applied to the Lower Goulburn and Dookie Hills areas and advised that the CMA would be pleased to be involved with the mapping of such overlays.

The Panel agrees with the position of the Greater Shepparton Council for further strategic work to be done in the Dookie Hills area to determine the appropriate zoning and/or overlays to protect the remnant Ironbark Forests and landscape values.

5.6 Proposed Rural Conservation Zone around Rushworth and West of Murchison

The RRLUS recommended the application of the RCZ to areas of Box Ironbark around Rushworth and west of Murchison. It describes the Whroo-Rushworth State Forest as part of the largest block of Box Ironbark habitat remaining in Victoria. The Grey Box communities of concern around Rushworth are in both the Campaspe and Greater Shepparton municipalities, where private land abuts State forests, national park and the Whroo Nature Conservation Reserve.

The Panel found it difficult to accurately relate the biodiversity mapping in the RRLUS⁶⁹ in to the generation of the RCZ as detailed in the *First Pass Indicative Rezoning*⁷⁰. From this mapping it is not evident how the detailed delineation of the RCZ was derived.

In the presentation of the RRLUS Implementation Report, Ms McGuinness noted that more detailed mapping of the area around Rushworth in the Shire of Campaspe found that:

- Land to the north of Rushworth nominated for RCZ is cleared, held in large allotments and is being farmed.
- Public land, zoned Public Conservation and Resource Zone (PCRZ) was incorrectly included in the area nominated for RCZ.
- There is extensive dwelling development, particularly fringing the PCRZ.

Consequently, Amendment C69 reduced the area covered by the proposed RCZ. The determination of the most appropriate use and planning policy for the area around Rushworth township⁷¹ is to be reviewed as part of the Small Towns Study.

The Panel questioned the lack of clarity of the implications for the RCZ based on *Figure 7-3 Zoning of land around Rushworth* and *Figure 7-4 Dwelling development (pink stars) around Rushworth*. Neither Ms McGuinness nor the Councils were able to provide the Panel with better mapped information that enabled the Panel to directly understand:

- The *Biodiversity Action Planning Status* priority ratings for biodiversity assets⁷².

⁶⁹ RRLUS Appendix E Map 5 – Biodiversity Action Planning Status.

⁷⁰ RRLUS Appendix E Map 7 – First Pass Indicative Rezoning.

⁷¹ The green area bordered by pink hatched line in Figure 7-4.

⁷² RRLUS Appendix E Map 5 – Biodiversity Action Planning Status.

- The existence of Box Ironbark at a landscape scale on private land rather than as scattered trees.

Following a site inspection and examination of the aerial view taken from Google maps, the Panel considers that there may be 'landscape scale' remnant vegetation on private land around Rushworth and to the west of Murchison.

Bradley and Angelo Argentino, landholders in the area west of Murchison proposed for the RCZ, contend that their property, along with two neighbouring properties, have only 1-3% cover of Box Ironbark, and that the application is inappropriate because the properties are currently used for farming. Other neighbouring properties proposed to be classified as FZ1 with similar remnant tree cover. They have expressed a willingness to meet to discuss with the Greater Shepparton Council and discuss potential options for protecting environmental values.

Given both the absence of the detailed mapping at an appropriate scale and potential inconsistency in the application of the proposed RCZ, the Panel is not in a position to conclude on the appropriateness of the proposed RCZ to protect biodiversity values around Rushworth.

The Panel notes that following addition to the Greater Shepparton MSS Clause 21.05-1 is proposed:

The RRLUS identifies land of high conservation value south and west of Murchison and the Dookie Hills and recommends the application of the Rural Conservation Zone to the land. This will be addressed through further strategic work to determine the appropriate Zone or Overlay to achieve the conservation outcomes envisioned in the strategy.

The Panel considers that the original findings of the RRLUS provide support for measures to protect this remnant Box Ironbark Forest. However, more strategic planning needs to be one to use Ecological Vegetation Class mapping and ground-truthing. Appropriate local policies, zones and overlays can then be crafted to protect the remnant Ironbark Forests and ensure sound management of environmental values. The Panel supports the approach of the Greater Shepparton Council to undertake further strategic work. The implementation of this work then needs to be the subject of a separate amendment.

In the meantime, vegetation protection under the State wide Clause 52.17 would address the most significant risks to this asset.

Recommendations

Delete the exhibited proposed Rural Conservation Zone from the land at Dookie, to the west of Murchison and around Rushworth.

Amend the Greater Shepparton Planning Scheme to the following effect:

In Clause 21.05-1 add:

'The RRLUS identifies land of high conservation value south and west of Murchison and the Dookie Hills and recommends the application of the Rural Conservation Zone to the land. This will be addressed through further strategic work to determine the appropriate Zone or Overlay to achieve the conservation outcomes envisioned in the strategy (as proposed by Council).

Include under further strategic work:

Undertake further strategic work to determine the appropriate Zone or Overlay to achieve the conservation and landscape outcomes envisioned in the RRLUS to the south and west of Murchison and in the Dookie Hills area.

Amend the Campaspe Planning Scheme to the following effect:

Undertake further strategic work to determine the appropriate Zone or Overlay to achieve the conservation outcomes envisioned in the RRLUS around Rushworth.

DSE and the Shire of Campaspe identify measures to assist in the protection of the Northern Plains Grasslands Campaspe as a matter of priority.

5.7 Campaspe – Protecting the Biodiversity Values of the Patho Plains

The Patho Plains are found in the north west of the Campaspe Shire. The Plains are currently zoned FZ and are proposed to be a combination of FZ1 and FZ2. Areas subject to flooding are covered by overlays, either a FO or an LSIO.

The RRLUS highlighted the ecological significance of the Pathos Plains grasslands as follows that:

Northern Plains Grasslands are recognised as one of the most endangered vegetation communities in Victoria with less than 1% of their original extent remaining. Northern Plains Grasslands are listed under the 'Victorian Flora and Fauna Guarantee Act 1988', and have been nominated under the 'Commonwealth's 'Environmental Protection and Biodiversity Conservation Act 1999'...., the native grasslands within these areas are also highly threatened as they are not obvious as larger species such as trees and can be lost without being recognised. In particular, cropping and inappropriate levels of grazing are significant threats to grasslands.

The RRLUS in Appendix E *Map 5 – Biodiversity Action Planning Status* shows a significant number of sites mapped as 'Campaspe Very High Priority Sites'. The Campaspe MSS recognises the importance of the remnant Northern Plains Grasslands as a key environmental issue for biodiversity.

The RRLUS proposed the application of an ESO across the Region to ensure that decision making is based on protecting the priority areas of significant native grassland from the impacts of agriculture.

Campaspe Shire Council advised that an ESO is seen as the appropriate planning tool.

The concluding submission to the Panel on behalf of the planning authorities said DSE has advised that:

- A consultant engaged in relation to the future management of the grasslands has advised that a Vegetation Protection Overlay is recommended but this has not been discussed with the Campaspe Council;
- DSE is verifying sites for mapping purposes; and
- The grassland sites have been recommended for listing under the *Environment Protection and Biodiversity Conservation (EPBC) Act 1999*.

The Campaspe MSS acknowledges that the Shire is seeking to '*Promote intensive animal industries on the Patho Plains having regard to the protection and management of native grassland*'.

The Panel is concerned at the seemingly slow progress of DSE in working with the Campaspe Shire to address the issue of protection of the Northern Grasslands in the Campaspe Shire. The Campaspe Planning Scheme promotes the Patho Plains for intensive animal industries and the Panel considers that, given the biodiversity significance of the Northern Plains Grasslands, resolution of this pressing issue should be included in further

strategic planning work, with other environmental issues to be resolved in the implementation of the RRLUS.

Recommendations

Campaspe Shire Council undertake further strategic work with DSE as a matter of priority to propose planning measures to assist in the protection of the Northern Plains Grasslands.

Amend the Campaspe Planning Scheme to the following effect:

Undertake further strategic work to determine the appropriate Zone or Overlay to achieve the conservation objectives for the Northern Plains Grasslands.

5.8 Campaspe River – Removal of the Rural Conservation Zone

Amendment C69 proposes to replace the RCZ along the Campaspe River that is subject to flood inundation with one of the three new categories of FZ plus the Floodway Overlay.

The RRLUS (p70) found that:

Campaspe have highlighted the environmental significance of their main flood paths through the application of the Rural Conservation Zone (RCZ) to these areas, as well as the Floodway Overlay (FO). Moira and Shepparton have relied on the Floodway Overlay. All three Councils use the Land Subject to Inundation Overlay for the balance of the floodplain. The different approach that Campaspe has adopted indicates that farming is not their intended land use for these flood paths, and the environmental role should take precedence. In Moira and Shepparton, although the area is flood prone and development should respond to this, farming still remains the preferred land use. The application of the RCZ within Campaspe therefore requires review to ensure a consistent approach across the region, particularly where agricultural activity is the primary objective across the land. The use of FO in areas subject to flooding is considered a more appropriate planning instrument as it will ensure that buildings, works and development are considered through the planning process.

GMW expressed concern to the Panel about the removal of the RCZ as tighter controls for intensive agriculture are needed and that the North Central Catchment Management Authority required the RCZ for control of more land uses such as intensive feedlots. The key issue is water quality. The Panel notes that under the FZ intensive cattle feedlots over 1000 head of stock require a planning permit.

The Campaspe MSS Clause 21.04-3 Economic Development identifies the need for further strategic work to *‘investigate the appropriate buffer treatment around intensive agriculture at Patho Plains including an Environmental Significance or Design and Development Overlay’*.

A Floodway Overlay (FO) requires that any development applications will be assessed against the purposes of the FO that includes in its purpose:

- *To protect water quality and waterways as natural resources....*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

As part of the process, a planning application must be referred to the relevant floodplain management authority⁷³.

The Panel agrees with the conclusion from the RRLUS that that the RCZ along the Campaspe River be replaced with the appropriate Farming Zones and Flooding Overlay. The Panel also supports the proposal by the Campaspe Shire Council to do further strategic work on buffer treatment around intensive agriculture at the Patho Plains.

5.9 The Murray River Corridor

Amendments C69 and C51 propose an ESO for the Murray River Corridor in the Shires of Campaspe (ESO1) and Moira (ESO2). The Councils advised in their submissions that the application of this ESO is based on strategic work done by DPCD, Murray Shire in NSW and the Mildura City Council, and that ESO1 in the Mildura Planning Scheme is essentially the same as that proposed in Campaspe and Moira.

This ESO is proposed to promote consistent planning and management along the Murray River corridor. The ESO environmental objectives are to protect the biodiversity, water quality and landscape values of the Murray River.

Post- exhibition changes have been proposed to exempt track works carried out by a public authority from requiring a permit under both ESOs. This is proposed in response to a submission from VicTrack.

At the Panel Hearing Council noted that a preliminary concern was raised by the North Central CMA about the exemption of trackworks because of the potential for some tracks to function as levees that affect water movement.

⁷³ Unless in the opinion of the responsible authority the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the floodplain management authority.

The Panel notes that in the absence of specific requirement for a permit, Clause 62.02-2 General Provisions of all planning schemes states that a permit is not required for repairs and routine maintenance to an existing building or works. This means that VicTrack can maintain existing infrastructure on land affected by the ESO without the need for a permit and permit requirements would only relate to new works.

We consider it is reasonable to require a permit for new trackworks as even minor changes in levels and the capacity for water movement can have significant impacts in managing floodwaters (and for maintaining environmental values for ecosystems naturally subject to inundation). We note that in any event, a permit is required for works to rail infrastructure (other than repairs and routine maintenance) under overlays that manage flood risk and these largely align with the area to which the proposed ESO applies. The Panel does not support the post-exhibition proposal to exempt track works sought by VicTrack (beyond the exemption for repairs and routine maintenance pursuant to Clause 62.02-2).

The Panel supports the coordinated planning for the introduction of the ESO consistent with other municipalities along the Murray River. The Panel also endorses the following corrections to the ESOs that were put forward by the Councils:

- Campaspe - the Schedule to the ESO should be numbered (ESO1) and shown on planning scheme maps.
- Moira - Correct the mapping of the boundary of ESO2⁷⁴ to align with the LSIO in areas adjacent to the Murray River; and to extend to approximately 100 metres from the river if the LSIO boundary is less than 100m from the River.

This ESO is proposed to promote consistent planning and management along the Murray River corridor. The ESO Environmental objectives are to protect the biodiversity, water quality and landscape values of the Murray River.

Post exhibition changes in response to the submission from VicTrack have been proposed to exempt track works carried out by a public authority from requiring a permit under both ESOs.

At the Hearing the Councils noted that a preliminary concern has been raised by the North Central CMA about the exemption of trackworks because of the potential for some track to function as levees that affect water movement.

⁷⁴ Maps 22ESO, 25ESO, 26ESO and 27ESO.

The Panel notes that in the absence of specific requirement for a permit, Clause 62.02-2 General Provision of all planning schemes states that a permit repairs and routine maintenance to an existing building or works. This means VicTrack can maintain existing infrastructure on land affected by the ESO without the need for a permit and permit requirements would only relate to new works.

We consider it is reasonable to require a permit for new trackworks as even minor changes in levels and the capacity for water movement can have significant impacts in managing floodwaters (and for maintaining environmental values for ecosystems naturally subject to inundation). We note that in any event, a permit is works to rail infrastructure (other than repairs and routine maintenance) under overlays that manage flood risk and these largely align with the area to which the proposed ESO applies. The Panel does not support the exemption of track works sought by VicTrack (beyond the exemption for repairs and routine maintenance pursuant to Clause 62.02-2).

The Panel supports the coordinated planning for the introduction of the ESO consistent with other municipalities along the Murray River. The Panel does not support because track works can have significant implications for flood water flows and wetland ecosystems and no analysis was provided at the Hearing to indicate the works do not pose a risk.

The Panel also endorses the following corrections to the ESOs that were put forward by the Councils:

- Campaspe - the Schedule to the ESO should be numbered (ESO1) and shown on planning scheme maps.
- Moira - Correct the mapping of the boundary of ESO2⁷⁵ to align with the LSIO in areas adjacent to the Murray River; and to extend to approximately 100 metres from the river if the LSIO boundary is less than 100m from the river.

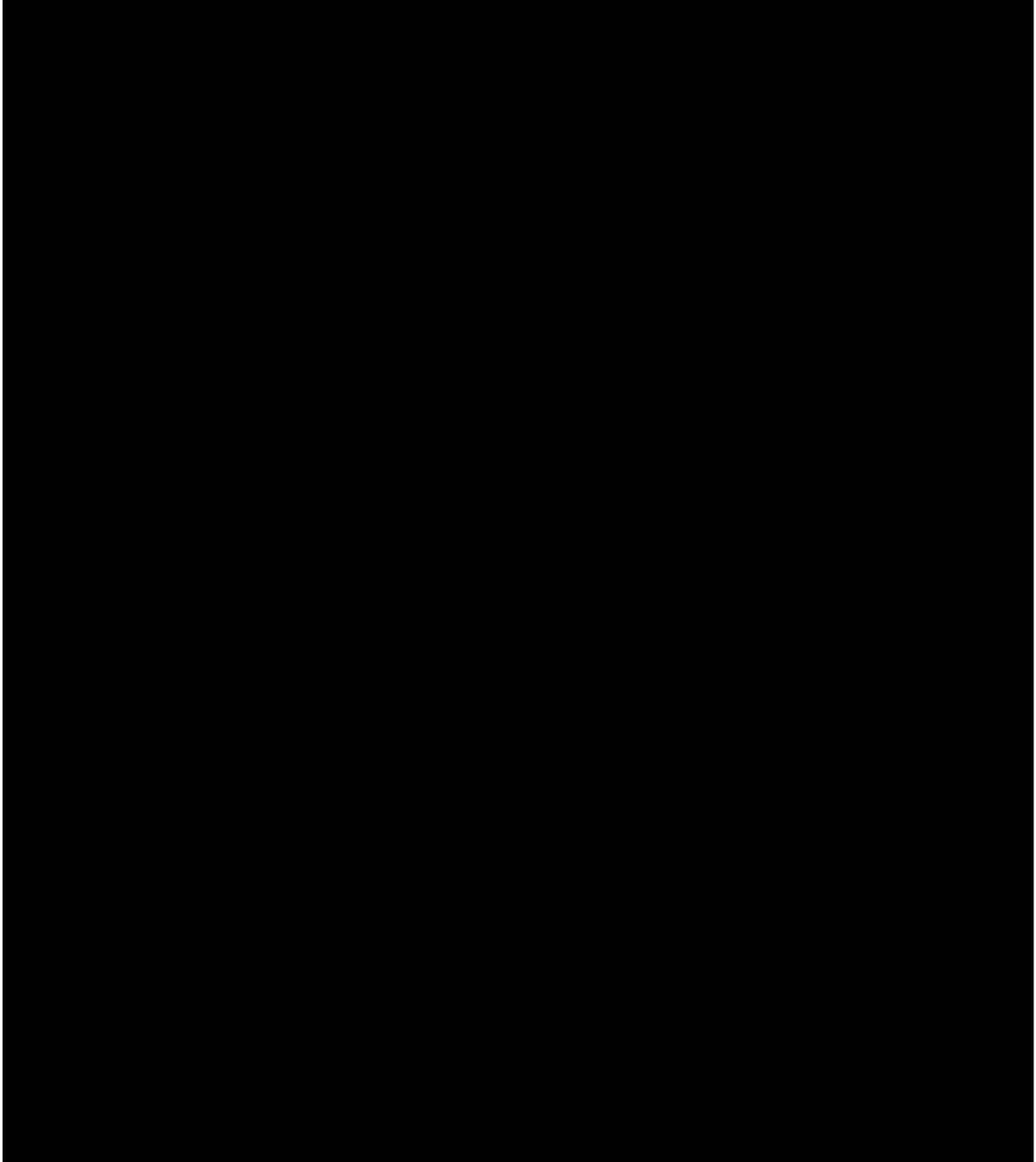
Recommendations

Amend the exhibited Schedule to the ESO to be numbered (ESO1) and shown on planning scheme maps in the Campaspe Planning Scheme.

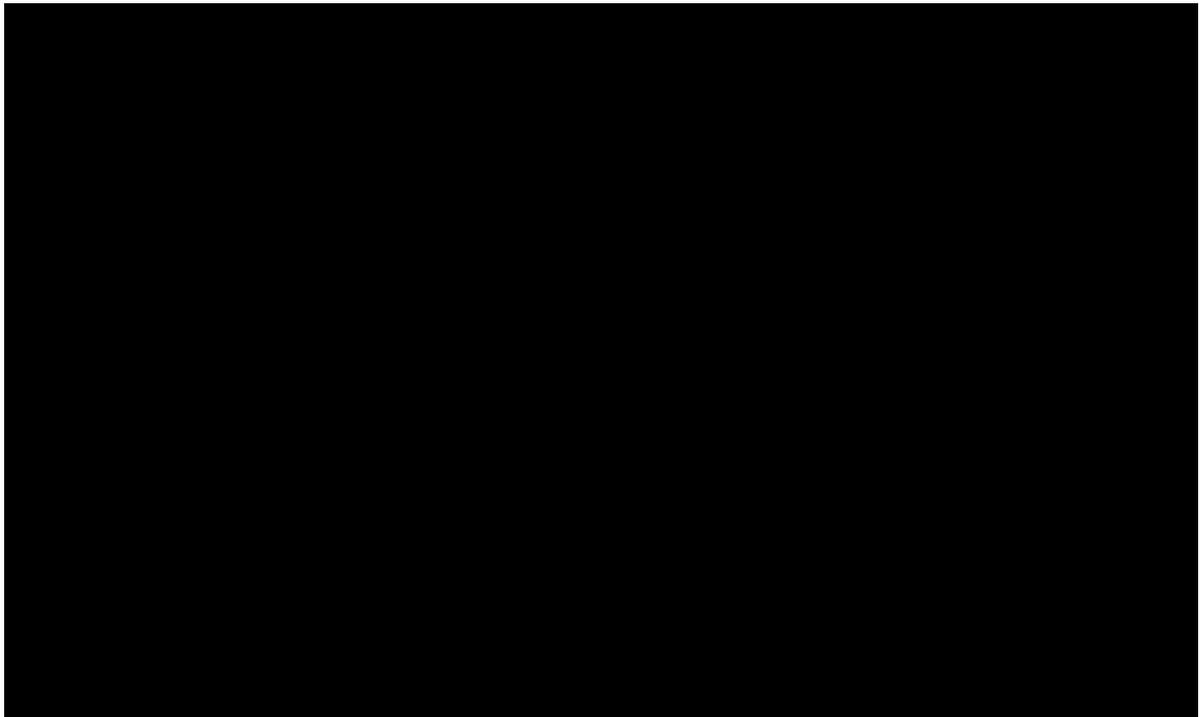
Correct the mapping of the boundary of ESO2 in the Moira Planning Scheme to align with the LSIO in areas adjacent to the Murray River; and to extend to approximately 100 metres from the river if the LSIO boundary is less than 100m from the River.

⁷⁵ Maps 22ESO, 25ESO, 26ESO and 27ESO

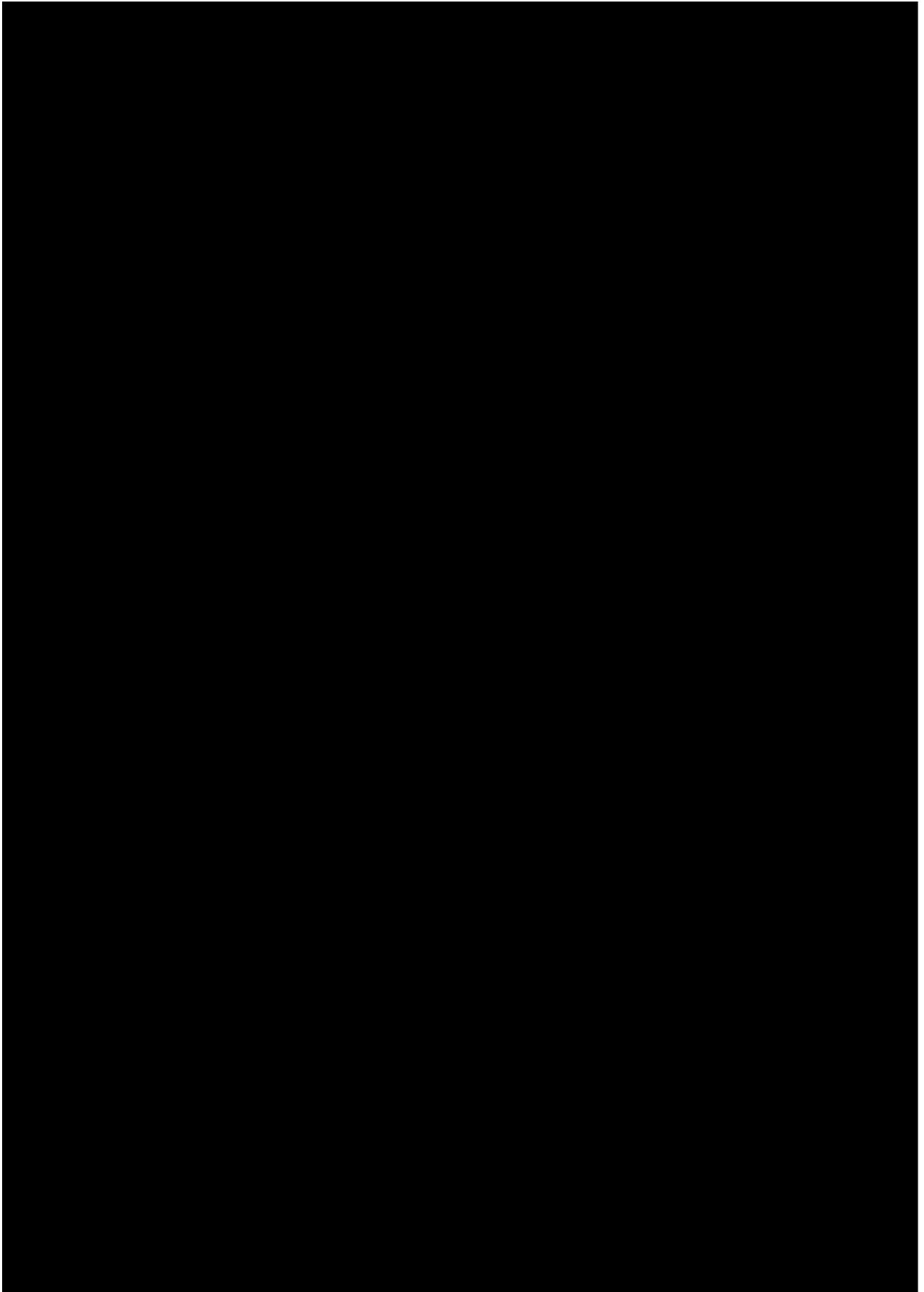
Appendix A: Lists of Submitters



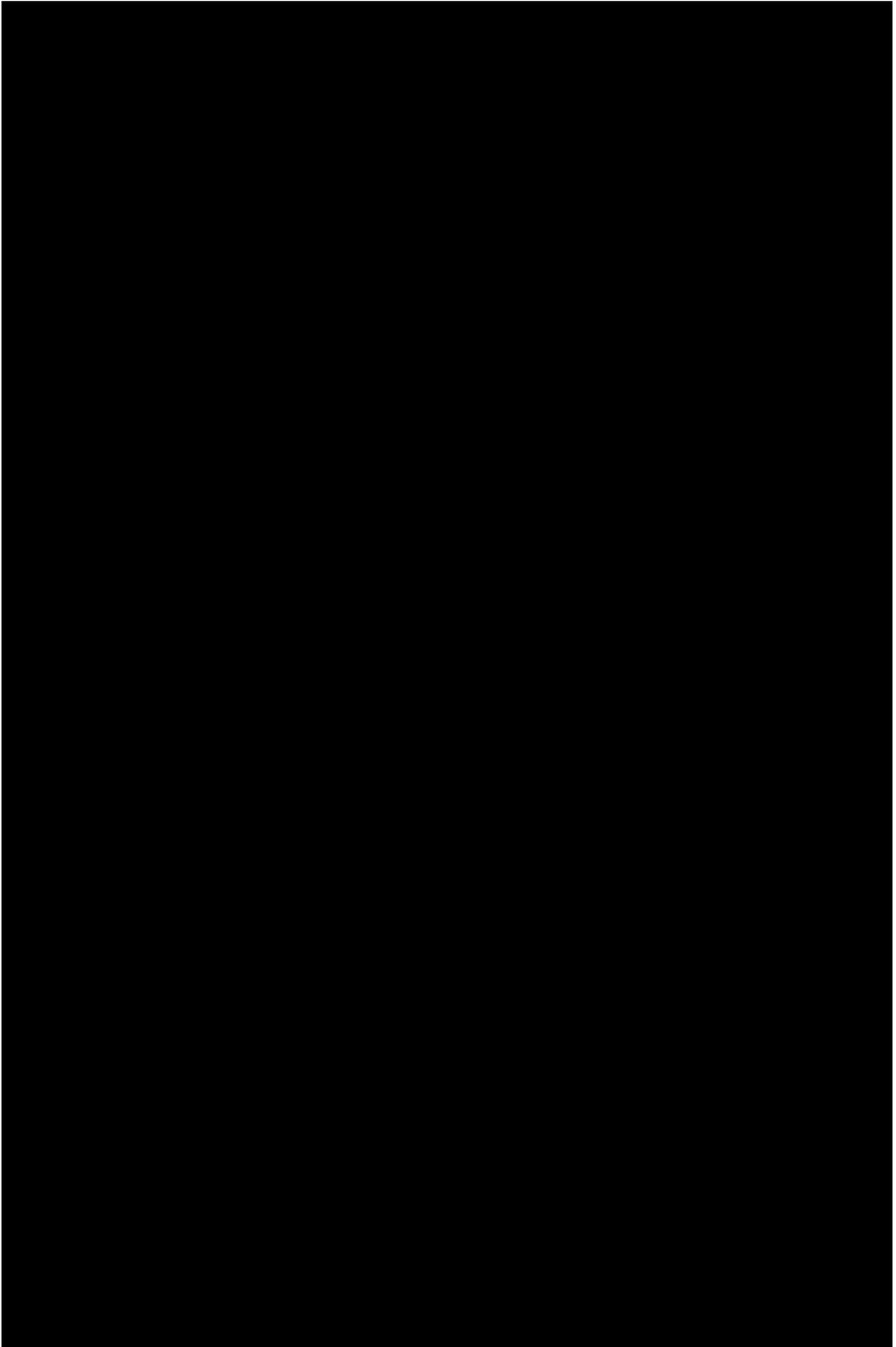
CAMPASPE PLANNING SCHEME AMENDMENT C69
GREATER SHEPPARTON PLANNING SCHEME AMENDMENT C121
MOIRA PLANNING SCHEME AMENDMENT C51
PANEL REPORT: 26 MARCH 2012



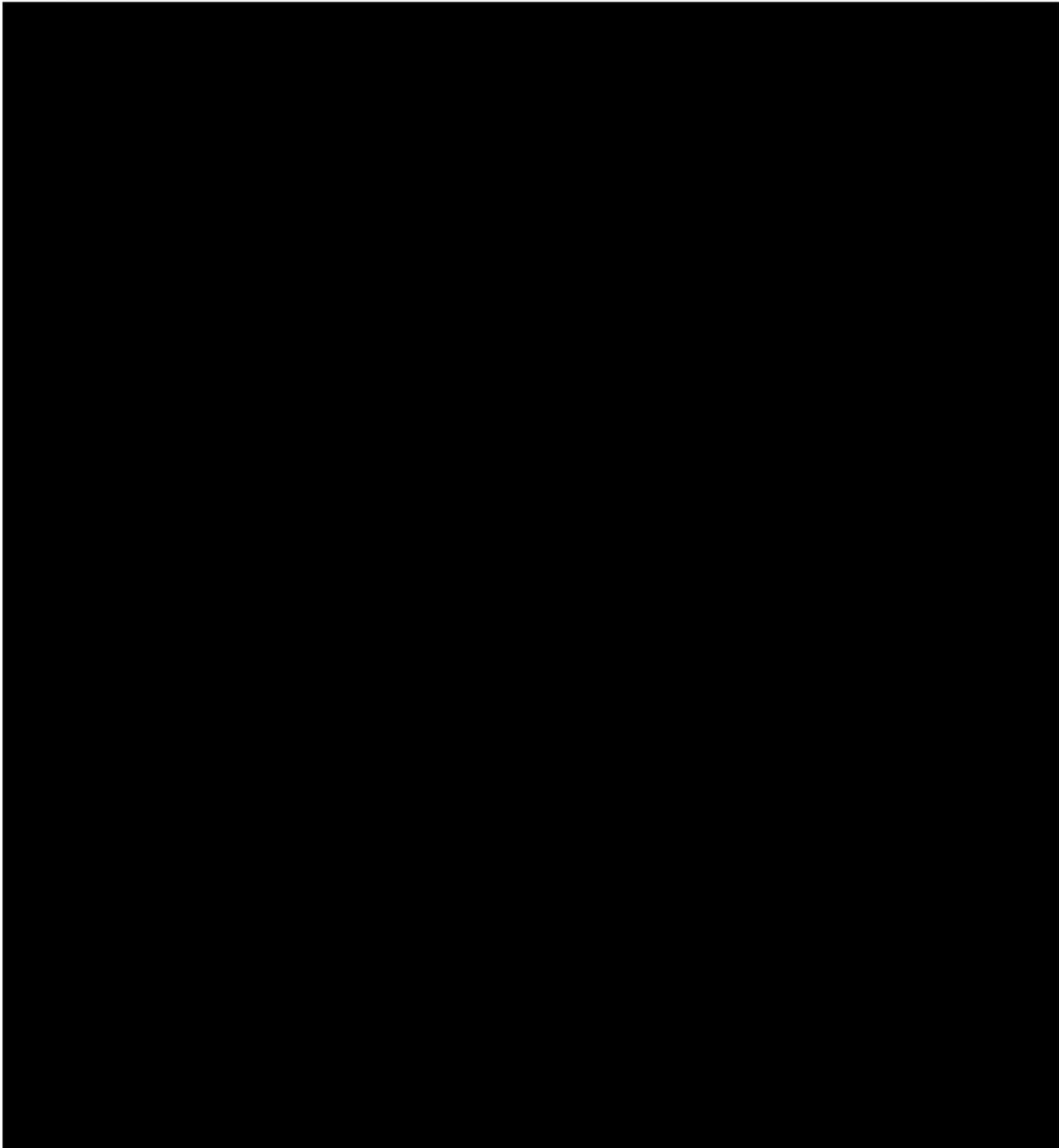
CAMPASPE PLANNING SCHEME AMENDMENT C69
GREATER SHEPPARTON PLANNING SCHEME AMENDMENT C121
MOIRA PLANNING SCHEME AMENDMENT C51
PANEL REPORT: 26 MARCH 2012



CAMPASPE PLANNING SCHEME AMENDMENT C69
GREATER SHEPPARTON PLANNING SCHEME AMENDMENT C121
MOIRA PLANNING SCHEME AMENDMENT C51
PANEL REPORT: 26 MARCH 2012



CAMPASPE PLANNING SCHEME AMENDMENT C69
GREATER SHEPPARTON PLANNING SCHEME AMENDMENT C121
MOIRA PLANNING SCHEME AMENDMENT C51
PANEL REPORT: 26 MARCH 2012



**Appendix C: The Councils' Post-Hearing
Revised Campaspe Agricultural
Policy with Tracking of Further
Changes Supported by the Panel**

22.01 AGRICULTURAL POLICY

28/05/2009
C44/XX/XX/2

(FURTHER REVISIONS SUGGESTED BY THE PANEL ARE HIGHLIGHTED. PANEL COMMENTARY IS PROVIDED IN ANNOTATION 'BALLOONS'.)

This policy applies to all land within a Farming Zone (FZ).

22.01-1 Policy Basis

This policy addresses two separate issues which arise in the Farming Zone being rural subdivision; and rural dwellings.

The process of farm consolidation is considered fundamental to the long term viability of the agricultural base of the Shire. The fragmentation of farmland 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 should meet most requirements for the transfer of land to accommodate incremental growth of farms.

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

Clause 21.04 identifies three categories of Farming Zone and has included objectives and policies for each with respect to rural subdivision and rural dwelling which distinguish land in the Farming Zone on the basis of the productivity implications of irrigation and whether high levels of fragmentation and house development.

Comment [c1]: The Panel endorse deletion of reference to 'large-scale multi million-dollar investment' as this was interpreted as according preference to those operations over family farms

Comment [c2]: Inserted to highlight that the need for additional subdivision is expected to be limited

Comment [c3]: Propose 'discouraged' as 'not encouraged' suggests a neutral position

Comment [c4]: Agree with deletion of reference to the RRLUS Update other parts of the LPPF to refer to interim provisions and identify that further work will be undertaken

22.01-2 Policy Objectives

- To limit the further fragmentation of rural land by subdivision.
- To ensure that lots resulting from subdivision are of a sufficient size to be of benefit to agricultural production.
- To encourage the consolidation of rural lots enterprises.
- To provide for the incremental growth of farming enterprises.
- ← To provide for house lot excisions only where there are positive agricultural outcomes and additional house entitlements are not created.
- To provide for discourage new dwellings but only where is unless it can be overwhelmingly demonstrated that it is required for the agricultural use of the land.

Comment [c5]: Consolidation of 'enterprises' rather than lots could be interpreted as discouraging farm operation/growth on land that is not contiguous. A new objective relating to incremental growth of farm enterprises is added below

Comment [c6]: Agree with shift in emphasis to maintain the primary policy position that houses are discouraged in the FZ. Also agree with the Council deletion of 'overwhelmingly' demonstrated as the meaning is unclear and it should be sufficient to demonstrate that a house is required for the agricultural use of the land

22.01-3 Policy

Rural Subdivision

It is policy to:

Discourage excisions except where:

- restructure is an outcome,
- no new opportunities for additional houses are created and

Comment [c7]: This is a strengthening of the policy on the basis that excisions are contrary to the policy intent if additional houses are the outcome

- the impact on neighbours and existing or potential agricultural use of nearby land is minimised.

Comment [c8]: It is important to make it explicit that impacts on existing and potential future agricultural use of nearby land, not just adjoining properties should be minimised

Ensure that the size of new lots created reflects the agricultural productive potential of the land, taking into account soil types, permanent irrigation water entitlements and any other relevant influence on production.

Comment [c9]: The policy did not address the creation of new lots eg to facilitate incremental growth

~~Discourage excisions in the Farming 3 Zone as the existing lot structure will generally already be of a small size capable of supporting small scale agriculture in its own right where a dwelling may be required to support this.~~

Comment [c10]: Agree with Council that this policy should be deleted as the meaning is open to multiple interpretations

Policy Decision Guidelines – General

- All applications for use, subdivision or buildings and works will be assessed according to against the following considerations;
 - the degree to which the subdivision will support more productive agricultural outcomes, particularly farm consolidation.
 - ~~how the proposed dwelling is reasonably required for the operation of the agricultural activity conducted on the land~~
 - 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 a whole farm plan has been prepared for the site.
 - whether any new lot or proposed new dwelling 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.
 - whether any existing dwelling is of a habitable standard and is capable of being relocated.
 - whether there is a long term commitment in place to maintain irrigation rights to sustain the form of agriculture proposed.

Policy Decision Guidelines – Subdivision

When considering an application for the excision of a lot containing a dwelling the responsible authority will consider whether:

- the lot containing the dwelling and associated infrastructure is to be at least 0.6ha in area but no greater than 2ha 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; and
- the existing dwelling must be habitable; and
- the dwelling must have existing use rights pursuant to Clause 63; and
- the approval is conditional upon the landowner entering into an agreement under Section 173 of the Act which prevents:
 - the construction of a dwelling on the residual lot unless it is combined with other land that satisfied the minimum lot size for the construction of a dwelling in the zone without the addition of the residual lot; and
 - the further subdivision of any lot created other than in accordance with the minimum lot size for subdivision in the zone.
- the landowner may also be required to enter into an agreement under section 173 of the Act acknowledging the possible off-site impacts of adjoining or nearby agricultural activities.

Comment [c11]: The intent of this addition is to avoid the creation of an additional housing entitlement on the residual lot

When considering an application for a re-subdivision the responsible authority will consider whether:

- boundary realignments will be discouraged if they create an additional lot(s) where a dwelling does not require a permit by relying on land which was previously a road reserve, channel, utility lot, crown land or was of insufficient size to support a dwelling without the need to obtain a permit.
- proposals to realign lot boundaries will only be permitted are for the purpose of making minor adjustments including to take account of topographical or public infrastructure features, except where the re-subdivision will support more productive agricultural outcomes, particularly through farm consolidation.
- New lots created enable the adoption of efficient agricultural practices.

Comment [c12]: Suggested edit to make it explicit that the focus of policy concern is the creation of additional as of right houses

Comment [c13]: This decision guideline is added to provide for resubdivision to provide for incremental growth

Rural Dwellings

It is policy ~~to that~~ dwellings not associated with or required for the agricultural use of the land are strongly discouraged.

~~the dwelling lot must be at least 2ha in area.~~

- When considering a permit application for the construction of a dwelling, all of the following requirements should be met:
 - the agricultural use must have been established or a binding commitment to do so must be in place; and
 - the dwelling lot is to have been created after 1st January 1960 and
 - the landowner is required to enter into an agreement under Section 173 of the Act to:
 - ensure that the dwelling is used in conjunction with agricultural production; and
 - the landowner is required to enter into an agreement under section 173 of the Act to prevent the subdivision of a lot containing the dwelling where the proposed lot size is less than the minimum lot size for subdivision specified in the zone.
 - the landowner may be required to enter into an agreement under Section 173 of the Act acknowledging the impacts of nearby agricultural activities.

Comment [c14]: The Panel considers it is appropriate to maintain the 'strong' discouragement of houses not required for the agricultural use of the land as exhibited

Comment [c15]: The rationale for this provision is not clear to the Panel. It is also inconsistent with lot size for excisions

Comment [c16]: This clause appears to be more a policy requirement than a decision guideline

Comment [c17]: It may not be appropriate to require the agricultural use to be established - for example, purchasing processes may be conditional on consent, in establishing a horticultural use it may advantageous to be onsite, requiring an applicant to rent during the establishment phase is onerous

Comment [c18]: The Panel queries this provision. It appears to be intended to address excision residual lots and does not take account of large lots that have existed for a long time

Policy Decision Guidelines - Dwellings

When considering an application for a dwelling, and in addition to the decision guidelines in the zone, the responsible authority will consider:

- The relationship between the proposed dwelling and the agricultural activity on the land.
- Evidence, including a Whole Farm 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 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 future 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 in the interim on future development options.

Comment [c19]: This is added as a consideration to address circumstances where the FZ effectively operates as a holding zone

Appendix D: VFF Submission to the Victorian Planning System Ministerial Advisory Committee



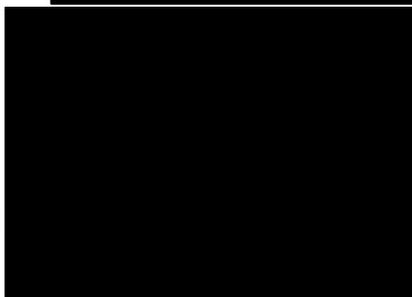
31 August 2011

The Chairperson
Victorian Planning System Ministerial Advisory Committee
advisory.committee@dpcd.vic.gov.au

To the Chairperson,

Victorian Planning System Ministerial Advisory Committee

The Victorian Farmers Federation (VFF) wishes to provide a submission to the Victorian Planning System Ministerial Advisory Committee. Please find attached the VFF submission.





Submission to the Victorian Planning System Ministerial
Advisory Committee

By

Victorian Farmers Federation

Date August 2011

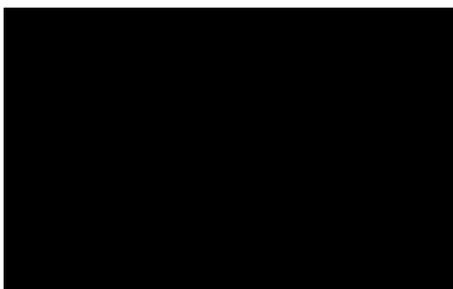
Foreword

The Victorian Farmers Federation is Australia's largest state farmer organisation, and the only recognised, consistent voice on issues affecting rural Victoria.

The VFF consists of an elected Board of Directors, a member representative Policy Council to set policy and eight commodity groups representing dairy, grains, livestock, horticulture, chicken meat, pigs, flowers and egg industries.

Farmers are elected by their peers to direct each of the commodity groups and are supported by Melbourne-based staff.

Each VFF member is represented locally by one of the 230 VFF branches across the state and through their commodity representatives at local, district, state and national levels. The VFF also represents farmers' views at many industry and government forums.



1. Introduction

The VFF welcomes the opportunity to submit on the Ministerial Advisory Committee's terms of reference. Planning is a core issue for agriculture, with the Victoria Planning Provisions in particular likely to shape the future of agriculture in Victoria.

Any planning decision, whether by state government in making changes to planning provisions or legislation or by local councils in application of zoning or zoning rules, will create winners and losers. This can create a temptation to leave things as they are, simply because it is easier than facing those who would be losers. By nature planning decisions will attract the most interest from those with something to gain, e.g. developers or land owners on the urban growth boundary, and those with something to lose, e.g. those who own land subject to new zoning rules. However, those who are less directly affected, often the majority of people, will remain disengaged.

Planning is also long-term focussed, and requires hard decisions to be made now so that human and natural capital of today can be passed on to the next generation in at least an equal condition to how they were when we received them. It is therefore important that planning remains evidence based and seeks to achieve strategic goals. For agriculture the strategic goal must be to maintain and further develop a competitive industry in Victoria. In order to do so, as a bare minimum, planning must provide for and protect agricultural land and land uses.

The planning scheme cannot be considered without looking at the broader issues for agriculture in Victoria. In Victoria there are significant pressures leading to the removal of land from agricultural production. These pressures include minerals development, the increasing fragmentation of land for lifestyle and hobby farms, and urban growth around Melbourne and regional centres.

The issue of Melbourne's urban growth is not just an issue for agriculture, where generally agricultural land makes way for urban sprawl, but is also an issue for transport, utilities, and other services. Much of the land most under pressure from Melbourne's growth is the most productive land in Victoria. This issue requires tough decisions about how the growth should be managed.

A further issue that is related to the planning system, is the issue of high and increasing rating costs for farmers. The rating of agricultural land is particularly problematic in peri-urban areas or areas that are valued for potential future development. In these areas property values are high, but land productivity is often no different. The VFF advocates for the removal of rates on farm land, however this submission assumes the status quo in order to analyse the impact of planning rules on rating costs.

With so many pressures on agricultural land and businesses the planning system must take a strategic approach. A planning scheme that merely responds to these pressures, rather than managing them, will mean the continued loss of agricultural land. It is also not good enough to draw a line in the sand, and simply move the line every time there is pressure.

The urbanisation of Victoria's population is also having an impact on regional communities. While Melbourne and regional centres are growing, the smaller provincial towns that form the heart of the farming community are shrinking, causing social impacts.

Our submission will not try to solve all these issues, but focusses on how the Victoria Planning Provisions can best support agriculture, and in particular the provisions for zoning and overlays.

2. VFF Planning Policy

In order to negotiate the planning issues faced by farmers the VFF has developed a planning policy. Our policy on rural planning is based on the following three principles:

- The Victorian Planning Scheme must ensure that the primary function of agricultural land is preserved for food and fibre production.
- Municipal Strategic Statements must prevent development incompatible with commercial agriculture.
- Farm practices must not be impeded by the application of zoning or overlays.

With this policy in mind, we can consider the current planning scheme and identify issues with it.

3. The Farming Zone

In many ways the Farming Zone is the most influential planning tool for agricultural production. It is therefore critical we get the Farming Zone right, hence the greatest level of analysis will be applied to this planning tool.

In the Victorian Planning Provisions, the purpose of the Farming Zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To protect and enhance natural resources and the biodiversity of the area.

3.1. Comments

The VFF supports the retention of the Farming Zone, and consider that the purpose is broadly consistent with our planning policy. However, the sixth bullet point that makes 'protecting and enhancing biodiversity of the area' a purpose of the Farming Zone is inappropriate. Enhancing biodiversity may contradict the other purposes of the Farming Zone. The protection and even more so the enhancement of biodiversity must be achieved by market mechanisms.

With the removal of the sixth bullet point, the purpose of the Farming Zone is sound. In which case the critical issue is then, how do we achieve this purpose?

There are two broad models currently put forward for the Farming Zone, which are shown in Figures 1 and 2 on the following pages. The flexible approach (or market based approach) in Figure 1 is based on our understanding of the policies proposed by the Government. In broad terms, this approach would enable more flexibility in the setting of lot size minimums, lead to increased density of dwellings, mixed land uses in the Farming Zone, enable a greater variety of enterprises to operate, and increase the value of land for existing farmers.

Figure 2 illustrates the prescriptive approach that has been adopted or proposed by a number of local councils. This approach is generally more restrictive of land uses and enterprises other than farming, sets a high lot size for subdivision and houses, and is relatively more enabling of new entrants into the farming sector.

How do we support agriculture through rural planning? – Two competing models for the Farming Zone

Figure 1: Flexible approach – extrapolated from known Government policy

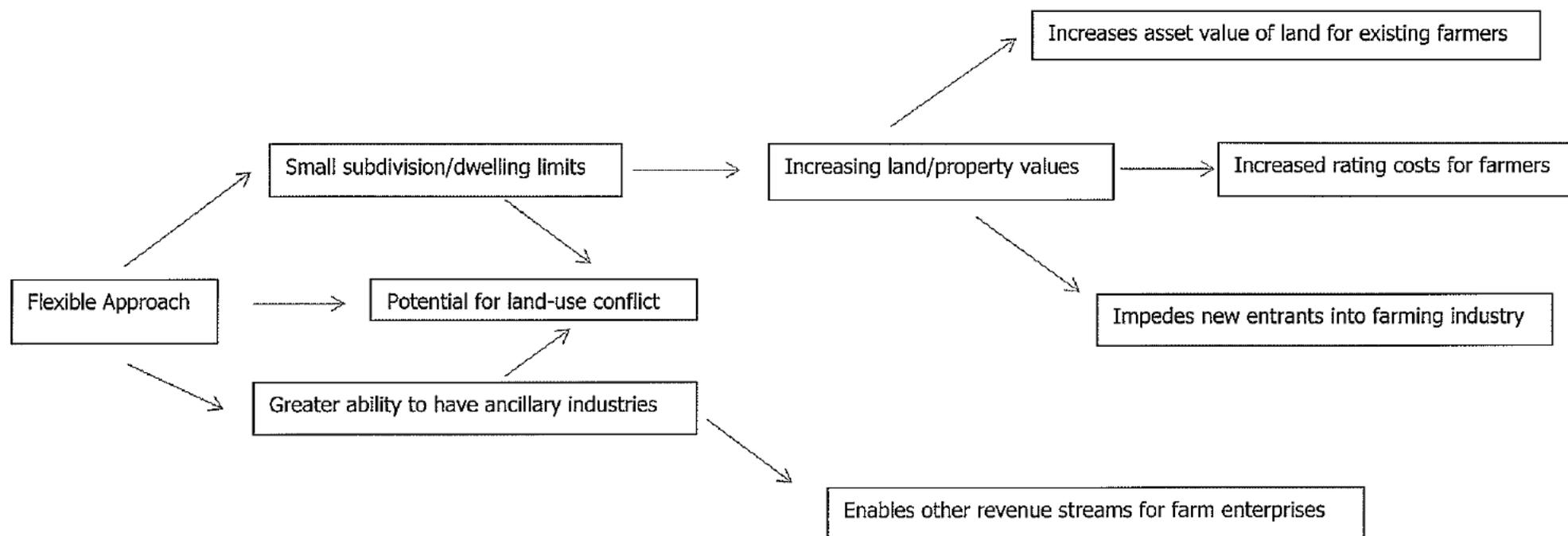
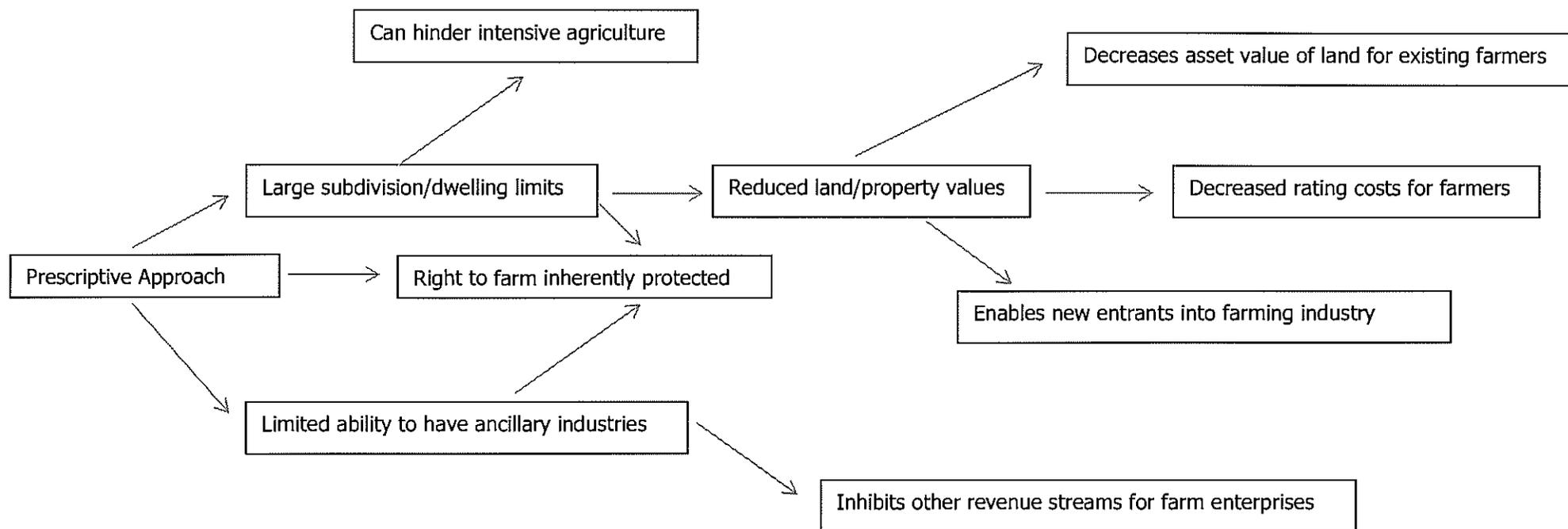


Figure 2: Prescriptive approach being adopted/proposed by some councils



3.2. Issues

The approach taken in figure two seems more aligned to the VFF's planning policy. However, there are a number of genuine issues with this approach that need to be addressed in order to be successful. These issues can be summarised as follows:

- Large minimum lot sizes and rules around dwellings are not conducive to succession planning. When a farming family wants to pass the farm down to the next generation, the lot sizes and dwelling rules often pose a genuine barrier.
- Large minimum lot sizes can have perverse outcomes, requiring tree changers to purchase 40 ha of land which they don't have the skills to manage, and which will ultimately become unproductive.
- Large housing lot sizes and subdivision sizes pose a genuine barrier to more intensive industries.

The greatest difficulty with the above issues is how planning authorities distinguish between genuine and false proposals. It is all too easy for a would-be tree-changer to put together a farm business plan with no intention of actually developing a commercially viable business. However, on the other hand, just this kind of prejudice can pose a major barrier to the development of innovative and high value businesses. In order to deal with these issues, councils need to use more discretion and common sense in assessing proposals. The lack of understanding of farm businesses is a major barrier to the use of discretion and common sense by councils. The majority of planners would be trained at city universities and will often lack a genuine understanding of the realities of being a farmer. For example:

- The daughter of an existing farmer wishes to take on the family business, which has two lots – a 22 hectare lot and a 240 hectare lot. Rather than enabling her to build a house on the unproductive 22 hectare piece of land alongside her parents house, the council requires her to build the house on the productive lot, purely because of the minimum lot size rules.
- An experienced farmer sees a market for garlic and red currants and wishes to develop an intensive operation on 19 hectares, for which he wants a dwelling on site. He is turned down by the council because of the minimum lot dwelling rule.

The planning provisions require an applicant to demonstrate that the dwelling is needed for the operation of an agricultural business. Clearly in both cases the dwelling was required to support the business, yet neither were approved on first application.

3.3. Minimum subdivision and house lot sizes - No one size fits all

While the purpose of the Farming Zone is sound, a common complaint made of the Farming Zone is the application of across the board subdivision and dwelling rules. The Victoria Planning Provisions set a default of 40ha for subdivision and dwellings in the Farming Zone. However, this is not a hard and fast rule. Councils have the ability to set lot size minima at different levels to those in the Victoria Planning Provisions. As with any council variation to the Victoria Planning Provisions, the change must be justified. This has not stopped a number of councils from adopting different zone rules. For example, the Mildura Rural City Council only requires permits for dwellings on a land area of less than 20 ha in the region's irrigation district. Meanwhile in other areas of Mildura this figure is 100 ha. Similarly the Wellington Shire Council has a 25 ha minimum lot size for subdivision and dwellings in the irrigation district, while most other land in the Farming Zone has a 40 ha minimum.

The ability to adjust the planning scheme according to local conditions is critical. Victoria, while a small state, has massive regional and even local differences in land productivity, climate, water availability, and level of development. For example, in irrigation districts and high rainfall areas intensive agriculture is viable, and the productive land area is relatively small. Meanwhile, in areas without irrigation and with low rainfall, agriculture is generally dry land broad acre and the productive land area is much larger.

There is no hard and fast rule that says a 40 hectare lot size is the minimum productive land size. It may be appropriate to remove the default 40 hectare rule, to encourage councils to consider their local circumstances. The core principle to be used by councils should be that minimum lot sizes for subdivision and dwellings in the Farming Zone reflect the agricultural productivity of the land. It is evident however, that some councils adopt high minimum lot sizes for subdivision and dwellings to impede the fragmentation of agricultural land. As discussed above, this strategy can have unintended consequences. In considering changes to the 40 ha rule it is important to look at other ways to take pressure off the Farming Zone. These are discussed in section 3.5.

3.4. Enable Value Adding Industries

While there are undoubtedly some land uses that are incompatible or are likely to create conflict with farming, there are also some that can be considered ancillary to farm businesses and can enhance the profitability or resiliency of a farm. The Farming Zone is currently quite restrictive of anything that is not primary production. For example, a planning permit is required for farm gate sales of unprocessed and processed goods.

There are also other uses that are prohibited through omission in the Farming Zone provisions, such as mechanical repair workshops, transportation businesses, and small scale onsite processing facilities.

The Farming Zone should provide some discretion to councils to consider the appropriateness of compatible industries, when they are ancillary to a farm business. However, there is a need for caution when such businesses are not attached to a farming enterprise.

3.5. A way forward – Take the pressure off the Farming Zone

The current approach to making changes in rural zones seems to be strongly focussed on changing the Farming Zone. However, the core purpose of the Farming Zone is clear - to provide for the use of land for agriculture, to encourage retention of productive agricultural land, and to protect agriculture from incompatible land uses. This purpose should not be changed. Achieving this purpose while substantially increasing flexibility (as outlined in figure 1) would be a difficult task, particularly without other substantial changes to the planning system.

In the interest of economic development in regional areas the planning scheme should encourage people to move to regional Victoria. This needs to be achieved without increasing incompatible land uses in farming areas.

Non-commercial agriculture (i.e. hobby farms), lifestyle blocks, and other non-agricultural enterprises such as tourism operations and accommodation will continue to place demands on land regardless of the planning measures in place. Therefore, rather than trying to discourage these activities across the board, there should be an effort to concentrate these activities in areas least likely to affect commercially viable and productive farmland. The obvious options are near rural townships and regional centres. However it is critical that such development is kept within boundaries. By providing

a supply of land that has least interaction with viable farm land and enterprises, the planning scheme could take the pressure off intact farm land.

The solution, therefore, is not increasing the flexibility in the Farming Zone, but rather increasing the use of other zones such as the Rural Activity Zone and the Rural Living Zone **in appropriate places**. The concept of an Urban Interface Zone may have merit in encouraging councils to locate non-agricultural land uses around regional towns.

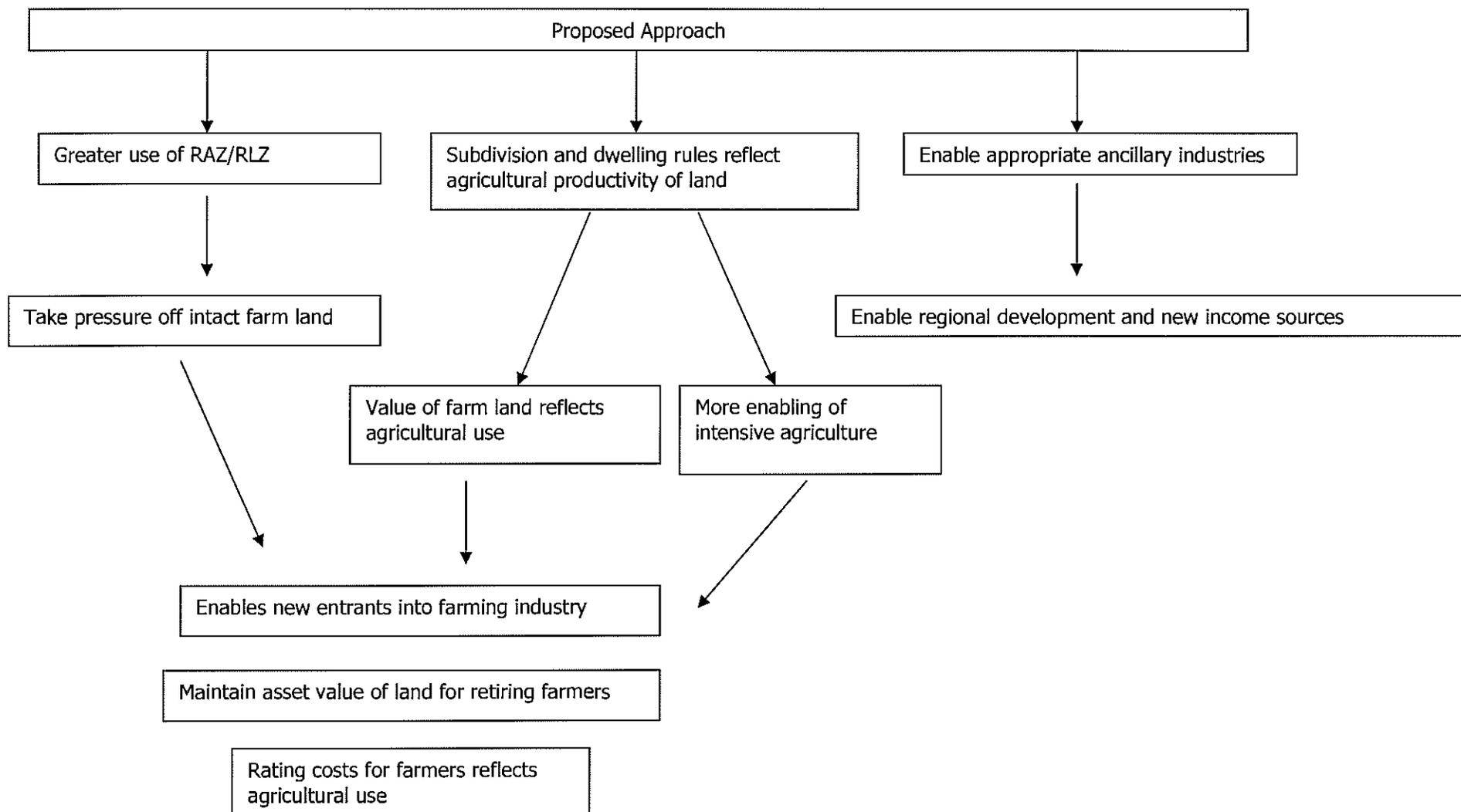
To achieve the minimum impact on farm land, new non-agricultural landholders in rural areas should be encouraged to live on the smallest land area possible. This would mean low minimum lot sizes for the Rural Living Zone and the proposed Urban Interface Zone. This is discussed further in section 7.

Ideally if the planning scheme successfully takes the pressure of the Farming Zone, councils will be more willing to use discretion and common sense when confronted with proposals such as those referred to in 3.2.

A proposed approach to address the issues with the Farming Zone is set out in Figure 3 below.

VFF's proposed approach to the Farming Zone

Figure 3: System wide changes, rather than focussing solely on the Farming Zone



4. The Green Wedge Zone

The position of green wedges on the outskirts of the metropolitan Melbourne mean they are subject to pressures from residential development, and bordering land uses. It is clear that the green wedges have been put in place because the community values having open space and the aesthetic appeal of farm land on the outskirts of the city. However, if these values are to be supported it is critical that the Green Wedge Zone is enabling of commercial agriculture.

While the Green Wedge Zone provides some support for agriculture, compared to the Farming Zone its application has been restrictive. Green Wedge Zones often pose barriers to standard agricultural practices, and in doing so make commercial operation difficult for farmers. As a result the application of Green Wedges is contrary to the VFF's planning policy.

For example, a horticulture business in the Shire of Yarra Ranges Green Wedge needed permits to erect support structures for trees. The council required a building permit, a building surveyor to certify the existing structures, and a building surveyor to provide a permit for future structures.

Standard agricultural activities such as moving stock on roads, moving machinery between farm lots, the use of horticultural structures such as tree supports and netting, scare guns, and crop spraying should all be permitted activities and be considered ancillary to a permitted land use.

5. Rural Conservation Zone

The VFF strongly opposes the zoning of productive agricultural land into Rural Conservation one. The Rural Conservation Zone's primary purpose is about protecting biodiversity and delivering environmental outcomes. This is a different and sometimes incompatible purpose to that of agriculture. The purpose of the zone is significant, as councils are required to make planning application decisions on this basis. When farm land is placed in the Rural Conservation Zone it is very difficult for farmers to develop, expand or change agricultural enterprises, as the council is required to make its assessment largely on conservation grounds. Furthermore the lands value for agricultural use is greatly devalued by the level of restriction placed on it. The need for farmers to obtain permits for agricultural activities is viewed as unduly onerous for farmers operating a commercial business.

If land is highly valued for a desired environmental outcome, then the community must be prepared to use market based instruments to provide incentives for farmers to manage it for its environmental outcome. Market based instruments will result in biodiversity enhancement, rather than the 'lock it up and leave it' approach that results from regulation through the Planning Scheme.

Our view is that the Rural Conservation Zone also duplicates existing measures under federal and state based legislation to protect the environment and biodiversity.

6. Rural Activity Zone

The Rural Activity Zone is very underutilised, yet it provides a useful alternative to the more restrictive Farming Zone. As with the Farming Zone, the Rural Activity Zone supports the agricultural use of land and does not impede farm practices. However, it is more enabling of other land uses, provided they are unlikely to have a substantial impact on neighbouring agricultural land uses. In areas where there is more mixed use, and there are greater opportunities for ancillary industries, it may be appropriate to use the Rural Activity Zone.

The VFF do not believe the underuse of the Rural Activity Zone is a reason to remove the zone altogether. Rather, it would seem it is evidence that the difference between the Farming Zone and Rural Activity Zone is not well understood. With the introduction of the Farming Zone following the Rural Zones Review in 2004, most councils opted to use the Farming Zone broadly, even in some places where strong restrictions on land use and high minimum lot sizes for subdivision and dwellings may not have been appropriate.

7. Rural Living Zone

The VFF is broadly supportive of the Rural Living Zone for land where lifestyle, not farming, is the key land use. However, we are concerned with the Victoria Planning Provision default of 8 ha for a dwelling. This is an unnecessarily large land area for a non-agricultural land use, and if widely used, would result in a significant loss of productive land.

A common argument for larger lot sizes in lifestyle areas is that it provides a buffer between agricultural land and residential areas. However, larger land areas also require greater work to maintain and if not properly maintained could increase rather than decrease land use conflict between properties.

The Rural Living Zone should only be applied to areas where lifestyle and not productive agriculture is the predominant land use and should enable housing on small (e.g. 0.4 hectare) lot sizes. Smaller lot sizes are easier to provide infrastructure for, take less land away from commercial agriculture, and do not require as much attention to land management.

8. Proposed Urban Interface Zone

The Urban Interface Zone proposed by the Government could be used to encourage councils to concentrate lifestyle properties on the outskirts of rural towns. However, as with the Rural Living Zone, the Government must fully consider the impacts of such a zone on agricultural land and in particular what land area is actually necessary for lifestyle purposes.

9. Overlays

As with the Rural Conservation Zone, some overlays create significant issues for farmers, erode property rights, and restrict agricultural activities and business development. Many of these overlays duplicate other legislation and regulation.

For example, the following overlays are currently on a single farm in the Mornington Peninsula:

- Environmental Significance Overlay – duplicates native vegetation regulations and the Flora and Fauna Guarantees Act – ultimately requires private landholders to provide a public benefit with no compensation or incentives
- Erosion Management Overlay – erosion is an issue that can and is being managed by primary producers voluntarily
- Vegetation Protection Overlay – duplicates native vegetation regulations and the Flora and Fauna Guarantees Act
- Significant Landscape Overlay – highly restrictive of land use, prevents farm development and new farm practices - ultimately requires private landholders to provide a public benefit with no compensation or incentives

Furthermore the same property was in the Green Wedge, which further limited their ability to develop their business. Agricultural land that is subject to so many levels of regulation becomes unviable and unsaleable, and yet the community expects the land to be used for agriculture. When community environmental outcomes are sought, it is critical that market mechanisms are used, rather than endless layers of regulation.

Where overlays are in the interest of public safety, such as the Land Subject to Inundation Overlay and the Wildfire Overlay, there is an argument for their use. However, in the case of the Wildfire Overlay, it is important that where forestry operations are the neighbouring land use, there is shared responsibility for managing fire risk. A buffer zone may be appropriate between plantations and a property boundary and forestry operators should be required to undertake fuel reduction as undertaken on public land. Farmers should not be subjected to the full burden of a Wildfire Overlay in the management of land and the placement of farm buildings and dwellings.

10. Right to Farm

The right to farm needs to be strengthened across all the rural zones. The best way to strengthen the right to farm is to follow through on the philosophies in 'Living Together in Rural Victoria'. This should include changes to the way in which complaints to the EPA and or Councils are investigated. The Farming Zone, in particular, should maintain maximum flexibility for farmers to utilise their land as they need to, but residents living within the Farming Zone should be made aware that they have no right to complain about normal farming practices, as they are living in what is essentially an area designated for agricultural industry.

If limitations can be placed on residents' expectations for a rural lifestyle, then this will address the majority of right to farm issues, and it would in fact become less appealing for lifestyle residents to reside in agricultural areas, therefore reducing the pressure for residential development in the Farming Zone.

Part of this change should include a higher minimum threshold requirement for investigating complaints about noise, smell and dust. Instances where complaints about chemical spraying and road use for movement of stock and machinery are legitimate should also be clearly defined.

If such issues could be addressed, there are also potential spin-offs for intensive industries that require large buffer zones around their properties to ensure nil odour units at the boundary. If a more reasonable threshold for odour, noise, dust etc. could be applied to farming areas, this will reduce the necessary capital investment for landowners and make the development of intensive industries more attractive in the Farming Zone.

11. Conclusion

The role of planning in supporting and protecting agricultural land uses is important. There are a range of pressures that are resulting in the loss of agricultural land, and the planning system is one tool that should be used to manage these pressures. A strategic approach must be taken to land use planning, such that it is not merely reactive and results in continual shifts of the 'line in the sand'.

One of the critical tools for supporting agriculture is the Farming Zone. The Farming Zone as currently applied, goes some way to achieving its purpose, however it also creates barriers to agricultural businesses. Addressing these issues requires a system wide approach. Increasing the flexibility in the Farming Zone alone is likely to increase the fragmentation of agricultural land, enable incompatible land uses, and ultimately impact the viability of agricultural businesses.

It is necessary to look at other means to take pressure off the Farming Zone, such that councils can have greater confidence in using discretion for land use proposals. We propose that this could be achieved by strategically focussing non-agricultural land uses away from intact farm land, such as near rural towns. However, the impact of land use change on agriculture needs to be minimised. One method to achieve this is by enabling dwellings in lifestyle areas on small lot sizes.

In order for the planning system to support agriculture, the many layers of regulation need to be stripped back. The use of overlays and the Rural Conservation Zone often require public benefits to be provided at the cost of farmers. Where a community outcome is desired, market based approaches must be used.

Central to supporting agriculture is supporting the right to farm. In many areas the right to farm has been compromised by regulation and unrealistic expectations of those moving to rural areas. This needs to change throughout rural Victoria, and particularly in Green Wedge Zones where the right to farm is most needed and often poorly supported.

From: [Edwin Irvine](#)
To: [REDACTED]
Subject: FW: Fwd: Re: Macedon Ranges review
Date: Wednesday, 1 September 2021 4:36:54 PM
Attachments: [image001.jpg](#)

[REDACTED]

Could the email below from [REDACTED] be registered as a submission and sent a acknowledgement please.

Edwin

From: [REDACTED]
Sent: Friday, 27 August 2021 1:23 PM
To: Edwin Irvine <Elrvine@mrsc.vic.gov.au>
Cc: [REDACTED]
Subject: Fwd: Fwd: Re: Macedon Ranges review

CAUTION: This email originated from outside of Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Edwin, Please see comments on the Rural Land Strategy from [REDACTED]  [REDACTED] be included with other submissions

Regards

[REDACTED]

[REDACTED]

[REDACTED]

----- Forwarded Message -----

Subject:Fwd: Re: Macedon Ranges review

Date:Fri, 27 Aug 2021 11:56:56 +1000

From: [REDACTED]
[REDACTED]

[REDACTED]

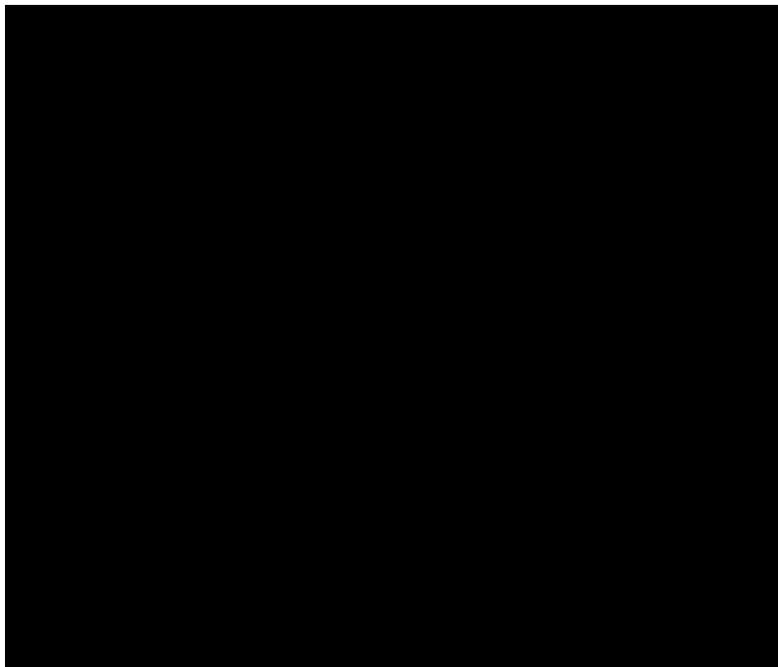
Please see email trail below.

I assume this is related to project # [REDACTED] so I will leave it to you to reply as you see fit.

Regards!

[REDACTED]

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----- Forwarded Message -----

Subject:Re: Macedon Ranges review

Date:Fri, 27 Aug 2021 11:55:36 +1000

From: [REDACTED]
To: [REDACTED]

[REDACTED]

Thank you for your email. I have had no direct input into this project, but am aware that some of my colleagues have. I will pass your comments onto them and allow them to reply as appropriate.



wrote on 27/8/21 11:00 am:

Hi

I am reading your strategy for MRSC and I must say I think you have missed the potential future of agriculture in the region and you are thinking of an agriculture paradigm that is not suited to the Macedon Ranges. I think you have overlooked the future of regenerative agriculture and boutique farms and more intensive forms of agricultural enterprises, including horticulture, that are highly suited to the region.

The biggest limitation on agriculture in the region is biological and not the size of the properties. With cold winters and hot dry summers, the growing season is shortened by temperature limiting plant growth in winter and moisture availability (within the reach of pasture species) during summer and autumn. Hence, livestock are fed hay for much of the year because of the short growing season. The solution is not to make the farms bigger (which does nothing for their production per unit area) but to make them more productive per hectare. That is done by extending the growing season with deeper rooted plants, such as tree crops with some supplementary irrigation or swales, keyline farming and other water storage techniques.

Also, I think you are not thinking outside the square in terms of how the role of planning can be modified to be less controlling and play more of a coordinating role

with specialists allowed to use their expertise to shape the optimum outcome on each property. By assuming that planning controls are the best way to bring about optimum land use outcomes you negate the possibilities for creative, entrepreneurial outcomes, which is exactly what is wrong with the current planning scheme in MR. See my thoughts on this in the attached submission.

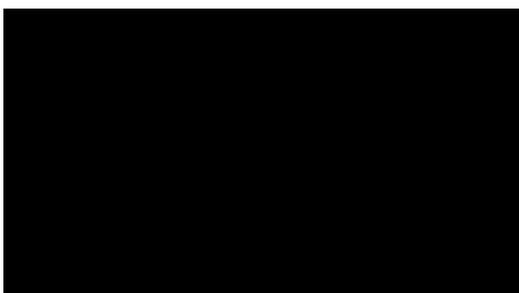
Sure, the number of farms may be declining, but I think that is because people are being blocked from creating small farms in the region based on practices such as permaculture and regenerative agriculture that are more conducive to increasing productivity and returns per hectare. Your starting point needs to be the reality of land prices being pushed up by the proximity to the city which then sets a benchmark for productivity from agriculture to achieve in order to provide a return to investment. That rules out extensive agriculture which also rules out large farms. Sure, existing large farms might continue, but they will not continue to make an adequate return on investment as the land prices increase. Eventually they will also move out of the region, and that is not a bad thing.

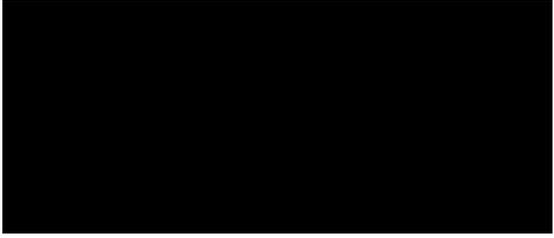
What is needed is a vision for the future of ag based on enterprises which extend the growing season and increase the productivity per hectare and return on investment. Your strategy seems to overlook this entirely! Such a vision of the future will involve small farms, with a dwelling, with a farming family providing intensive management to achieve the desired outcome of a high productivity per hectare and an adequate return on investment.

Your discussion is falling into the same old thinking that a dwelling on a farm is not essential and it is best to keep telling people to live in town and drive out to the farm each day. Fine if you have a large industrial scale enterprise (which are not suited to the region), but not so for boutique intensively managed farms that are the future of the region and the potential backbone for a new food tourism industry in the region. The young generations coming through, who are the future of ag. are interested in regenerative farming and permaculture and the paddock to plate offering that will be essential to a new food tourism industry, and I see little acknowledgement of that in your report or your thinking.

I think there is much room for challenging your thinking and to create a bright future for agriculture in the region, beyond the scope based on traditional, high-input, low margin, low productivity per hectare, inadequate return on investment, soil destroying practices of the past.

I am happy to discuss it if you like to call me 





From: [REDACTED]
To: [Strategic Planning](#)
Subject: Support for Rezoning area [REDACTED]
Date: Friday, 17 September 2021 4:33:45 PM
Attachments: [REDACTED]
[Flora and Fauna Survey 11 Feb 2021.xlsx](#)

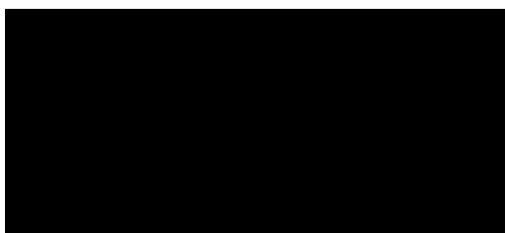
Dear Strategic Planning Department

Sorry for the lateness of my submission, but I thought it finished on 17th at close of business.

My wife and I are the owners of [REDACTED] acres on [REDACTED] between number [REDACTED] [REDACTED].

We support the rezoning from FZ to RCZ for the following reasons:

- Our property is located a [REDACTED] [REDACTED] [REDACTED] [REDACTED] of the [REDACTED] Bushland Reserve.
- There are a huge number of kangaroos that visit and graze on our property daily and on the properties surrounding.
- Our neighbours to the [REDACTED] with [REDACTED] acres [REDACTED] used to graze cattle but gave up because of the competition from kangaroos.
- The western end of our property has a creek and native forest occupying about 15 acres which is part of a biolink with [REDACTED] Bushland Reserve. Once we fence off the [REDACTED] and create a 30m buffer to the [REDACTED] and revegetate the buffer with native plants (which will incorporate the large dam and some of the cleared agricultural land into the native forest area), the area of native forest will be almost half of our property.
- Trust for Nature has assessed the property and has approved the entire property for a TFN covenant with two zones: a conservation zone and a farming zone. See letter and species list attached from their Flora and Fauna Survey.
- We plan to farm on the cleared farming zone, but we plan to adopt agroforestry (oaks with truffles and fodder trees) which will create additional habitat and shelter for wildlife, especially small birds.
- Our vision is to create a property that integrates a strong focus on conservation with a highly profitable, regenerative agriculture enterprise which also contributes to the maintenance and enhancement of the environment.
- We also want to control foxes and feral cats to allow the smaller fauna to re-establish, because currently we rarely see any of these smaller species, however, we regularly see foxes.



26 August 2021

Dear [REDACTED]

Re: Letter of support

Property: [REDACTED]

I write to confirm that the above property has been assessed for a Trust for Nature conservation covenant on the 11th of February 2021 in which the attached species list for the property was produced. The property was identified as having covenanting potential due to the diversity of flora and fauna observed, the presence of a threatened vegetation type (EVC 47: Valley Grassy Forest), and proximity to [REDACTED] Bushland Reserve.

Trust for Nature have thorough and robust covenanting criteria that are applied to every property that is presented to us. The process to covenant is rigorous and involves approval by our Conservation Committee (a sub-committee of the Trust for Nature Board). All finalised covenants must be presented to the CEO and Board of Trustees. Following Board approval, covenants are then submitted to a Victorian Government Minister for approval. The above property was approved by the Board in April 2021.

Trust for Nature and covenantors are legally-bound by the on-title covenant to fulfil the obligations in the deed which exist to protect the flora, fauna and conservation values present on site. Furthermore, each covenant is provided with a Management Plan which is a detailed guide on the environmental assets present and how to protect them against threatening process, including but not limited to pest plants and animals, and agricultural activities. A Deed of Covenant and Management Plan are currently being prepared for this property and ongoing site visits and landholder support will be provided by the Trust through our Stewardship Program.

This property has high potential for improvement under a conservation covenant given the required management of environmental threats, particularly of the high-threat environmental weeds Gorse and Blackberry, and the covenantors' plans to revegetate and increase the native vegetation extent on the property. In a landscape context, this property is important in retaining a vulnerable vegetation type and maintaining connectivity along local riparian corridors.

Yours sincerely,

Fauna		Flora
Common name	Species	Common name
Pacific Black Duck	<i>Anas superciliosa</i>	1 Messmate
Wedge-tailed Eagle	<i>Aquila audax</i>	2 Broad-leaved Peppermint
Whistling Kite	<i>Haliastur phenurus</i>	3 Manna Gum
Long-billed Corella	<i>Cacatua tenuirostris</i>	4 Candlebark
Sulphur-crested Cockatoo	<i>Cacatua galerita</i>	5 Blackwood
Crimson Rosella	<i>Platycercus elegans</i>	6 Grey Parrot-pea
Common Bronzewing	<i>Phaps chalcoptera</i>	7 Purple Coral-pea
Laughing Kookaburra	<i>Dacelo novaeguineae</i>	8 Creeping Bossiaea
White-throated Treecreeper	<i>Cormobates leucophaea</i>	9 Common Hovea
Yellow-faced Honeyeater	<i>Lichenostomos chrysops</i>	10 Common Beard-heath
White-naped Honeyeater	<i>Melithreptus lunatus</i>	11 Cranberry Heath
Brown-headed Honeyeater	<i>Melithreptus brevirostris</i>	12 Maidenhair Fern
Spotted Pardalote	<i>Pardalotus punctatus</i>	13 Black-anther Flax-lily
Rufous Whistler	<i>Pachycephala rufiventris</i>	14 Buttons
Golden Whistler	<i>Pachycephala pectoralis</i>	15 Chocolate Lily
Brown Thornbill	<i>Acanthiza pusilla</i>	16 Showy Violet
Grey Fantail	<i>Rhipidura albiscapa</i>	17 Grassland Wood-sorrel
Supurb Fairy-wren	<i>Malurus cyaneus</i>	18 Bidgee-widgee
Australian Magpie	<i>Gymnorhina tibicen</i>	19 Cudweed
Grey Shrike-thrush	<i>Colluricincla harmonica</i>	20 Small Poranthera
Eastern Grey Kangaroo	<i>Macropus giganteus</i>	21 Common Fringe-lily
Swamp Wallaby	<i>Wallabia bicolor</i>	22 Blue Pincushions
Common Wombat	<i>Vombatus ursinus</i>	23 Pink Bells
Short-beaked Echidna	<i>Tachyglossus aculeatus</i>	24 Common Raspwort
Fish in dam!		25 Grassland Sundew
Lots of dragonflies, damselflies, eg Blue Skimmer		26 Small St John's Wort
Woodwhite butterfly	<i>Delias aganippe</i>	27 Yam Daisy
Red Fox	<i>Vulpes vulpes</i>	28 Bulbine Lily
European Rabbit	<i>Oryctolagus cuniculus</i>	29 Wattle Mat-rush
		30 Spiny-headed Mat-rush
		31 Water Ribbons
		32 Rushes
		33 Kangaroo Grass
		34 Silvertop Wallaby-grass
		35 Wallaby-grass
		36 Rough Spear-grass
		37 Weeping Grass
		Silver Wattle

		Weeds
Species		Common name
<i>Eucalyptus obliqua</i>		Yorkshire Fog
<i>Eucalyptus dives</i>		Gorse
<i>Eucalyptus viminalis</i>		Ivy
<i>Eucalyptus rubida</i>		Hair Grass
<i>Acacia melanoxylon</i>		Subterranean Clover
<i>Dillwynia cinerascens</i>	Very common throughout understorey	Sweet Briar
<i>Hardenbergia violacea</i>	Very common throughout understorey	Blackberry
<i>Bossiaea prostrata</i>	Very common throughout understorey	Sweet Vernal
<i>Hovea heterophylla</i>	Very common throughout understorey	Spear Thistle
<i>Leucopogon virgatus</i>		Pink Centaury
<i>Astroloma humifusum</i>		Sheep Sorrel
<i>Adiantum athiopicum</i>		Large Quaking Grass
<i>Dianella revoluta</i>		Flatweed
<i>Leptorhynchus</i> sp.		Brown-top Bent
<i>Arthropodium strictum</i>		Fescue
<i>Viola betonicifolia</i>		
<i>Oxalis perennans</i>		Cootamundra
<i>Aceana novae-zelandiae</i>		Spiny Rush
<i>Euchiton</i> sp.		
<i>Poranthera microphylla</i>		
<i>Thysanotus tuberosus</i>		
<i>Brunonia australis</i>		
<i>Tetralthea ciliata</i>		
<i>Gonocarpus tetragynus</i>		
<i>Drosera hookeri</i>		
<i>Hypericum gramineum</i>		
<i>Microseris lanceolata</i>	Covenantor observed	
<i>Bulbine bulbosa</i>		
<i>Lomandra filiformis</i>	Some in lower areas of pasture as well	
<i>Lomandra longifolia</i>		
<i>Triglochin procera</i>		
<i>Juncus</i> sp.	At least 3 species	
<i>Themeda triandra</i>		
<i>Rytidosperma pallidum</i>		
<i>Rytidosperma</i> sp.	Some in lower areas of pasture as well	
<i>Austrostipa rudis</i>		
<i>Microlaena stipoides</i>	Most along western boundary	
<i>Acacia dealbata</i>	On neighbouring property to south	

Species

<i>Holcus lanatus</i>	In pasture and occasionally in wetter forest areas
<i>Ulex europaeus</i>	
<i>Hedera helix</i>	On one tree
<i>Aira</i> sp.	In drier forest areas to west and south of property
<i>Trifolium subterraneum</i>	In pasture
<i>Rosa rubiginosa</i>	A couple along creek
<i>Rubus fruticosus</i>	Along creek
<i>Anthoxanthum odoratum</i>	Throughout property
<i>Cirsium vulgare</i>	Some along creek
<i>Centaurium erythraea</i>	Low amounts throughout property
<i>Acetosella vulgaris</i>	Occasional under trees and in pasture
<i>Briza maxima</i>	Common in drier forest areas
<i>Hypochaeris radicata</i>	Common across property
<i>Agrostis capillaris</i>	In pasture
<i>Vulpia</i> sp.	In pasture
<i>Acacia baileyana</i>	In neighbouring property to south
<i>Juncus acutus</i>	In neighbouring property to south

6 September 2021

Rural Land Use Strategy Draft Submission

Submitted by [REDACTED]

Proposal Summary

- Preserve the rich farm land of the Shire and utilize its productiveness
- Reduce the size of farms from underutilised large holdings (greater than 100 acres) to profitable but smaller ones (around 20 to 30 acres)

Some Historical Background and Context

[REDACTED] and constitutes [REDACTED] acres. The farm is the sole remaining portion of the original property settled by our [REDACTED] and has been held by the family since [REDACTED] original farm was [REDACTED] acres and reduced in size as it was bequeathed to his family over the 4 generations and subsequently the majority of its portions were sold off. The current remaining [REDACTED] acre parcel of this original farmland provides a unique link to the heritage of the [REDACTED] district. [REDACTED] Roads Board and his descendants have made significant contributions to the development of the district's history. [REDACTED] constitutes rich red soil that has supplied this region and Melbourne over the past 160 years with dairy products, lamb, beef, pork, poultry, peas, potatoes, oats and barley.

Preserving the History and Utilizing the Rich Red Land

It is the desire of our family to keep the [REDACTED] name connected to this land for another generation (and hopefully longer). To achieve this it will require a change in the current planning laws of the Macedon Ranges Shire Council. Our land is zoned Farming and cannot be subdivided, despite that fact that it is now surrounded by hobby farms ranging in size from 20 to 90 acres. [REDACTED] is owned by 4 siblings. It is no longer economically viable for it to run as a profitable farm as has been the case for several decades. Its current use is wool and lamb production and limited cropping. Each of the 4 siblings have independent non-farm incomes. The options facing the family are to sell the 137 acres in its entirety or seek council approval for a subdivision with the intention of maintaining at least some percentage of the property in the [REDACTED] name. **It is the intention of the family to seek subdivision approval dependent upon the outcome of this strategy consultation.**

What We Believe Strongly In:

Our family holds strongly to the Shires Land Use Vision (21.03-2) that "Agriculture remains an important part of the character and economy of the Shire especially in the high quality soils in the East of the Shire" (where our farm is located).

Therefore our proposal to the Rural Land Use Strategy is to fulfill the objectives of the current MRSC policy framework objectives to:

1. *'Protect the state's agricultural base by preserving productive farmland'*
2. *'Encourage sustainable agricultural land use'*
3. *'Protect and enhance the valued attributes of identified distinctive areas and landscapes that contribute to character, identity and sustainable environments.'*

Our desire is to uphold key features of the Draft 2006 Rural Land Strategy whereby there is:

-'Optimal and productive land management'

-'Summer and winter crops and vegetables'

-'High value horticultural products'

How We Believe This Can Work

We urge the council to consider zoning that allows for 3 options for this land:

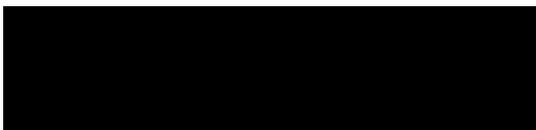
1. Intensive horticulture, for example, fruit and vegetables, grape production /wineries, intensive flower production
2. High value livestock production i.e. unique animal farming which is free range, organic and highly specialized, for example, waygu beef
3. Fodder production, for example, lucerne

Note: We hold firmly to the view that horses are not suitable options for this productive high yield land.

Thank you for the opportunity to make our submission into future rural land use in the Macedon Ranges.

We look forward to future discussions.

Regards



From: [REDACTED]
To: [Strategic Planning](#)
Cc: [Edwin Irvine](#)
Subject: Rural Land Use Strategy Submission-[REDACTED] 200921docx.pdf
Date: Monday, 20 September 2021 12:23:24 PM
Attachments: [Rural Land Use Strategy \[REDACTED\].pdf](#)
[ATT00001.txt](#)

Please find attached our updated submission for the Draft Rural Land Use Strategy.
Thanks for your consideration and time provided by Council Officers.

Regards

[REDACTED]

20 September 2021

Rural Land Use Strategy Submission

[REDACTED]

Proposal Summary

-Preserve the rich farm land of the Shire and utilize its productiveness

-Reduce the size of farms from underutilised large holdings (greater than 100 acres) to profitable but smaller ones (around 20 to 30 acres)

Some Historical Background and Context

[REDACTED] farm is the sole remaining portion of the original property settled by our [REDACTED] and has been held by the family since [REDACTED] farm was [REDACTED] acres and reduced in size as it was bequeathed to his family over the 4 generations and subsequently the majority of its portions were sold off. The current remaining [REDACTED] acre parcel of this original farmland provides a unique link to the heritage of the [REDACTED] was the first [REDACTED] Roads Board and his descendants have made significant contributions to the development of the district's history. [REDACTED] constitutes rich red soil that has supplied this region and Melbourne over the past 160 years with dairy products, lamb, beef, pork, poultry, peas, potatoes, oats and barley.

Preserving the History and Utilizing the Rich Red Land

It is the desire of our family to keep the [REDACTED] connected to this land for another generation (and hopefully longer). To achieve this, it will require a change in the current planning laws of the Macedon Ranges Shire Council. Our land is zoned 'Farming' and cannot be subdivided, despite that fact that it is now surrounded by hobby farms ranging in size from 20 to 90 acres.

Our research has established that there are no longer any farms [REDACTED] that are economically viable. Existing land holders have another source of income to supplement what can be accrued from these agricultural pursuits. The exceptions being 2 vineyards.

[REDACTED] owned by 4 siblings. It is no longer economically viable for it to run as a profitable farm as has been the case for several decades. Its current use is wool and lamb production and limited cropping. Each of the 4 siblings have independent non-farm incomes. The options facing the family are to sell the 137 acres in its entirety or seek council approval for a subdivision with the intention of maintaining at least some percentage of the property in the [REDACTED] name. **It is the intention of the family to seek subdivision approval dependent upon the outcome of this strategy consultation.**

From: [Strategic Planning](#)
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: [Sender Unverified] Comments on Draft Rural Land Use Strategy
Date: Tuesday, 7 September 2021 1:09:59 PM

From: [REDACTED]
Sent: Monday, 6 September 2021 5:40 PM
To: Strategic Planning <strategicplanning@mrsc.vic.gov.au>
Subject: [Sender Unverified] Comments on Draft Rural Land Use Strategy

Dear Shire

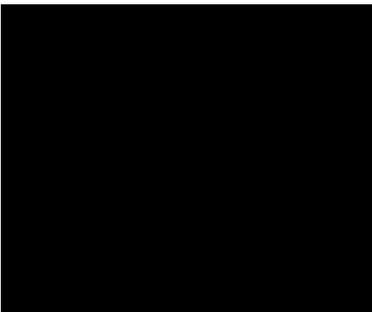
I am in favour of better defining the land use provisions over the Cobaw Biolink.

It is important that society develops a balanced approach between agriculture and biodiversity and I believe that the goal of “half for humanity and half for the rest of life” wherever land is managed is a fundamental and critical imperative.

As such if the Cobaw Biolink is to be reclassified as Farming Zone then I would recommend an overlay requiring/encouraging regenerative farming and to have at least 30% of the land area managed for conservation.

Thank you for the opportunity to comment.

Regards



From: [REDACTED]
To: [Strategic Planning](#)
Subject: Draft Rural Land Strategy
Date: Tuesday, 7 September 2021 11:32:59 AM

Good morning, I would like to express my extreme concerns about about bore permits as part of the Draft Rural Land Strategy.

I see the rate in which bores are being installed in the area and I think this is one of the greatest concerns and relates to bushfire management. We are using critical groundwater that once serviced our land to prevent it drying out, in return, reducing fire risk.

People using bores have no line of sight of how much water they're using or may have a false sense of security that they have an unlimited supply and may not limit their water usage in drought periods.

I look at other councils in Victoria and it is almost impossible to get a bore permit but MRSC seems to hand them out to anyone who submits the form and pays the money.

Thank you for allowing me to have my say.



Get [Outlook for Android](#)

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Protest : Draft Rural land Use Strategy
Date: Sunday, 5 September 2021 6:49:52 PM
Attachments: [REDACTED]

Attached please find a protest against the proposed changes to Rural land Use Strategy.

[REDACTED]

Macedon Ranges Shire Council
Macedon Ranges Shire Council- Strategic Planning Team

RE: DRAFT RURAL LAND USE STRATEGY

[REDACTED]

Dear Sir/ Madam,

I wish to protest against the proposed change to our permitted use.

I have had a long association with this farm having meet my husbands' parents and stayed with them during our courtship and finally when we were married. I knew of their toil and hard work to make this a viable farm and the exhausting work they performed to improve the farm but at all times to preserve and enhance the land. They had a commitment to the bush and wildlife around. They saw they had a responsibility to protect and safe guard it from bush fires, drought and pests that damage pasture and fences.

This legacy we took on when we purchased the land in [REDACTED] from the family. We have been good custodians of the land, having fenced off all our [REDACTED] [REDACTED] frontage to preserve the riparian area. We have fenced off a large area of red box bushland to protect it and its biodiversity.

We take our responsibilities to reduce fuel load and improve pastures. We have invested time and money to reduce our carbon footprint. We have worked tirelessly over the many years and it has been a labour of love and responsibility. My husband has a connection to this land and our son shares this too. The changing of the seasons, the daffodils emerging from the ground in Spring, the arrival of the birds to name a few.

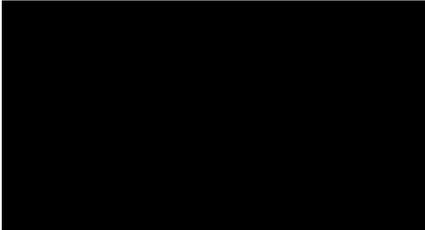
The changing of the Rural Land Use Strategy for our farm is wrong. It changes the landscape and puts everything that we have worked towards at risk.

Our property has been the focus of our family for almost [REDACTED] years. Please allow us to get on with farming and living here without needing to apply for a permit to continue what this farm has been doing for a very long time.

It seems inequitable that our activities and assets are being arbitrarily and drastically reduced.

Please leave our zoning unchanged as “farming” We have enormous connection to this farm. It is our home.

Yours sincerely



From: [REDACTED]
To: [Strategic Planning](#)
Subject: Submission rural land use strategy
Date: Sunday, 29 August 2021 6:39:40 PM
Attachments: [Submission Rural Living Zone changes .docx](#)

Hi
My Submission regarding rural land use strategy
regards
[REDACTED]

Submission:

25/08/2021

Amendment to Municipal Strategic Statement.

I read the continued process of C110 as nothing more than a deliberate and contrived diminishing of the legitimacy of the rural living zones by the state government and a compliant Macedon Ranges Shire.

The state government is actively involving itself into local policy with the intent to reduce the minimum sizes of rural living properties from 8 hectare to 4 hectare continuing its strategy of population growth into rural land.

From a lay person's point of view, it appears the community at large have not understood the objective, that by diminishing the so-called rural living zone RLZ5 to RLZ3 and RLZ2 property size, it simply allows greater occupancy of our peri-urban landscape, that by its very nature allows for future zone changes.

The Hon Richard Wynne MP in February 2018 has stated the Planning and Environment Amendment (Distinctive Areas and Landscapes) Bill aims to deliver the highest level of planning protection for our distinctive and landscapes, Pending the passage of the Bill through Parliament, the Macedon Ranges will be the first area declared and protected under legislation, with a finalized Macedon Ranges Localised Planning Statement transitioning to a Statement of Planning Policy under the amended Act.

It makes one ponder why would the Minister for Planning declare that he is protecting the shire then work deliberately against the Act? This flies in the face of the Victorian Governments commitment of protecting Melbourne's green wedges and keeping farms on our urban fringes working and producing for generations to come.

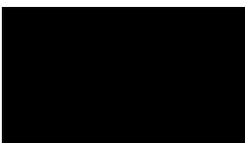
Some of Victoria's most productive agricultural land is within 100 km of central Melbourne. As our climate changes, the ideal conditions of agricultural land become even more important to Victoria's food production.

Melbourne's green wedges and surrounding farmland are critical to our economic prosperity. They provide thousands of jobs in agriculture, conservation, and tourism as they host a range of activities including food production and agritourism such as our famous wineries. They also provide critical infrastructure like water treatment plants, and raw materials to build our houses.

They also include some of the world's best parks, wetlands, and nature reserves, and contain a rich Aboriginal and post-contact cultural history.

So, I reject any changes to the Rural Living scheme It comes at the expense of all residents of the Macedon Ranges Shire, the continued growth footprint that diminishes the very reason people seek to reside in this magnificent peri urban area.

Yours Sincerely





From: [REDACTED]
 To: [Strategic Planning](#)
 Subject: Feedback for Draft rural strategy
 Date: Sunday, 29 August 2021 8:41:15 AM

General feedback - Rural Land Use Strategy

I purchased [REDACTED] ago. The property was rundown with a very high weed burden, rendering the property useless for farming in its current state. Over the past 10 years I have invested much time and money turning it into a working farm. I have also planted hundreds of trees & fenced off waterways. I have tackled the noxious weeds problem, in particular Chilean needle grass which is a particularly difficult and expensive thing to achieve. I invested this time & money as I have an environmental conscience & wanted to be able to improve the land for both sustainable outcomes & creating a beef cattle business using holistic grazing management techniques. Recently I purchased a neighboring [REDACTED] acres and have begun the journey of renovating & regenerating it in the same way. Making a profit is marginal and needs to be supported by bank loans and off farm income. My biggest concern is with the proposed change to the *as of right* to build a dwelling on Farming zone lane from 40ha to 0ha. This is predicted to destroy land values and in my case could mean LVR requirements may be breached, allowing the bank to recall my loans forcing me to sell. All that I have invested into the farm and surrounding community would be a huge waste of time not to mention financially destroy me. How does Council justify changing a rule which could cause immense hardship especially when I have done exactly what the proposed rural land strategy is intending to achieve for my land? This is my story which is duplicated with many of my neighbors in the [REDACTED] area as well as across the shire.

In my case, I have a lot invested in my property which gives me a great incentive to leave it in better condition than I found it. The draft strategy does not seem to want people like me rehabilitating land that would otherwise be agriculturally worthless because the intent is to lower land values to make the economics more attractive for bigger farmers/land holders. I believe this may have a negative affect because most big farmers are usually only interested in arable land and rehabilitation of non arable is considered not economically viable. However, the small farmer will, more often than not, address non arable land and attempt to rehabilitate by managing weeds and planting trees. Let's face it, Macedon ranges is a mountain range and there is a lot of blocks that have a high percentage non arable country and it would be a shame if it was left to the weeds.

Furthermore at the last webinar consult there were 80 questions asked by landholders and only a few were addressed. The biggest concern was clearly the proposed rule change for building houses in the farming zone. I certainly was not convinced that there has been a lot of research done into the affect of this rule change could have. I was also very concerned that if the rule change did come into affect, planning permits would be assessed by planners with no experience in assessing farm management plans. Lastly what other criteria's shall the permit be assessed against? If the management plan is deemed acceptable then does the planning permit pass or will this give council opportunity to dictate siting, materials etc.

I see huge benefits to the greater community allowing housing on 40ha blocks. It brings people and family's which contribute to local townships, small schools, CFA & landcare participation etc. There is also a huge environmental effect. Housing means better managed land. More tree planting, weed management & fencing off of waterways. I would be happy to give Council officers a tour of our area to illustrate these points. Lastly, I participated in the council initiated [REDACTED] course. This was really useful initiative & a fantastic way to promote sustainable ways to balance looking after the landscape and grazing for profit. I note that my fellow participants in the course were predominately from smaller holdings. They were a vibrant bunch of people who really cared about improving the land and running profitable small agricultural businesses. I worry that the rule change will have a negative effect to the shire.

Concerned small farmer

[REDACTED]

Sent from my iPad

From: [Edwin Irvine](#)
To: [Leanne Khan](#); [Jack Wiltshire](#); [Gill Cooper](#); [Kimberley Cook](#)
Subject: FW: Macedon rural land use strategy
Date: Wednesday, 11 August 2021 4:21:23 PM

This email was sent directly [REDACTED]

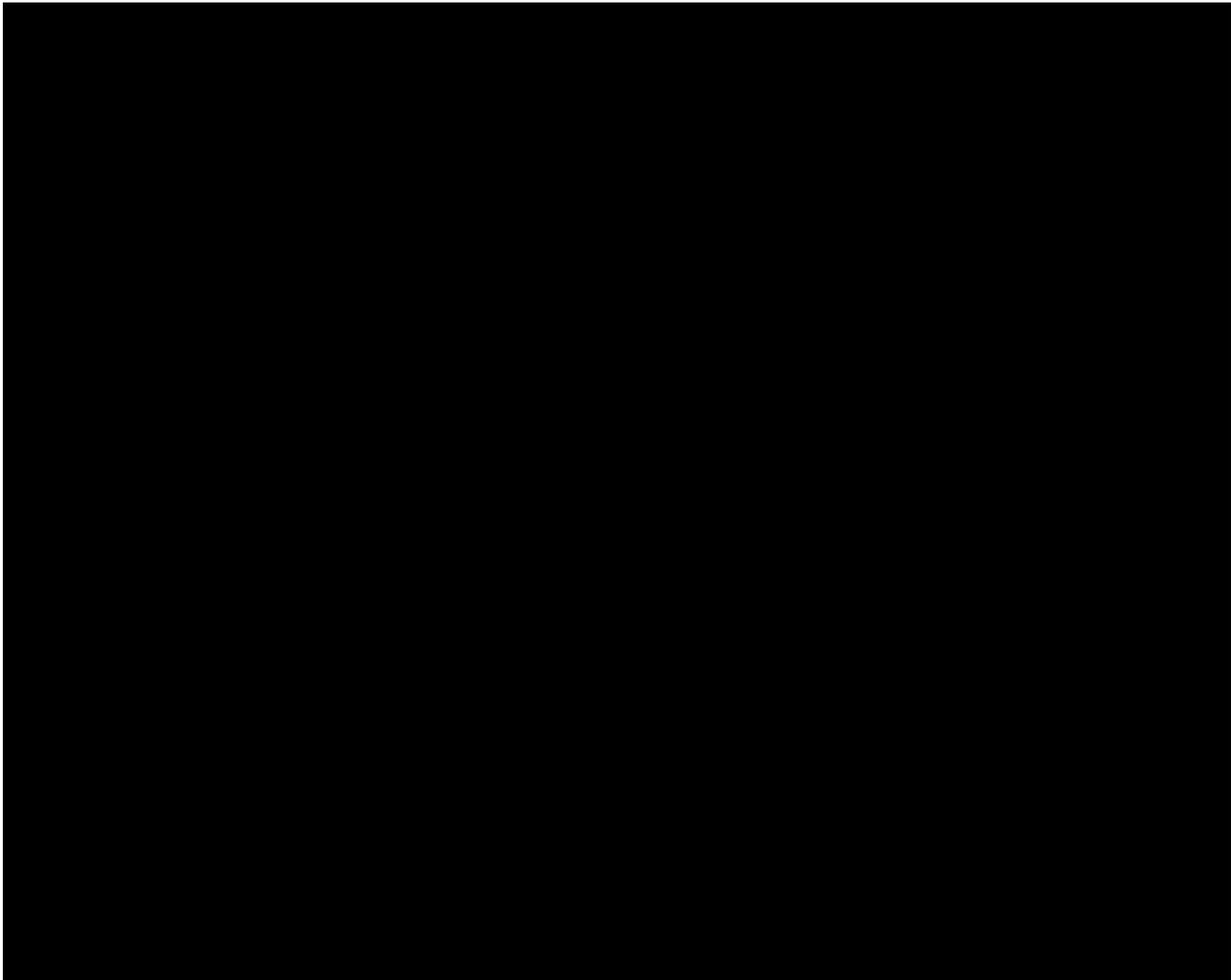
I'll register it as a submission on the RLUS

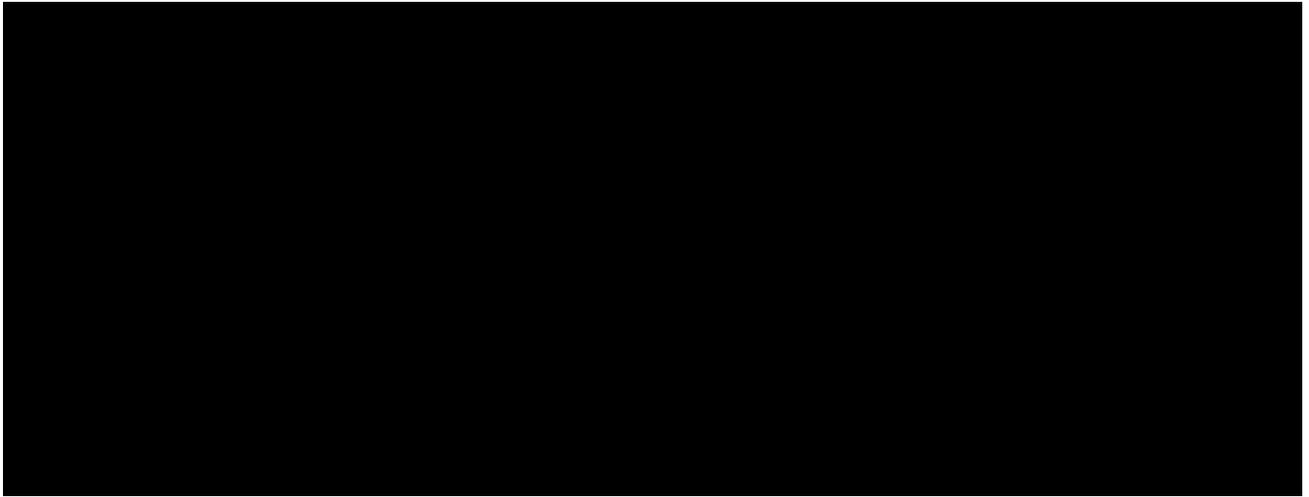
From: [REDACTED]
Sent: Wednesday, 11 August 2021 3:24 PM
To: Edwin Irvine <Elrvine@mrsc.vic.gov.au>
Subject: Fwd: Macedon rural land use strategy

CAUTION: This email originated from outside of Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

----- Forwarded message -----

From: [REDACTED]
Date: Wed, 11 Aug 2021 at 08:42
Subject: Macedon rural land use strategy
To: [REDACTED]





From: [REDACTED]
To: [Strategic Planning](#)
Subject: Rural Land Use Strategy Submission
Date: Friday, 27 August 2021 5:19:23 PM
Attachments: [MRSC letter.doc](#)

Dear Sir / Madam,

Please find my attached letter citing my submission for Rural Land Use.

Kind Regards,

[REDACTED]

[REDACTED]

PS..I am sending this from a friend's computer, thank you.



27th August 2021

Macedon Ranges Shire Council

Reference: Rural Land Use Strategy Submission

Dear Sir / Madam

As a resident, living within a Rural Living Conservation Zone in the Macedon Ranges Shire, I believe that the land lying north along Hamilton Road, New Gisborne, should be retained as an interface to the actual mountain range consisting of Mt Macedon, Mt Robertson and the forested hills to the east of this.

It is important to retain this land for its aesthetic views, outlook, wildlife corridor, natural grassland and tourist trail, entering the Mt Macedon region itself.

It is imperative to retain this rural land in its current forum utilising it for primary production purposes rather than any future subdivision or downsizing the farm lots as they are to any smaller lots. (under 100 acres)

I also believe Rural and Conservation Zoned land in the Macedon Ranges Shire should be retained without undue land segregation, subdivisions with consideration to the future farming needs and a fast growing population in Victoria, fertile agricultural land will become very important, in order to support the growing population forecast.

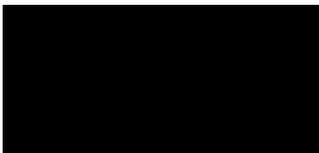
Large lot sizes allow intense farming principles, whereby pasture rotations can be applied allowing pastures to regenerate over time naturally. This is particularly important for livestock grazing, cropping and orchards to efficiently and financially survive.

This strategy also shows responsibility for future generations, taking into account projected and imminent global warming predictions and future mandatory greenhouse emission targets.

On a tourism note, it is logical to retain the Macedon Ranges popular features, open pasture, broad acre farms, smaller existing land sizes and woodland areas surrounding the forested mountains and its scenic views.

The indigenous people to this area kept the land in a sacred and respectful way and I believe this council has a responsibility to retain the values of this land without the unsightly developments or destructive changing of this environment we choose to live in.

Yours Sincerely,



From: [REDACTED]
To: [Macedon Ranges Shire Council](#)
Subject: Rural land use strategy feedback
Date: Wednesday, 18 August 2021 7:45:38 PM

Most of us don't have the time to become involved in council policy. However [REDACTED] review of the rural land use strategy is compelling. Hopefully council is listening.

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Rural Land Use Strategy Submission
Date: Friday, 27 August 2021 3:30:55 PM
Attachments: [Rural Land Use Strategy Submission - \[REDACTED\]](#)

Good afternoon.

Please find attached my formal submission to the draft Rural Land Use Strategy. I would like to also please book a one-on-one session with those responsible for the development of the strategy. I appreciate that Covid restrictions may prevent this at this moment but I would like to have this session at the first availability.

To arrange a time to mee and if you have any queries please contact me on [REDACTED]

Thanks

[REDACTED]

27 August 2021

Macedon Ranges Shire Council

PO Box 151

KYNETON VIC 3444

Dear Sir/Madam

RE: DRAFT RURAL LAND USE STRATEGY SUBMISSION

Having reviewed the proposed strategy, I would firstly like to commend Council on taking proactive steps to update their policy and guidance documents to reflect today's expectations.

I do however have some concerns, some of which are substantial, regarding some of the proposed amendments that are flagged.

As a lifelong resident of the Macedon Ranges and fourth generation farmer, I, as much or more than most, can appreciate how the area has evolved across the last couple of generations. The area has changed significantly from what it was and the growth in population has been terrific for the sustainability and forward thinking of the area.

New ideas and the evolution of agriculture and agricultural land practices now see the tapestry of farmland that everyone appreciates as being the Macedon Ranges. These outcomes would not have been possible without the addition of people and houses to the farming zones.

Vast tracts of land without dwellings is the stuff of marginal country such as would be found in the Mallee and the Macedon Ranges provides the contrast to this. The highly valuable Macedon Ranges Farming Zone is a rich tapestry of well-established and maintained properties with a diversity of agricultural pursuits and a community connectivity that comes with having people.

The preservation of our farming zones as such is critically important to preserve our identity. However, our identity is a product of what we have created which is a Farming Zone that presents as a series of landholdings, many around or below the 40Ha size, where there is a dwelling, a residence and often a family enjoying the agricultural pursuits that they have chosen.

Very few farms located in the Farming Zones in the Macedon Ranges are not supplemented in some way by an "off-farm" income as there would hardly be a privately owned farm that is commercially viable in its own right.

In some instances, the off-farm income is drawn from an agriculture related pursuit (e.g., shearing, fencing, grape picking) or contracting, or Agri tourism (e.g., cellar door or tours) or it is drawn by the partner of the "farmer." Nonetheless, it would be rare if not unique to find a farm in the Macedon Ranges where their entire income is earned from their farm in pure agriculture. It is important to have a good understanding of what the status quo actually is before trying to set rules and parameter to try and preserve it.

In my view, the current rules get it right. There are restrictions in place with the 40Ha restriction that control the level of development of the Farming Zone, there are processes to be followed and limitations on the further subdivision of farming zones. However, there is also the opportunity to build our community of farmers by allowing the construction of dwellings in the farming zone which increase the number of people pursuing farming, increases the number of people caring for the land and increases the sustainability of our communities, schools and volunteer organisations such as CFA, rural Hall Committee, Landcare etc.

While the proposed strategy still at some level allows for dwelling in farming zones, the proposed threshold reduction to 0Ha from 40Ha introduces a level of uncertainty, a level of bureaucracy and certainly a diminished value to the Farming Zone which will have significant unintended consequences. Based on the current day situation in the Macedon Ranges where communities are developing and thriving, the change in restrictions seems both unreasonable and unnecessary.

As the draft strategy stands with the 0Ha threshold, farmers who currently have the 40Ha threshold will face a significant devaluation of their land. The logic that you can still get a dwelling if you can convince Council officers and Councillors (or VCAT) that is necessary will not be accepted by land valuers or banks in assessing the value of a property. They will reasonably assume that the likely answer is “no” and the ability to change this to “yes” is unlikely.

While the devaluation of property may only appear a “desktop” exercise where you have no intention to sell, it has very real implications for the farmers ability to borrow money and therefore stifles or the ability to leverage capital to expand or make improvements to the property. In the worst-case scenario, it will lead to banks putting very real pressure on farmers to reduce their current borrowings at a rate beyond their ability to pay so as to reduce their debt ratio.

The State Government has introduced new windfall gains tax of up to 50% to be applied to planning decisions to rezone land from 1 July 2022. A change to the existing rules regarding the threshold area at which a dwelling can be constructed in a farming zone will have the opposite impact. For the sake of fairness and parity with the windfall gains tax introduced by the Government/Council, a planning change that devalued the land must logically then be a compensable event. For example, 40Ha in a Farming Zone where a planning permit is not required may be worth around \$1M. Should a planning permit now be required for a dwelling and therefore the opportunity to do this becomes unknown, the value may become \$200,000 - \$300,000. Using the \$200,000 figure and the same logic as the State Government in reverse, compensation of \$400,000 would be payable. I am sure that this devaluation is not the intent or the objective of this change but it is an inevitable consequence.

The houses that have been built in the Farming Zone over the past 40 years on land parcels that are on or around 40Ha have only enhanced the Macedon Ranges. These new farmers have sown trees, conserved creek lines, undertaken weed control and injected themselves into the community which has been enriched as a result of the contributions of themselves and their families.

In 2015 the Victorian Government established the Commissioner for Better Regulation and in 2018 the Commissioner was also appointed as Red Tape Commissioner following a State Government decision to provide for a more distinct focus on red tape reductions as part of the better regulation agenda in Victoria.

Reducing the 40Ha threshold to 0Ha but saying that you can go through a planning process and then maybe, based on officer or Councillor discretion, you may be able to build a dwelling, clearly flies in

the face of the Government directive to reduce red tape as it clearly introduces more planning costs, time and uncertainty that doesn't currently exist.

History shows that there has often been a disagreement of opinion between Council officers and Councillors as to whether or not planning applications to build a dwelling on parcels less than 40Ha. The arguments put forward for and against are littered with data and evidence but at the end of it all the decision is somewhat subjective and opinion based. This level of uncertainty would sit over all parcels of land or dwelling proposals and inundate the planning department that, with all due respect, has difficulty in meeting existing demands. More uncertainty, more subjectiveness, more costs, more time and more disagreements between parties are all inevitable consequences of the proposed change. The Government is actually allocating resources to reduce this type of red tape and hold ups to the planning processes.

It would appear that the notion of removing the opportunity of establishing a dwelling on land greater than 40Ha is well intended however it is underpinned by thinking that is factually incorrect. My observations to this effect are as follows:

- The thinking assumes that the existing farms within the Macedon Ranges are viable stand-alone businesses that will become unviable if the area is reduced. The fact is that most (if not all) are already supplemented by off-farm income.
- It assumes that dwellings in a farming zone will detract from the Region whereas history would say that under the existing controls the Farming Zone and the Region has only been enhanced.
- It assumes that the alternative of going through a planning process will result in an outcome that is both predictable and based on objective logic. History shows a track record of even Councillors and Council Officers not being aligned on what the outcome should be when applications have been assessed for land less than 40Ha. This confusion, subjective application of guidelines and subjective interpretation of consultant reports will exist in all cases resulting in costly and drawn-out planning.

Our farm has been farmed by our family continuously since [REDACTED] and is [REDACTED]. We have no intention of developing or dividing the property. We may however have a need for an additional dwelling at some stage to allow for the farming operation to continue. After over 100 years as custodians and carers for this land, I would be horrified if, as the draft strategy proposes, that this was no longer our decision but it was instead a discretionary decision left to Councillors and Council Officers as to whether or not we "needed" the dwelling to continue our operation based on their review of "consultant" reports. With all due respect to the Councillors and the Council Officers, they wouldn't know and it would be unfair to expect them to have the level of agricultural expertise to know and therefore it gets back to a game of subjective opinion.

To use an analogy, I would not expect to wield the power to overrule and tell a Doctor what to do to treat a medical issue, even if I was provided with an independent consultant report with a recommendation. I would not expect to tell a pilot how to land the plane even if I had the instruction manual. Therefore, I would not expect the Councillors nor Council officers who have a diverse but non-farming background to be in the best position to tell me what is needed for my farm, regardless of if they have a consultant report or not. I trust you will appreciate the conundrum that the proposed land use strategy rules introduce.

IRRIGATION

The report suggests that groundwater irrigation between Romsey and Lancefield would be encouraged and it suggests that this is already occurring and “enables production of a range of higher value products including summer and winter crops and vegetables.”

While this may appear to be the case from a desktop assessment of the aquifer capacity, this is not a reality now and has never been. There is no history of success of commercial groundwater irrigation in the area and in fact, on the contrary, there have been several failed attempts.

██████████ and we have been unfortunately forced to extend our bore deeper approximately 10 years ago as a result of being pumped dry by a neighbour who started using commercial volumes of water to irrigate grass areas during dry seasons. This was the first real enduring extraction of water at a commercial scale and the practice resulted in significant impact to the stock and domestic bores in the area.

There is one generational potato farm that still exists which uses groundwater irrigation. By today's standards, their scale would make them boutique operators rather than of a commercial scale and they are supplemented by a large dam in the gully so the volumes they actually pump out of the ground would not be substantial by comparison to the requirements of a commercial market garden.

To encourage commercial scale irrigation/market garden operations in the area is unrealistic and irresponsible from a sustainability perspective for the existing farm operators who rely on bores for their stock and domestic water supply.

The red ironstone soil does not hold the water so it passes through quickly which would make irrigation inefficient. Therefore, as well as being inefficient and unreliable due to the depletion of the water source if commercial volumes were extracted, the remainder of the farming activities that the Council is seeking to protect through this strategy would be put under stress and at risk by commercial irrigation.

SUMMARY

I do appreciate that it is difficult to address and appease all parties needs and concerns in undertaking an activity like this.

My view is that the richness of the Macedon Ranges that has attracted people here is a product of the existing rules and for that we should be thankful. Rules that are not broken do not need to be fixed and to my eye the changes to some of the rules that are proposed create uncertainty, disruption and feed the already under resourced bureaucratic processes.

If the Macedon Ranges area wanted to retain the Farming Zone as broadacre large scale commercial farms, which I don't believe it did, the opportunity to so passed probably around 50 years ago. Instead, with controls in place, we have grown the population of the Farming Zone to make it more vibrant, diverse and inclusive within the boundaries of our current rules. The land is cared for more than it has ever been by diligent and enthusiastic landowners.

The current rule of the 40Ha threshold for construction of a dwelling has served us well and to reduce this to 0Ha would feed bureaucracy and planning red tape while flying in the face of the Macedon Ranges Shire Council being inclusive, diverse and sustainable custodians of the land.

I would seek the opportunity to meet with the relevant people to have a face-to-face meeting regarding the Strategy to further discuss the issues. I can be contacted on [REDACTED] to arrange a meeting time.

Yours Sincerely

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Planning for rural and farming land MRSC
Date: Friday, 27 August 2021 5:29:22 PM
Attachments: [Planning for rural and farming land MRSC.docx](#)

Hello MRSC, please find attached my response to your current research into Rural Land Use Strategy.

Regards,

[REDACTED]



Response to Macedon Ranges Shire Council's proposed Land Use Strategy

Re:

Develop a vision for land currently in the Farming Zone and Rural Conservation Zone

Identify important values and features to be protected and enhanced

Respond to land use changes

Identify mechanisms to foster best-practice land management

Promote economic development

Make recommendations on Planning Scheme changes required to implement the strategy

██████████ is one of the oldest properties continually occupied in the Macedon region. Originally it was one square mile, but has been sub-divided over the years and the current area of ██████████ is ██████ acres. I'm told the valley that ██████████ overlooks was originally a large grain producing area in the late 1800's and early 1900's. Subdivision has stopped this as you would know, with historic mills now being re-purposed. ██████████ was also the home of stonemasons, the ██████████ family, and they were recognised as excellent ██████████ ██████████ breeders.

We purchased the property with a Rural Living zoning in 2005. Some time later, without any consultation from the planning department or State Government, we were zoned Farming.

I believe our lived experiences on this parcel of land are worthy of consideration when developing a vision for land in the Farming Zone.

. We are surrounded by other rural properties – most of which are 30 acres. The owners of these properties near us graze small herds of cattle, agist horses and run riding schools. A small vineyard has failed. Alpacas are not uncommon, but I'm told these are largely a hobby.

The activities of our neighbours I mention above are not economically feasible on our [REDACTED] acres.

. Our property of [REDACTED] acres is regarded by Centrelink as an asset, and as such our aged pensions are penalised by the ownership of 'an asset of 10 acres of land'. Clearly it is not an asset if the land brings in no sensible income in proportion to its value.

. We consulted agricultural authorities soon after we arrived at [REDACTED] as to what we could grow on [REDACTED] acres – the house block is approximately [REDACTED] acres. They suggested lentils. Lentils require a dry, hot climate and would not have flourished in Kyneton's climate, and even with ideal conditions 5 acres of lentils could not have been economical.

We also investigated grazing 3 cows, grazing 5 sheep, planting olive trees, dry-land lucerne, native flowers and setting up for horse agistment. Research showed none of these activities would (or could) produce a balance between physical input and financial returns. In short, 5/10 acres was not large enough.

Eventually, after much research, we [REDACTED] [REDACTED]. The [REDACTED] were used by [REDACTED] in Melbourne and the regions. The [REDACTED] flourished and we felt we had found the ideal use for the land. The State Government then radically lowered the tariffs on imported [REDACTED] which caused [REDACTED] to be available at market for [REDACTED]. We could not even pick for that price and so we dug our [REDACTED] and gave them away to gardeners in the region. Our main [REDACTED] competitor in the Bellarine area bulldozed their huge [REDACTED] and sold the land.

We both enjoy living in this region, and we moved here for rural living, fresh air and gardens.

We cannot see ourselves struggling into the years ahead with this amount of un-useable land around us.

The ideal solution for use would be to sell off, say, 3-4 acres for other families to enjoy what we have here. Two small acreages would be in keeping with the location – houses would be well apart, gardens and trees would be planted, there would be no real increase in traffic. There are [REDACTED] –

[REDACTED] – which would provide private and quiet access.

It is a shame that previous historic haphazard sub-divisions have left us with an unworkable piece of land, but I see my proposal as a sensible solution and one that would enhance this area.

I commend the Council on their interest in these vital decisions – and am grateful that you have consulted the public and affected landowners for their opinions.

In short – if small parcels of land in these farming areas are of no economic benefit and therefore expensive to maintain, they should be used for housing that fits within conservation guidelines.

Yours sincerely,

[REDACTED]

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Draft Rural Land Use Strategy - Feedback
Date: Wednesday, 1 September 2021 12:55:22 PM

Dear Strategic Planning Team,

Thank you for the opportunity to review your draft Rural Land use Strategy. The supporting papers appear thorough and give a good understanding of the intent of the Strategy and the factors that could affect its implementation.

Having lived in the Macedon Ranges for close to [REDACTED] years, I have had the advantage of observing, first hand, the trends in demographics and land uses described in the Strategy supporting documents.

- I have observed anecdotally (and supported by your survey data) that many property owners would like to operate an agribusiness on their land but don't because:
 - They don't have the expertise
 - They have "day jobs" that don't leave them sufficient time
 - They are not physically able (age)
 - They cannot make enough return to cover the costs and risks associated with the business.
- Most of these constraints could be resolved if they were able to engage with an experienced and competent share farmer.
- However, in many cases the size of the property is insufficient to operate a profitable agribusiness on a share farming basis.
- This could be overcome if a syndicate of property owners was established to form an agriculture entity with sufficient scale ("critical mass") to enter into a contract with a suitable agribusiness company.
- This where the MRSC could play a facilitation role:
 - Engage an agribusiness Consultant to
 - undertake a land capability assessment to identify suitable agriculture activities and the amount of land available
 - recommend what needs to be done by property owners to gain the necessary economies of scale in a selected portfolio of properties.
 - Recommend a legal/commercial framework that could be used to allow a syndicate of property owners to enter into a share farming contract, or similar, with a farm operator
 - Engage with property owners using an EOI process or similar to explain the concept and to determine interest in going further to conserve rural land in the Shire.
 - Pending the outcome of the EOI, facilitate the establishment of a steering committee of property owners to carry the concept forward with no further involvement from MRSC.

- If there was insufficient interest in the share-farming concept, the process described above could also be used to create a syndicate of property owners who could contract with a single farm/property manager and achieve economies of scale and corresponding cost savings. This could then enable property owners to conserve the rural features of their property without the constraints of excessive costs.

I hope this contribution is useful,

Best regards,



From: [Edwin Irvine](#)
To: [Strategic Planning](#)
Cc: [Jack Wiltshire](#); [Leanne Khan](#); [Gill Cooper](#)
Subject: FW: Rural Land Use request for discussion
Date: Thursday, 9 September 2021 9:04:31 AM

Please register this one

-----Original Message-----

From: [REDACTED]
Sent: Wednesday, 8 September 2021 8:40 PM
To: Edwin Irvine <EIrvine@mrsc.vic.gov.au>
Subject: Re: FW: Rural Land Use request for discussion

CAUTION: This email originated from outside of Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Thank you so much for your time on Tuesday, and thank you for such a comprehensive reply to my queries about terms and phrases used by planners (which, as you would have gathered from our skype session, I remain sceptical about).

-After our discussion (perhaps better described as my lecture) I could not help being concerned and preoccupied with your opinion of small lot excisions, which you seem to believe are to be avoided at all cost. I can identify about seven small lot excisions along the [REDACTED] which would be worth your (subjective) assessment of their detriment, or benefit, to the rural zone. I can give you the addresses, or, if you had a spare hour, I could point them out, together with other subdivisions that I would see as, mostly desirable outcomes, but that would not be acceptable to the present planning scheme. Regards [REDACTED]

On Fri, Sep 3, 2021 at 3:19 PM Edwin Irvine <EIrvine@mrsc.vic.gov.au> wrote:

- >
- > [REDACTED]
- >
- > In response to your questions, I provide the following comments.
- >
- > In regard to preserving agricultural land, this is a requirement of the Macedon Ranges Planning Scheme, indeed it is a requirement of every planning scheme in Victoria, as it is part of what is known of as the "State Planning Policy Framework". Specifically Clause 14.01-1S Protection of agricultural land. A copy of this clause can be found on line at the following link.
- >
- > https://planning-schemes.api.delwp.vic.gov.au/schemes/vpp/14_01-01S.pdf
- > f?_ga=2.252346241.907138523.1630640379-1899791936.1609732347
- >
- > The Planning and Environment Act 1987 appoints the Macedon Ranges Shire Council as Planning Authority for the municipal area of the Macedon Ranges Shire. This means that it is the statutory responsibility of the Macedon Ranges Shire Council to protect the state's agricultural base by preserving productive farmland, as required by the Macedon Ranges Planning Scheme.
- >
- > With respect to the loss of productive agricultural through the development of housing, it is important to understand that the impacts of a dwelling in agricultural areas goes well beyond the loss of the foot print of the building.
- >
- > When land is used for residential purposes, the whole of the parcel of the land is used for residential purposes, this includes the dwelling, out-buildings, landscaping, drives, etc. A common practice that is noted in the Macedon Ranges Shire is that land in agricultural areas is developed for residential purposes with no intention of farming the land. From this we can see that if there is no connection between the dwelling and farming, then there is a very real risk that large areas of land are lost to agricultural production.
- >
- > The Rural Land Use Strategy (RLUS) makes it very clear that farm land is for farming, not for urban

development. By introducing the requirement for a planning permit for a dwelling, Council will be able to ensure that the dwelling is required in support of an agricultural enterprise. Dwellings that are required to support an agricultural use taking place will be supported. Dwellings not associated with farming should look to the existing Rural Living Zoned areas of the shire, or the existing settlements throughout the shire. Please refer to page 44 of the RLUS for further explanation of this point.

>

> Another matter to consider in relation to the proliferation of dwellings in agricultural areas, is that many agricultural practices are subject to amenity buffer requirements. These buffer distances vary widely and are dependent on the particular practice being undertaken. The buffer distances are calculated by measuring the required distance from a dwelling.

>

> As you can see, as more dwellings become established in agricultural areas, more land is lost to certain agricultural practices due to the buffer requirements. The RLUS makes it very clear that farming is the main land use to be supported in agricultural areas. This allows farmers to be certain that their ability to continue farming the land will remain. Investment and long term farm planning can be made with certainty. This is sometime referred to in the media as “the right to farm”.

>

> Another point to consider is the role that new residents play in this sphere. Many new residents are attracted to farming areas due to an unrealistic amenity expectation. Most rural Councils receive many complaints from residents regarding noise, dust, smells, spray drift, etc from operation farms. This is a further manifestation of why “the right farm” is an important consideration.

>

> Many new residents are unused to managing large areas of land, and can be responsible for allowing pest plants and animals to go unchecked. This may become a nuisance for nearby farmers.

>

> In regard to the term “Strategic Agricultural Land”, the Planning Practice Note: Applying the Rural Zones defines productive agricultural land as generally having one or more of the following characteristics: suitable soil type, suitable climate, suitable agricultural infrastructure and present pattern of subdivision favourable for sustainable agricultural production.

>

> Background research conducted in the preparation of the RLUS compiled various data sets to map and assess:

>

- > Agricultural quality
- > Lot and property sizes
- > Dwelling development
- > Irrigation development

>

> These were combined to map areas of productive agricultural land.

>

> Strategic agricultural land was identified based on an assessment of productive agricultural land and identification of locations supporting concentrations of enterprises that are part of a locally significant industry.

>

> In regard to fragmentation - Fragmentation of land is a concern for Council in the long term viability of agriculture. Subdivision of agricultural land and the subsequent proliferation of dwellings into these areas has resulted in outcomes where agriculture is no longer viable. The Stage 1 consultation identified land use conflict as the key issue constraining farming operations and reducing the viability of commercial scale agriculture. The conflict is arising from Shire-wide rural land competition and also between neighbours. Shire-wide rural land competition is being driven by demand for rural lifestyle, rural tourism, recreation and land banking. Land competition conflicts with commercial scale agriculture as it inflates land values which deters farmers from investing in their operations as they anticipate the conversion of their land out of commercial agriculture and makes smaller farms less attractive purchases for farm expansion. As commercial agriculture is out-competed in the land market, it is replaced by sub-commercial agriculture, rural lifestyle or other non-agricultural activities. Shire-wide rural land competition in Macedon Ranges is exacerbating the decline in commercial scale agriculture and expansion of non-agricultural uses of rural land.

>

> A key consideration that underlies these concerns is that agricultural land is a finite resource. It is constantly being eroded by the combined impacts of urbanisation, erosion, salinity, and climate change. No new agricultural land is being created, yet populations continue to grow.

>

> The background research in support of the RLUS identifies that the gross value of agricultural production (GVAP) in the Macedon Ranges was \$49million in 2015, up 100% from 1996. The Shire’s proportion of State

GVAP has remained steady at around 0.4%.

>

> Meat was the largest sector by GVAP, generating \$30million and accounting for 62% of the total GVAP. This was followed by grain, wool and horticulture. The equine sector (having some relationship with the agriculture but reported separately in the ABS statistics) generated a direct economic impact of \$140 million in the Macedon Ranges Shire in 2009-10 which was reported to be equivalent to an employment impact of 900 full time equivalent jobs per year.

>

> These statistics indicate that agribusiness remains viable in the shire, and the RLUS makes recommendations that seeks to provide certainty to the agribusiness sector that ongoing operations and investment can be done with certainty.

>

> I will shortly be sending you a link to use for our meeting this coming Tuesday. Look forward to speaking to you further then.

>

> Yours sincerely

>

> Edwin Irvine

>

> -----Original Message-----

> From: [REDACTED]

> Sent: Wednesday, 1 September 2021 6:26 PM

> To: Edwin Irvine <EIrvine@mrsc.vic.gov.au>

> Subject: Re: FW: Rural Land Use request for discussion

>

> CAUTION: This email originated from outside of Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

>

>

> Tuesday will suit .Will you be able to give the information I requested (re preserving agricultural land) before our one on one meeting?

> I noticed from yesterday's Midland Express that "fragmentation"

> seems to be another concern of Planners. A brief explanation of. Why

> would be helpful.

> Looking forward to putting my point of [REDACTED]

>

> On Wed, Sep 1, 2021 at 5:17 PM Edwin Irvine <EIrvine@mrsc.vic.gov.au> wrote:

>>

>> Hello [REDACTED]

>>

>> My name is Edwin Irvine, I am one of the Strategic Planners at Macedon Ranges Shire Council.

>>

>> I'm following up on your request for a 1 on 1 discussion. Due to the ongoing covid restrictions, we are doing these 1 on 1s on line.

>>

>> At the moment, Tuesday morning is looking like the best option for us. If this is OK with you then I'll set a online meeting and forward you an invitation.

>>

>> Alternatively, you can contact me on 5421 1422.

>>

>> Your sincerely

>>

>> Edwin Irvine

>>

>> -----Original Message-----

>> From: Strategic Planning <strategicplanning@mrsc.vic.gov.au>

>> Sent: Tuesday, 31 August 2021 10:57 AM

>> To: Edwin Irvine <EIrvine@mrsc.vic.gov.au>

>> Subject: FW: Rural Land Use request for discussion

>>

>> Another 1 on 1 to schedule please

>>

>> -----Original Message-----

>> From: [REDACTED]

>> Sent: Tuesday, 31 August 2021 10:51 AM

>> To: Strategic Planning <strategicplanning@mrsc.vic.gov.au>

>> Subject: Rural Land Use request for discussion

>>

>> Further to my phone conversation with Leanne,I would like to arrange a meeting time during the week, September 6th -10th excluding Wednesday morning.

>> [REDACTED]

>>

>>

>> Would it be possible,before the session,for you to explain the thinking,and assumptions behind the frequently used term "preserve agricultural land" Clearly .the footprint of a dwelling will take out of production about an acre,or 1000 sq metres but it is not clear how the balance of a parcel on land (say from ten to ninety nine acres) is " lost". I also have had difficulty with the concept of "strategic land" as in the Draft Plan.

>> I can send you a brief outline of my background in agriculture, if

>> required

>>

>> [REDACTED]

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Rural Land Use Submission
Date: Thursday, 16 September 2021 1:20:28 PM

Proposed changes to rural areas of the MRSC planning scheme.

People who live in the Macedon Ranges believe the area is something special and that it must be preserved, but few stop to think that what we have now is a product of decisions made thirty to fifty years ago by Councils desperate for development. Kyneton, Woodend and Romsey Shires operated under Interim Development Orders (Gisborne for much of the time, also) and this gave the staff and councillors great flexibility in decision making. Many of the decisions made caused outrage, particularly when farms were subdivided into small lots. Fifty years on, Planners and Councillors would benefit from an investigation into the outcomes of these developments. Some examples worth investigating are as follows; The farm bordered by Three Chain Road, Wisemans Lane, Forest road and Egans Lane (part of the Woodend Shire) was subdivided into (mostly) five acre blocks in about 1972. At the time the area was open grazing land. About the same time a 400 acre dairy farm bounded by Pipers Creek Road, Gooches Lane Walls Lane and Morris Road was subdivided into 40 acre lots. Again, a productive farm, lightly treed. The latter subdivision prompted the councillors of the Carlsruhe riding to hurriedly introduce a one hundred acre minimum subdivision for their riding. (this was subsequently rescinded after a poll of land holders, and the 40 acre minimum restored). Check these out and judge their worth today. Ironically, they are now included in the environmental area, considered worthy of protection, with about twenty dwellings, nestled amongst the trees.

The Bald Hill drive subdivision (average 6 acre) and the Institute Road subdivision (average 40 acre) both around 1986, were portrayed at VCAT by the Kyneton Shire planners as totally inappropriate developments, and were used to justify the refusal of planning permits on less than 100 acres (a policy that has been applied and ignored, on and off since about 1988).

Take a tour and evaluate whether they contribute to the environment and desirability of the Macedon Ranges, or whether housing in these locations is inappropriate, and whether agricultural activity has ceased.

The village of Newham hardly existed until a developer subdivided some of the most productive land in the Shire. This fertile land has allowed the occupants to achieve their aspirations of a rural existence, and actually be successful at growing things. Pity about the wasted irrigation water held in the large dam behind the Mechanics Institute. But what a success socially, now a vibrant society, passionate about landcare, and the once decaying Mechanics Institute, now restored, is the hub of the community. On balance, worth the loss of the outstanding agricultural soil.?

Other areas to evaluate are Ashbourne Road. Woodend and Williatts Rd Carlsruhe, which both created controversy.. See 163 Chases Lane, part of a lodged plan of subdivision (about 1983), part of about 130 acres of abandoned land covered in gorse until subdivided. This address, !63

was refused a planning permit ,and also lost an appeal at VCAT but was granted a permit by the Supreme Court. Who was wrong?

See also approx address [REDACTED],now abandoned land previously refused a planning permit,and see land at the corner of [REDACTED] and the [REDACTED] acres wasted.

Hundreds of examples could be quoted..Most dwellings in rural areas are on lots created (.or built on old crown allotments) The attitude of many owners who object to development is “I’m in,now shut the door

The challenge for planners is to allow more of the same ,encourage economic activity and enhance the environment,allowing more of society to experience and enjoy life in the Macedon Ranges. It is my contention that there are very few developments with poor outcomes and that growth and development in the Macedon Ranges has been overwhelmingly beneficial.Poor developments such as the small lots surrounding Hanging Rock can be partially rectified through rate rebates and subsidies offered for screening houses and sheds from the road view. The visually atrocious toilet block in the east paddock should also be screened .

Planning in the MRSC cannot be considered in isolation;what happens here has implications for the region; greater Melbourne, The State of Victoria and beyond. A house NOT built in the Macedon Ranges rural zone(s) is likely to be built in another Shire, and its footprint has the same effect,but elsewhere.The net result is loss of economic activity in the Macedon Ranges,and a loss of much needed housing stock.To safeguard against greater Melbourne suffering further from congestion it would be/is wise planning to encourage development in regional areas.The current epidemic has demonstrated that remote living and working is a reality and there is the opportunity for the Macedon Ranges to develop to a size where all services are available within the shire.While planners would like to herd people into 600 sq metre blocks in subdivisions around the townships, many people do not aspire to those developments.

The existing rural planning in the Macedon Ranges has not been successful ,in that it has prevented innovative agricultural enterprises from being established in the Shire ,and it has distorted the market for agricultural land in the Shire. Perhaps more concerning is that present policies have mitigated against enhancement of the environment and fostering of flora and fauna . We “must preserve agricultural land” is a motherhood statement,which no person could disagree with,but it has become an ideology that is not put under scrutiny.

Establishment of a Rural Activity Zone would accommodate agricultural endeavours that require small areas of land using the latest technology for intensive production. The future of agriculture lies in satellite technology to navigate small,light robotic machines ,running ,perhaps 24 hours a day to produce high value products.Crops will be grown,protected from the elements ,or in controlled environments. This would ,of course ,depend on the encouragement and cooperation of Planners,to achieve outcomes of benefit to the local economy ;as opposed to the recent culture of the planning department,which has alienated potential development,and farming enterprises,driving prospective agricultural pursuits to other shires, and earned the Macedon Ranges a reputation of a gruelling place to do business.

Existing farming in the Rural Zone is now predominantly cattle breeding and fattening, and sheep numbers have shown a major decline in the last 30 years, in line with Australia's sheep population, declining from about 180 million sheep to less than 70 million head.. Cattle have a greater impact on the land than sheep so their greater numbers are accelerating the degradation of grazing areas through compaction, destruction of vegetation and serious decline of remnant old trees, leading to salting and declining fertility. Fertilizer use, attempting to make up for lost productivity, promotes algal blooms in river systems. To the casual observer the effect from year to year may be scarcely noticeable, but my observation after fifty years of farming, is an alarming degradation of formerly productive land.

Perhaps what the MRSC sees as preserving agricultural land is actually slowly destroying it and much of the rural land would benefit from the removal of livestock.

To quote "A Study of the Campaspe River Catchment" Lorimer and Schoknecht 1987 in their introduction p11 " Changed management is required in much of the catchment to minimise deterioration of land, and changed use sometimes appears necessary- for example, RETIREMENT OF LAND FROM CROPPING AND GRAZING"

If land in the rural zone was used for other pursuits, perhaps even taken out of production for the foreseeable future, even used for recreation and rural escape (, something so feared by planners in the Macedon Ranges), it would actually be giving the land a rest, thus preserving agricultural land for use in the future.

Figures supplied by your department suggest that agricultural production in the Macedon Ranges is 39 million dollars per year, or 0.4% of agricultural production in the State of Victoria.

An insignificant amount in the scheme of things, suggesting that there is far more to be gained economically and socially through encouraging tourism and rural accommodation, which of course, requires houses to be built in rural or environmental areas.

The Agricultural Summary, offered as background information for the Draft Rural Land Use Zone is a biased document, based on prejudice and presents arguments common forty or fifty years ago, or that might be applicable to broadacre areas in the north of the state.. The size of the parcel of land that a person acquires has absolutely no relationship with their ability to farm successfully. All newcomers to farming have a steep learning curve, unless they have come from a farming background, and even then the vagaries of farming in this cold climate will not be straight forward, but to have a policy document that assumes that only large landholders know what to do is on a very poor foundation. Conflict depends more on an individual's personality than on their acreage. Spray drift can carry for kilometres. Etc. If this document is retained then it needs to be balanced and include the benefits that people bring to rural areas; overcoming loneliness and isolation in sparsely settled rural areas, particularly for children and the elderly; helping in times of need, joining the CFA, establishing landcare groups and being active in conservation, neighbourhood watch, selling produce at farmer markets and roadside stalls; and so on.

A major problem with the existing policy of prohibiting dwellings in rural areas is the question of animal welfare. All animals are owed a

duty of care and any councillor or planner who argues that it is OK to leave animals without supervision is being callous. The choice can only be a policy of No Livestock on holdings where a dwelling is not permitted as an absentee owner travelling daily to their farm is counter productive.

The existing policy of refusing a dwelling on less than 100 acres has distorted the real estate value of rural land. Lots under the threshold are rarely offered for sale, unless the owner is a forced seller but lots over 100 acres achieve a premium EG A recent sale

million. People wishing to build in a rural area are forced to buy one hundred acres or more, and competition puts the price of the land out of the range of farmers. When the right to build on a parcel of land was less stringent the larger lots sold for close to their agricultural value.

The risk of fire is ever present but should not be the grounds for refusing dwellings in attractive treed areas. In the past fires were fought with small tanks, rakes and wet bags. Today we have a far greater fleet of tankers and water bombing aircraft. The fire services levy will continue to expand the fire fighting resources available to combat the risk of fire.

The Draft Strategy has maps of very poor quality and concepts are poorly explained or not defined at all. Compare with the "Rural Zone Review Reference Group 2003" paper, which is the standard of discussion we would expect.

Land Capability is a very complex concept, explained in detail in the previously mentioned "A Study Of The Land In The Campaspe River Catchment" where Capability is, put simply, the capacity of land to be used for agriculture, without silting up the river systems, and degrading the land. Macedon Ranges Planners appear to use the term erroneously, when they might use the term productivity, or fertility. A basic distinction should be between ARABLE or non arable land.

The reference to climate change has not taken into consideration that in much of the Macedon Ranges the months of June and July are too cold for growth and that global warming may even result in a longer growing season for farmers.

No attention has been given to the recent Kyneton Bushland Project which is the beginning of an attempt to link the forest area of the Cobaw Range with treed areas such as Mt St Marys, Bald Hill and Black Hill. This link should be encouraged.

The term strategic should be reserved for the army training ground at Clarkfield and the map showing "strategic agricultural land" seems to have little basis, assuming the object was to indicate relative fertility or productivity. Much more groundwork needs to be done if this is to be the foundation of a future plan. The new buzz word "fragmentation" needs to be explained if it is seen as detrimental to agriculture. Non contiguous parcels of land can be very beneficial to farmers.

The questionnaire had such a poor response and questions sought information that was readily available elsewhere, and in a more reliable form.

Overall a very disappointing document, which gives the impression that

the outcome has been decided and the paper is setting out to justify the outcome. A zone to encourage small-scale, innovative, and, likely, capital intensive agriculture is a long overdue objective, which needs to be implemented in a positive way rather than with the suspicion that the applicant is attempting to gain the system. If planning permits were freely granted there would be no premium paid. Plan for 2050 and do not persist with last century's strategy.

Houses in rural areas lead to tree planting and a greatly improved environment and biodiversity, if past development is any guide.

Small hobby farms often farm breeds of animals that are no longer considered desirable and economic on large farms, which preserves the gene pool of the unfashionable breeds. eg. Almost all cattle on large scale cattle farms are of the Angus breed with the once dominant Hereford breed now a scarce commodity. Endangered breeds of pigs, poultry and sheep are rarely found on large holdings.

Most larger producers market their animals at larger centres like Bendigo, Ballarat, Pakenham, or they sell direct to processors, hence much of the economic activity is lost to the Shire. Small producers tend to sell locally because of the high cost of freight to the larger centres. The function of Kyneton as the traditional "market town" will soon be lost if small farming enterprises are not encouraged. For example the throughput of the Kyneton Sheep market is tiny and now operates only every second week.

In the proposed Rural Zone, a zero entitlement for a dwelling would result in lending institutions refusing to lend against part of a farm, instead requiring the entire farm as security, and placing the farmer in a precarious position, in difficult financial times. Farmers would be less likely to borrow for investment and expansion.

As there is a plentiful supply of lots less than 100 acres the planning scheme could discourage subdivision of larger lots, except in certain circumstances where a two lot, or more subdivision might be necessary, such as farm succession, dissolution of a partnership etc. The issue of farm succession must also be addressed by the planning scheme.

A differential rate scheme should be investigated. A genuine farm rate which reflects the concept of Net Annual Value (likely to be \$5 an acre or less) could be offered to landholders who would agree to maintaining their tenement as a single unit (with farm succession, and public benefit exceptions considered). Landholders of smaller lots who wished to retain the right to a dwelling on their holding could pay a development levy and the property would be rated at rural living value, generating considerable revenue for the Shire, allowing greater expenditure on the environment. Lot sizes from say 15 to 99 acres could be entitled to a planning permit, subject to the availability of the necessary infrastructure (which is often underutilised at present) Common sense requirements would apply.

The Macedon Ranges can no longer be considered as a true farming area. The pressure for rural living needs to be embraced and measures put in place to develop the Macedon Ranges as a vibrant economy based on tourism and services, with townships and surrounding areas having sufficient population to sustain new businesses, without business

activity being lost to Melbourne and other areas. So back to the future!



From: [REDACTED]
To: [Strategic Planning](#)
Subject: Farming zone submission
Date: Friday, 17 September 2021 4:23:54 PM

I have made a verbal submission vta Zoom and followed up with written submission on 16/9/21

On reflection, my reference to housing stock was not sufficiently to the point.

Young families pay up to fifty percent of their weekly wage to rent in the Macedon Ranges; women and children throughout Victoria living in a violent relationship have little opportunity to find alternative accommodation because of the lack of housing stock ,and every night,thousands of people are sleeping rough on the street and under bridges including locally, while the Macedon Ranges Council believes it is good policy to refuse permits for a dwelling on under 100 acres. It is hard to justify their policy., by any measure.

[REDACTED]

From: [REDACTED]
To: [Strategic Planning](#)
Cc: [REDACTED]
Subject: [Sender Unverified] Draft Rural Land Use Strategy
Date: Friday, 27 August 2021 5:31:08 PM

Hi there

My name is [REDACTED] and I provide legal representation for farmers who are members of the [REDACTED]. [REDACTED] is a farmer-led organisation made up of organisations and individuals working together towards a food system in which people can create, manage, and choose their food system.

Thank you for hosting the online information night on Wednesday 11th August, and in particular for answering two questions I raised, namely:

1. What provisions were being made to protect farms that have been set up under FZ conditions that were being rezoned RCZ? Would they be required to “step up” to any more onerous RCZ requirements or will they be given any kind of dispensation?

Answer (Shelley Mc Guinness): “There’s 3 small areas that have been identified for rezoning from Farming Zone to RCZ. These areas were identified through the biodiversity strategy where detailed environmental assessments were undertaken and identified significant environmental values. We undertook further more detailed assessments of those areas on the basis of the types of land uses including consideration of farming and so the areas that were recommended through the biodiversity strategy then flowed through...to the rural land use strategy. We recommended three of the candidate areas to be rezoned from farming to rural conservation zone. In terms of the impact on farmers who are currently conducting their businesses within those areas, on a day to day basis it will have no impact on your farming operations. The only impact that might occur is if you were to change from running say a livestock grazing business, if you wanted to change to some sort of horticultural industry for instance. Because under the Rural Conservation Zone agriculture is a permit-required use, but if you have an existing farm business there is no requirement for you to get a permit if you already have an established farm business...it will have no impact on the way that you operate your farm.”

2. How does Macedon Range’s reduction of FZ land fit with the peri-urban strategy of farmland protection that DEWLP is still working on (noting DEWLP is even considering “right to farm” legislation)?

Answer (Rob Ball): “To reiterate what Shelley was saying certainly in terms of the State Government’s work around strategic agricultural land we have worked closely with the DEWLP team involved in that in developing this strategy and again the two policies or strategies align and so from that perspective we are confident we have consistency with the work the State Government are doing.”

We appreciate the time taken to hold the session and respond to our questions in a “live” environment, but we do continue to have concerns with the planned zoning changes:

1. Our member farmers wholeheartedly endorse and practice environmental and ecologically beneficial farming practices. Most are small scale, artisanal farmers with a passion for environmental regeneration. We believe it is not farming in and of itself that is problematic for conservation, but HOW the farming is carried out. Agroecological farming that embraces sustainable practices, such as organic disease management, no-kill cropping, and

no-till agriculture should not be rolled into the same bucket as high-input, industrial farming that indeed can have horrific environmental effects.

We hope that this can be factored in to the Shire's re-zoning consideration. It is possible to be both a farmer and an environmentalist, and we suggest that farmers of this ilk be given an easier path through zoning permits and the like (not unlike the streamlined permit process for Low Density Mobile Outdoor Pig and Poultry farms).

2. Rezoning FZ to RCZ increases the bushfire risk as RCZ imposes more restrictions in regards to clearing regrowth and even the removal of dead trees. Also, future purchasers of properties that have been rezoned to RCZ will not be able to run the amount of animals currently run under FZ which will also increase the bushfire risk significantly. We note grass fires have had much more intensity than ever believed possible in recent years.

3. Some of our member farmers are in the process of going through the steps to becoming "paddock to plate" farms, setting up boning rooms and micro-abattoirs and the like. With the proposed changes to small scale farmers being able to slaughter on site the rezoning will severely impact their chances of being able to do that also, when and if it comes to fruition.

4. We appreciate that the Shire's strategies are intended to fit hand in glove with DEWLP's peri-urban strategy, but we do suggest the Shire wait until DEWLP's work is completed in this area. [REDACTED] submitted to DEWLP on this during the Phase 2 public consultation period (ended 5 February 2021). Despite the phase 2 consultation report being expected "mid 2021", to date we are not aware that the consultation has submitted beyond the consideration stage. As noted in The Weekly Times (18 Aug), the Shire does seem to be getting ahead of the game in this area. These changes should not be rushed.

We would welcome further opportunities to discuss further with you.



From: [REDACTED]
To: [Macedon Ranges Shire Council](#)
Cc: [REDACTED]
Subject: Draft Rural Land Use Strategy Consultation - Submission
Date: Monday, 30 August 2021 7:15:00 PM
Attachments: [REDACTED] [.Submission_MRSC_RLUS_20210830.pdf](#)

Hello!

Please find attached our submission to the above draft Strategy.

Kind regards

[REDACTED]



30 August 2021

Attn: Strategic Planning Department
Macedon Ranges Shire Council
E: strategicplanning@mrsc.vic.gov.au

RE: Submission to Draft Rural Land Use Strategy

Thank you for the opportunity to respond to the draft Rural Land Use Strategy (the Strategy).

 is an agricultural planning consultancy based in . The  seeks to bridge the divide between land use planning and the pursuit of agriculture. We are peri-urban specialists, advocating strongly for more regulatory and policy support for farmers in this challenging environment. As such, our submission to the Strategy will focus on policy direction and planning scheme changes that directly influence agricultural production in the peri-urban region.

Regulatory barriers for peri-urban agriculture

Consumer preferences, climate change, urban encroachment, and smaller rural lots are driving innovation in the way that land is farmed on the fringe of cities. We are seeing farming practices that regenerate the soil, enhance the quality of the environment, that eliminate chemical inputs and that are largely un-mechanised. They have fewer impacts on neighbours so are particularly well suited to the closely settled peri-urban areas. This form of food production is proving to be popular with a growing cohort of consumers who are engaged with where their food comes from and how it was grown.

Both locally and overseas, land use planning has been identified as one of the earliest barriers to the establishment of these enterprises. This policy inertia is resulting in the loss of land on the city fringe for food and fibre production.

Unfortunately, the planning scheme and policy changes proposed by the Strategy will not improve the existing policy approach to these emerging farm practices that are so well suited to peri-urban Melbourne.

Peri-urban Agriculture and the Macedon Ranges Planning Scheme

The Macedon Ranges Planning Scheme includes plenty of content in relation to the protection of agricultural land but there is little in the scheme to assist planners in identifying agricultural proposals that are worthy of support.

Earlier this year, ██████████ completed an audit of Victorian peri-urban planning schemes for their support for local, sustainable food systems. The project was funded by the McLeod Foundation and auspiced by Sustain: The Australian Food Network. The findings were presented at the 2021 Urban Agriculture Forum in April, with the results of the audit shared online. In terms of Macedon Ranges Shire Planning Scheme, summary recommendations were:

Planning policies at Clause 21.03-3 and Clause 21.07 prescribe broadacre farming and intensive and extensive cropping in the north and east of the shire. Mixed farming, on-farm value-adding and diversification are not supported in the planning scheme and landscape values take priority over production. The two can be balanced, but policy prescribes traditional farming so emerging trends to small scale, mixed, regenerative and artisanal farming are not supported.

The peri-urban planning scheme audit acknowledges the influence of the Victoria Planning Provisions on local government decisions, and similar feedback has been provided to the state government review – *Planning for Melbourne’s Green Wedge and Agricultural Land*.

It is somewhat concerning that, despite being out to consultation in 2021 as the state government review is on the point of releasing its planning scheme changes, the Strategy has not been updated to acknowledge this very important contingent project. *Planning for Melbourne’s Green Wedge and Agricultural Land* commenced in early 2019, so there has been plenty of time for the Strategy to be updated to acknowledge the project and its findings.

The Rural Land Use Strategy and proposed planning scheme changes provided an opportunity to re-write local planning policy to address emerging trends in peri-urban agriculture, food systems planning, and other important Victorian policy influences such as the Foodprint Melbourne reports¹. Based on the current content of the Strategy, this opportunity has not been recognised.

Comments on the rationale of the Strategy

Rural Land Use Trends (page 14)

The terminology used throughout the Strategy to describe agricultural business models is opaque and out of date. This will not assist proponents in understanding

¹ Carey, R., Larsen, K. and Sheridan, J. (2019) *Roadmap for a resilient and sustainable Melbourne foodbowl*. University of Melbourne. doi:10.26188/5c92e85dd6edf. Carey, R., Sheridan, J. and Larsen, K. (2018) *Food for thought: Challenges and opportunities for farming in Melbourne’s foodbowl* doi:10.26188/5b46f9ab37a94 ISBN: 978-0-7340-5490-6.

Council's policy approach and will also not assist planners in making decisions. It may even contradict state planning policy.

It is also offensive to group mixed farming and artisanal agriculture with "hobby farming" as has been done at page 14 of the Strategy. Hobby farming is a land use that competes with agriculture². "Rural lifestyle" and "hobby farming" are not legitimate land uses in the Farming Zone. They compete with the full range of peri-urban land use priorities, including agriculture; water quality and supply; habitat and biodiversity³.

Artisanal, small-scale and mixed farming are commercial pursuits and contribute to both the food security and climate resilience of the region and Melbourne itself.

The Strategy quotes the Macedon Ranges Protection Advisory Committee with respect to farm business viability as follows:

There are clear tensions between existing rural zones and rural land use activities, in particular as they relate to viability of farming enterprises. There is a gap in policy and the absence of guidelines to assist with these tensions. In suitable locations, alternative planning controls that permit a greater range of on-farm business activities may assist with farm business viability.

However, it is not clear how much "investigation" has gone into the proposal to use the Rural Activity Zone to permit a greater range of on-farm businesses. It's application to a specific area without clear evidence that there is an existing business cluster to protect runs the risk of overly prescribing the use and development of land. It will also prevent beneficial agricultural uses in the broader part of the shire. The nature of farming is changing everywhere, but nowhere more so than the peri-urban regions close to major cities.

The data available to the consultants preparing this Strategy is unlikely to be sufficiently comprehensive (or accurate) to detect where artisanal and regenerative enterprises are located and are preparing to grow. Accurate data on agricultural land use is very difficult to obtain. However, there does appear to be an overall acceptance that broadacre agricultural enterprises are in decline due to falling revenue when implemented on smaller acreages, and many farmers are looking toward multi-functional agriculture approaches to build business resilience. If these uses are being replaced by mixed farming, equine and small-scale agricultural enterprises, that is an important land use trend to note. To assume that changes to farming practice require a new zoning (Rural Activity Zone) due to a misguided attempt to set aside other parts of the shire for broadacre farming is overly prescriptive and fundamentally misunderstands the nature of farming.

"Strategic Agricultural Land" – p. 20-24

² Buxton and Butt, 2020, *The Future of the Fringe: the Crisis in Peri-Urban Planning*. Page 107

³ Buxton and Butt, 2020, *The Future of the Fringe: the Crisis in Peri-Urban Planning*. Page 123-125

The Strategy states that strategic agricultural land in Macedon Ranges “was identified in Stage 1. Productive agricultural land included land with the following attributes:

- Land capability Class 2 and Class 3 and access to irrigation supply
- Land capability Class 2 and Class 3 and property size greater than 40ha
- Land capability Class 2 and Class 3 and access to irrigation supply and property size greater than 40ha.” (Page 23)

The approach used to identify Strategic Agricultural Land is not supported as it fails to recognise non-irrigated lots less than 40 hectares. Small rural lots can support commercial agriculture and are therefore productive. Small rural lots should not be subject to further pressure for subdivision and urbanization due to the tired old argument that they are already “non-viable”. This argument is not supported by contemporary agricultural practice and policy and leads to further farm land and commercial productivity losses to the peri-urban region.

The Strategy fails to take into account feedback provided to the state government review (*Planning for Melbourne’s Green Wedge and Agricultural Land*) which initially sought to establish draft criteria for the assessment and identification of strategic agricultural land.

In the feedback to the state review, concerns with the consideration of water and soil as static criteria reflected the high importance people place on considering climate change, particularly in relation to how the green wedge and peri-urban areas can play a part in mitigating the impacts of climate change. Comments also sought flexibility to support future technology and innovation in agricultural practices that respond to climate change.

Water and land capability were the most talked about criteria. Different water sources were a focus, particularly how one water source may be valued over another. For example, not all water sources are equal in quality, cost and accessibility. Access and use of recycled water were the most discussed topics regarding alternative water sources⁴.

The Strategy proposes a policy approach that relies on land attributes purporting to signify “strategic agricultural land” and assigns land uses to particular locations based on these attributes. The existing rural land uses and identified trends (assuming this is based on accurate data) do not indicate high rates of land use that relies on cultivation. Therefore, it is not clear why the policy approach relies on land classes and access to irrigation. We have already raised doubt about the reliance on lot sizes of 40 hectares or greater as an indicator of commercial viability.

⁴ Capire 2019 *Protecting and Supporting Melbourne’s Strategic Agricultural Land Engagement Findings Report* https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.vic-engage.files/1715/6758/3466/Protecting_and_Supporting_Melbournes_Strategic_Agricultural_Land_Engagement_Findings_Report_-_3_July_2019_-_Final_v2.pdf, accessed 28/08/2020. pp 1-4.

It is unfortunate the Strategy relies on a policy approach largely abandoned during the broader state government review in response to community feedback. It illustrates the risks of formulating a Strategy that is inward looking in a regulatory environment that is ultimately informed by state planning provisions and compliance to state planning policies.

What is “commercial agriculture”?

Contemporary research and recent community consultations in Victoria with relevant and knowledgeable stakeholders have cast doubt on the assumptions underlying the statements in the Strategy about farm viability, land quality, and small-scale vs large-scale farming.

The text in the Strategy consistently attaches commercial return and “viability” to “scale”. We acknowledge that suggesting that small lots can be used for commercial production might encourage those seeking to subdivide. However, the evidence is clear that the shire already has a diverse range of lot sizes suited to a range of agricultural enterprises and this will future proof the production of food and fibre. No further subdivision can be justified.

The difficulty we see is that the mixed messages about farm viability, including via the Policy Areas, will prevent planners from being able to recognise when a diverse agricultural activity should be supported. This will have the effect of sterilizing the large number of small rural lots that already exist in all of the proposed Policy Areas.

By setting up barriers to entry into farming business on small lots, Council is preventing innovation and potential entry by a younger or innovative farming cohort into the agricultural business sector. There is a solid argument for a supportive planning environment for agricultural innovation, including ancillary dwellings on small lots to encourage sustainable intensification if this is supported by appropriate farm planning documentation that adequately demonstrates a legitimate farming proposal, along with suitable post planning reporting and compliance requirements to ensure plans are being appropriately implemented.

Comment on the content of the Strategy

Rural dwellings (Page 16)

A more consistent approach to decision making for dwellings in farming areas is welcomed. At present, there appears to be an informal policy approach from the Macedon Ranges Shire Council that ignores planning ordinance and planning policy guidance and is focused instead on an impossible future scenario – that lots rendered sterile by gaps in planning policy and ad hoc decision making will be acquired and consolidated with the landholding of the neighbour. Given the aforementioned decline in revenue from broadacre agriculture, this is an objective most likely to fail, simply given the value of land in the peri-urban area, which makes consolidation an unlikely business cost benefit unless there is high value, direct marketing pursuits being implemented on adjacent sites, many of which are

prohibited under the current Macedon planning approach. There is no real incentive to actually consolidate - rather, through being held on separate titles it allows sale at a future time.

In contrast to this, food security can be enhanced through the production of food and fibre on a diversity of lot sizes. This does not mean that any further rural subdivision is required or should occur. It is the finding of the Strategy that there is already a substantial supply of small lots in the Farming Zone. Thus, the existing situation is that there are a diversity of lot sizes in the shire, which should provide for a diverse range of farming enterprises. Welcoming innovative enterprises on small lots will enable a reactivation of farming in the region, enhanced by the local food focus of many of the towns in Macedon, plus additional supporting businesses such as rural contractors, veterinary services, processing etc.

In assisting our farming clients, we have seen food production with excess available for market occur on as little as 850 square metres using regenerative techniques and involving land that would not be classified as “prime” or “strategic” under conventional land classing.

It is possible to run a commercial agricultural operation on lots less than 40 hectares and the current approach of Macedon Ranges Shire Council is negatively impacting the productive capacity of the shire. Prior to making a decision with respect to dwellings on small rural lots, more attention should be given to the individual characteristics of the existing or proposed agricultural enterprise where a dwelling is required to support animal welfare, crop security, infrastructure construction and protection, and biodiversity enhancement.

Vision statement (page 19)

The last three paragraphs of this statement view rural land through an urban land development lens and should be removed. Given there are plenty of other land use strategies available to Councils to deal with residential development and economic development in urban areas, as well as rural living, it is unclear why this has to be addressed in the vision statement for the Rural Land Use Strategy. Including these words will encourage continued urban incursions into rural land, especially on the edge of towns, which is an ongoing threat to food security and resilience to climate change.

The removal of these three paragraphs will also remove the word “appropriate” (three times) from the vision statement. The vision statement is too long in its current form and would benefit from the removal of irrelevant and meaningless content.

Principles (page 19)

It is not clear how the principles will successfully implement the findings of the Strategy in relation to rural land use trends, rural dwellings, and the strategic implications (pages 7, 10 and 16). Three of the principles are duplicating state planning policy (first, fourth and fifth) and would appear to be unnecessary.

Strategic Objective 1 – Agriculture (page 20- 27)

As mentioned earlier, hobby farming is not a form of agriculture – it is a competing urban use. The inclusion of hobby farming within the strategic objective relating to agriculture diminishes the sector as a contributor to growing the local economy.

The statement with respect to ‘containing commercial scale businesses’ (agriculture) to mapped areas of ‘strategic agricultural land’ is also chilling because it signals a continuation of the overly prescriptive policy approach that characterizes current planning decisions in the shire. Agricultural practice needs to innovate and change. Pigeonholing agricultural enterprise within certain parts of the shire - based on what evidence?- will curtail emerging agricultural practice that seeks to adapt to market forces and climate change.

The ambition to contain commercial farming to certain areas of the Shire flags the potential loss of farmers’ right to farm in other parts of the shire (legitimate farming areas) due to the scale of their proposed approach and perceived impact on ‘lifestyle’ blocks.

Planning reforms introduced in 2018 and based on the recommendations of the Sustainable Animal industries Advisory Committee, are an important opportunity for the sustainable intensification of agriculture in peri-urban regions. The reforms introduced Clause 53.09 (Poultry Farm) and Clause 53.16 (Pig Farm) to planning schemes and they acknowledge that low density, mobile, outdoor proposals can be sustainably managed subject to performance standards. The Strategy appears to be completely uninformed by these contingent state projects. These production models are acknowledged at page 23 but their potential for increasing soil carbon and improving soil structure and productivity is not addressed. These production models are premised on the enhancement of the productive capacity of land - it is not a static attribute.

That said, the recommendation that further fragmentation of land be avoided is valid. There are a diverse range of lot sizes in the shire which can be used for a variety of agricultural enterprises. Further subdivision is not required or necessary.

Rural Framework Plan (Page 21)

It is recommended that the Policy areas (1, 2, 3) at Figure 5 be explained prior to the introduction of this plan in the document, as it is impossible to interpret without this information.

Strategic Objective 3 – Equine (page 35- 37)

The Strategy has been written to inform the land use planning approach for Council. In planning schemes, equine land uses are nested in “Agriculture”. As such, the equine industry should be included in the strategic objective for agriculture.

Again, the approach to the preferred location for equine land uses (“mapped areas of strategic agricultural land”) is completely at odds with the reality of agricultural practice. Equine land use does not require high quality soils. If they are relying on pasture for sustenance, horses do better with the ability to range across more marginal land with lower quality grasses offering a continuous stream of fibre. High value pastures can result in significant health issues for many horses such as laminitis and ulcers, with the possible exception of Thoroughbred breeding and young stock. The Thoroughbred and Standardbred racing industries also rely on horses being confined to stables or day yards which would also be a complete waste of high-quality soils.

The production of hay for forage supplementation, on the other hand, may benefit from better quality soils or integration into mixed farming models as an opportunity crop (but apparently that belongs in Objective 1 under Agriculture).

Implementation - Local Policies (page 43)

It is important to note the disconnect between the two sections of the strategy (Vision and Objectives vs Implementation). The policy areas at Figure 5 are beginning to look like an afterthought because they are not well explained early in the Strategy, and they are not clearly reflected in this section (which would presumably implement them).

Implementation -Subdivision FZ (page 43)

- The proposed objectives and strategies/policy are supported.
- The Decision Guidelines (application requirements) could be strengthened to ensure the objective - that lots resulting from subdivision are of a sufficient size to be of benefit to agricultural production – is met.

Implementation -Dwellings – FZ (page 44)

- The proposed objectives are mostly supported. Exceptions to this are:
 - Ensure the cost-effective servicing of towns and communities by avoiding the impacts of a dispersed population base.

This policy objective perpetuates the existing policy error whereby dwellings in the FZ are viewed as a settlement planning issue. Dwellings should only be in rural areas to support agriculture (or for infrastructure protection associated with other permitted uses). If Council stops approving rural subdivisions, it will no longer create de facto urban settlements that lead to the demand for servicing.

- The proposed strategies/policy are mostly supported. It is just not clear how buffer distances for all as-of-right animal production land uses would be determined. As such, this strategy could be confusing and might lead to the misuse of third-party rights.
- The Decision Guidelines are not supported as they lack transparency. The guideline for whether there is “potential” for land to be consolidated with

other land to enhance agricultural productivity needs to be better defined or deleted. Most lots could be consolidated – there just isn't the economic imperative when many lots are already of a size that could be productive if the agricultural enterprise is sustainable and well managed.

- What is the performance objective for a rural residential outcome versus a farm dwelling outcome? Is it successfully meeting the application requirements? If so, this connection to the decision guideline above should be made clear (although the application requirements essentially repeat existing state policy and are therefore redundant). This Council has refused applications and/or argued at VCAT on many occasions that a proposal is a rural-residential outcome. The proponent usually says the opposite and provides evidence that there is a viable agricultural enterprise proposed for the land. How will this policy change make it any clearer what evidence is acceptable to Council? This proposed decision guideline lacks transparency.

Implementation -Development of second or subsequent dwellings – FZ (page 44)

It is not clear how this policy direction impacts the ability to develop group accommodation or farm stays on lots less than the minimum size (the minimum lot size does not automatically divide farm from non-farm).

Also, in practice, accommodation for farm workers can be used in harvest off-season for farm stays (a perfectly acceptable multiple use for a building). The Rural Tourism section which follows does not appear to recognise this policy conflict.

Implementation -Rural Tourism (page 45)

The strategy to strongly discourage a dwelling or accommodation within 100 metres of agricultural production infrastructure is too prescriptive. It should be based on the context (the following examples would appear to be benign from an amenity perspective – horse stables, low density mobile outdoor poultry farm – chicken tractors, goat dairy).

Another rural tourism use that is quite popular, particularly in conservation areas, is glamping/tiny homes. Is it intended that this be discouraged? It is included in the definition – Camping and Caravan Park.

The discouraging of Backpacker Hostels, Market (on rural lots) and Residential Hotels is supported.

Implementation - Dwellings – RAZ and RCZ (Page 46)

- The proposed objectives/strategies/policy are mostly supported. The exception is the policy that, subject to site conditions, dwellings and associated development be encouraged to be clustered together in the landscape by requiring similar setbacks from road frontages. This is bringing an urban planning lens to a rural setting. There are so many constraints to

building siting in the rest of the policy, there is no need to introduce one that is essentially meaningless.

- The Decision Guidelines are not supported. They are largely silent on the need for a dwelling to be justified based on its association with agriculture. This will ensure that the RAZ and RCZ are zones for hobby farms, which is an urban use.

Zones (Implementation)

Farming Zone

The previous comments regarding the flawed approach to defining Strategic Agricultural Land must be considered in the response to this section. On that basis, given the zone controls are determined by state government, the proposed application of the Rural Activity Zone and Rural Conservation Zone to the land not deemed to be “Strategic Agricultural Land” is also a flawed approach.

We have not seen an increase in agricultural production from the current Macedon Ranges policy that prescribes land in the Agricultural Landscapes policy area for particular uses – broadacre grazing, equine uses, and intensive and extensive cropping.

The acknowledgement that dwelling development on land that does not need a planning permit for a dwelling has not resulted in an increase in farms is actually evidence that the prescribed farming uses are in decline, and also that current planning regulations have resulted in the gentrification of land where the use for a dwelling is as of right.

As such, it is a considerable stretch to characterize this outcome as a sign that the current assessment of planning permits for dwellings is achieving the desired outcomes.

The requirement of planning regulation that planning permits apply to the land rather than the proponent leads to a ‘thin end of the wedge’ attitude in terms of what might happen when the property is sold. This occurs against the backdrop of accepted business planning (and banking practice, for that matter) which analyses the capability of the proponent of the enterprise to a greater extent than the proposed location of the enterprise. It also shows a lack of capacity for Council to support post planning regulatory incentives or compliance to ensure landscape outcomes are achieved.

The Policy Areas approach deepens the challenge in assessing agricultural uses by classifying the attributes of the land (based on questionable evidence other than the presence of larger lots) and using this as a basis to prescribe specific agricultural business models or a presumed viability. In contrast to this, the lived experience of agricultural professionals and farmers is that farm viability owes more to the individuals running the enterprise than attributes such as soil type, rainfall, and farm size.

Researchers have observed that reliable data for farm productivity in peri-urban areas is difficult to come by, largely thanks to a historical focus from researchers and policy makers on the importance of broad-scale and irrigated production areas⁵.

Notwithstanding, Dr Kate Burke has applied a human-centred lens to data that is available for Australian farms (with a primary focus on cropping enterprises) and established that:

The diversity of farms is such that research and experience point towards the individual characteristics of each farm as being the largest influencer on financial performance. That is over and above the influence of rainfall!

*Having a large farm does not guarantee significant performance. How quickly we adapt to external challenges and how well things are done has more influence on financial performance than the size of the farm.*⁶

Dr Burke also observes that dryland, broadacre cropping enterprises (which would fall within the “traditional, commercial” uses referenced in the Strategy) may derive more than 60% of their income from cropping but are also likely to incorporate complementary enterprises. These include cattle grazing, small feedlots, or intensive animal enterprises involving pigs or chickens. Would the addition of these complementary enterprises cause the farm to be re-classified to “mixed” under the logic explored in the Strategy and immediately disqualify the enterprise from being considered in the Farming Zone?

As such, the extent to which the proposed policy approach generalizes agricultural enterprises as “broadacre”, “commercial” and “mixed” is inherently risky given that farming success stems from an ability for proponents to adapt to external challenges and changing market conditions. Organising agricultural business models into prescribed geographical areas is naïve and fails to take account of the effect of the individual farmer in farming success.

From an implementation perspective, the inherent generalization and lack of locally specific evidence for this approach means it is likely to fail at the planning scheme amendment stage.

With respect to the Cobaw Biolink, the previous policy failure should not be repeated. As such, the ESO should be applied prior to the rezoning from RCZ to FZ. Whilst the Strategy says this should happen simultaneously, in practice, the evidence base required to apply the ESO is not contained in this document.

Minimum Lot Size Subdivision – FZ (page 48)

⁵ Buxton and Butt, 2020, *The Future of the Fringe: the Crisis in Peri-Urban Planning*. p. 108.

⁶ Burke, K, 2020, *Crops, People, Money and You – the Art of Excellent Farming (and Better Returns)*. pp. 9, 11

We support the findings of the Stage 1 Research and Investigations Report that there are plenty of lots in a diverse range of sizes so further subdivision for genuine agricultural purposes is unlikely to be necessary.

We also support the concept that the nexus between subdivision and dwellings should be broken. However, we consider the best way to remove this assumption is not to approve subdivisions in the first place. It is not clear to us what purpose is served by suggesting that subdivision can occur if it suits broadacre grazing and cropping given our previous comments regarding the changing and flexible nature of agricultural practice.

Minimum Lot Size Dwelling – FZ (page 48)

There appears to be an error here – it is quite unclear. Do you really mean that the minimum lot size for a dwelling without a permit requirement should be zero or should it be 100 hectares or do you mean lots of any size require a planning permit for a dwelling?

If it is the latter, we are broadly supportive of this approach, provided that there is a clear application/evidence pathway to establish the nexus between use/development of a dwelling and agriculture. Based on the current proposed policy approach, this needs some work. Otherwise, Council will be defending decisions at VCAT even more often. The need for more clarity around the nexus was addressed in the MRSC Planning Scheme Review and resolving this issue was supposed to be an objective of this Strategy.

The Strategy claims a trend in farm amalgamation, and that commercial agricultural businesses are increasing in physical size. This is not a peri-urban trend. It is a national trend. It is being inappropriately applied to this context and will be a failed policy approach. It is directly in conflict with the findings of the ⁷Foodprint Melbourne reports, and the recommended policy directions of the ⁸International Panel of Experts on Sustainable Food Systems. Broadly, these reports call for a shift from industrial scale agriculture and/or input-intensive crop monocultures to diversified farming systems that employ agroecological, regenerative or organic approaches. These diversified farming systems are better suited to closely settled rural areas and are increasingly the preferred food source for consumers seeking shortened supply chains and ethical production approaches. The ability to activate the peri-urban landscape by encouraging these new agricultural approaches enhances the food security and climate resilience of both the region, as well as Melbourne itself. It also offers locals a viable economic alternative to commuting for employment.

Rural Activity Zone (Page 49)

⁷ Carey, R., Larsen, K. and Sheridan, J. (2019) *Roadmap for a resilient and sustainable Melbourne foodbowl*. University of Melbourne. doi.10.26188/5c92e85dd6edf. Carey, R., Sheridan, J. and Larsen, K. (2018) *Food for thought: Challenges and opportunities for farming in Melbourne's foodbowl* doi:10.26188/5b46f9ab37a94 ISBN: 978-0-7340-5490-6.

⁸ IPES-Food (2016). *From uniformity to diversity: a paradigm shift from industrial agriculture to diversified agroecological systems*. International Panel of Experts on Sustainable Food systems, p.3

Caution is required in freeing up rural dwelling policy to “encourage” hobby farms in the west of the shire and in the Calder corridor. This is not a measure that will improve water quality in catchments, enhance biodiversity, or improve land management.

The argument being made for Rural Activity Zone being more suitable than Farming Zone in these areas between Woodend, Malmsbury and Tylden appears flawed. How can agriculture be the dominant land use whilst also ancillary to the “primary land uses including rural lifestyle and tourism”. Rural lifestyle is not agriculture. Tourism can be a secondary land use where agriculture is the main activity – in this case an argument would have to be made that tourism is ancillary to agriculture.

With this flawed approach, the rezoning of land to Rural Activity Zone is unlikely to support agriculture as a primary land use because it seeks to reverse engineer a justification for previous Council approvals of small lot subdivisions and development. It does not appear to be a targeted approach to support established business clusters (or at least this evidence has not been provided in the draft Strategy).

The mix of uses said to be capable of being encouraged by the Rural Activity Zone (other than education) can all be undertaken in the Farming Zone, subject to a planning permit. In the Farming Zone, an argument can be made for environmental education being ancillary to the agricultural activity already being undertaken – it just cannot be the dominant activity.

In the Rural Activity Zone, there is a risk that the connection to agriculture is lost as tourism/education uses become the dominant use and the proportion of agricultural land uses begin to decline. In their 2020 book *Future of the Fringe – the crisis in peri-urban planning*, Buxton and Butt have identified that “high amenity has been linked to a ‘commodification of the countryside’ when new settlers seeking rural lifestyles are attracted by valued landscapes, townships and natural values and then in turn ‘consume’ agricultural landscapes” (Tonts and Grieve 2002:67)⁹. It would appear that Macedon Ranges Shire Council has partly driven this transition through previous rural subdivision decisions and now seeks to ramp it up through a stated preference for tourism and rural lifestyle uses in these areas. Retaining the existing zoning (Farming Zone) might at least provide the opportunity to manage the scale and proportion of ancillary agricultural uses that are based on this “consumption of the rural landscape”¹⁰.

Whatever the zoning of land in this area, the intention to limit minimum lot size for subdivision to 100 hectares is supported, although an argument could be made to prevent further subdivision of any size.

Rural Conservation Zone (Page 50)

⁹ Buxton and Butt, 2020, *The Future of the Fringe: the Crisis in Peri-Urban Planning*, p. 18.

¹⁰ Buxton and Butt, 2020, *The Future of the Fringe: the Crisis in Peri-Urban Planning*, page 18.

This section appears to imply there is no proposed change to the extent of Rural Conservation Zone whereas Figure 9 at page 34 does not support this assertion. In an exhibition document this is concerning if it is, in fact, an error.

Assuming that such rezoning will be proposed in a future planning scheme amendment, additional information would be required about how decisions on agricultural use and development will be determined. There are plenty of examples across regional Victoria where the Rural Conservation Zone (RCZ) becomes a default Rural Living Zone/Rural Activity Zone due to a permissive attitude to rural subdivision and the argument that residential use is the highest and best use for land on which agricultural uses are either restricted through Council policy or just not even considered.

Fragmentation of land in a RCZ area will ultimately undermine the conservation outcomes for the area. Clearing permissions around bushfire protections for dwellings, clearing for access and clearing for fencing impacts on native vegetation and biodiversity habitat and linkages.

This is contrary to the conservation and land management priority that Rural Conservation Zone implies and needs a policy response.

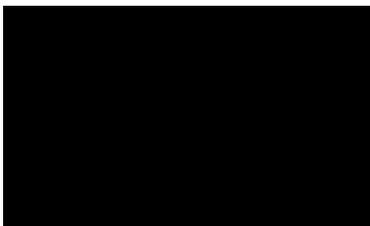
The section at page 50 provides scant detail and does not address subdivision. Subdivision should be discouraged in the Rural Conservation Zone and a minimum lot size of 100 hectares would be a good starting point.

Implementation - Overlays (Page 50)

The recommendation that an Environmental Significance Overlay that ensures development contributes to the enhancement of native vegetation and biodiversity within the Cobaw Biolink is strongly supported.

If you wish to discuss these issues further, please do not hesitate to contact the undersigned.

Kind regards



RECEIVED 31 AUG 2021

To Strategic Officer

I response to recent announcement of changing Farm land to Conservation. I feel that there has been no consultation with land holders in the planned area. People and myself are not aware of what changes or responsibilities are in Conservation. I think there should be a public meeting with share to inform land changes now and in the future before this becomes law. This is my objection and a right to know as we have farmed this family farm for 150 years.

Regards

Submission 63

DLC CFCP 453
25.08.21 23h 42

Supporting
connection



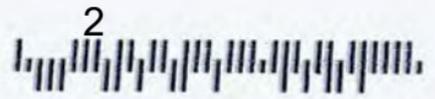
Macedon Ranges Rural Land Strategy
(Edwin Irvine) (Jack Wiltshire)

P O Box 451
RECEIVED 31 AUG 2021

Kyneton
Vic

POSTCODE

3 4 4 4





From: [REDACTED]
To: [Strategic Planning](#)
Subject: Rural land use strategy
Date: Saturday, 4 September 2021 11:27:26 AM

To Whom it may concern,

We would like to strongly object to the rezoning of our property from farming to Rural Conservation.

We first heard about this proposal from a neighbour, who was the only person that had received any formal notification regarding the proposal. We had no knowledge that anything was proposed & are extremely disappointed that any information had not been provided to land holders by the council.

We are suffering during this Covid pandemic right now, with limited movement & freedoms. Your proposal would limit our freedoms on our own land even further & is in very poor taste with its timing & idea.

With harsher times due to Covid people are being encouraged to work from home if possible. People in the area are supplementing their incomes by selling some home grow produce or stock, which you are looking to put a stop to.

We & most of our neighbours have lived on these properties for many, many years & are looking at passing our homes down to future generations of our children. Your proposal won't allow them the same priviledges we have enjoyed whilst living here. We need to be able to clear fallen trees & use stock to keep the grass low to prevent bushfires. As rate paying, landowners we should be able to maintain our properties to keep ourselves & our neighbours safe.

We are also concerned that these changes will impact our property price. Future buyers in our area may overlook our properties due to all the restrictions you are proposing & the limitations it will cause for the use of the land. This will indeed mean that our properties will not be worth as much as others, not under this proposal.

We love our bush properties & respect the environment. Why the need to change?

Please let our Objection be noted

[REDACTED]

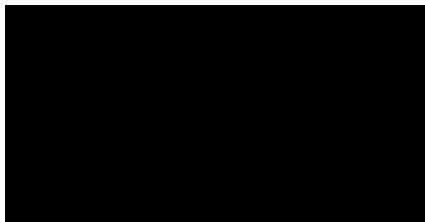
Get [Outlook for iOS](#)

From: [REDACTED]
To: [Strategic Planning](#)
Cc: [Cr Bill West](#); [Cr Annette Death](#); [Cr Geoff Neil](#); [Cr Jennifer Anderson](#); [Cr Janet Pearce](#); [Cr Mark Ridgeway](#); [Cr Dominic Bonanno](#); [Cr Anne Moore](#); [Cr Rob Guthrie](#)
Subject: Submission to Draft Rural Land Use Strategy
Date: Thursday, 2 September 2021 5:52:41 PM
Attachments: [Submission to Draft Rural Land Use Strategy HS.pdf](#)

Dear MRSC Planning and Councillors

Please find attached my submission to what I consider a deeply flawed draft Strategy which undermines environmental protection and encouragement for biodiversity in the proposed land use changes.

Yours sincerely [REDACTED]





To: Macedon Ranges Shire Council at strategicplanning@mrsc.vic.gov.au
cc'd to all Councillors

Submission to Draft Rural Land Use Strategy

I have endeavoured to read and understand this strategy, but find it long and difficult to comprehend, with contradictions as outlined below. The Vision on p19 contains vague statements with mistakes eg para 6: *“Development in the rural areas delivers high quality environmental (sic – what?) and contributes to improved habitat and ecological connectivity through good design and on-site environmental improvement works”*. Or in para 4 *“Native vegetation is retained and enhanced, balanced with fire protection considerations. Native vegetation is vital for the environmental health of the Shire and is a significant component of the Shire’s character”* - there is no recognition that much of it is endangered and depleted, and no mention of the dependent fauna (until a very brief note on page 30). The map on p21 identifies Woodend, Macedon Regional Park, Hanging Rock and Malmsbury as “Tourism Nodes”, omitting Kyneton, and the key is made illegible by overwriting.

I cannot see outlined any overarching new reason for this strategy’s existence. It seems cobbled together from various other documents and defunct strategies, one example being the so-called Equine Strategy - an ill-conceived piece of work which was cancelled by Council resolution in 2017. The equine industry has no place as a central Strategic objective for rural areas (number 3 on page 20); its practices are incompatible with environmental and biodiversity goals.

I enquired by phone via 5422 0333 whether better maps were available as the ones in the document do not allow identification of properties affected (especially p34). I was told there were none. This is frustrating, to say the least, for landholders who are unable to determine how they might be impacted by the proposed changes.

This draft strategy contradicts the Shire’s own excellent *Biodiversity Strategy 2018*, which provides the clearest and most complete overview of the biodiversity situation specific to the Macedon Ranges ever produced. Just one of many examples: the Biodiversity Strategy stresses *“investigating rezoning identified areas with significant native vegetation in the Farming Zone to ensure their protection”* (p3), but the draft rural land use strategy goes backwards by extending Farming Zone to such significant areas in the RCZ!!

Other contradictions are, for example, minimum subdivisions – is it 100ha or 40? I find the varying dwelling policies in RCZ, FZ and RAZ indecipherable, but learned from the recorded consultation of 17 August that in future all properties will require a planning permit for any dwelling. A check on p28 outlines actions to support an objective to *“support and promote agriculture and protect agricultural land”*. These actions are to *“Introduce local policy or MSS to guide assessment of planning permits for subdivision, dwellings and other discretionary uses in the Farming Zone”* and similarly in the Rural Activity Zone. This gives Council too much discretion and leaves them with all decisions when they already have difficulty keeping up with current applications - and find some being overturned by VCAT anyway. This Strategy would require a massive increased investment to implement its proposals.

If a permit is granted for a building for a farming enterprise in a farming zone, what happens if there is a change in ownership and the farming enterprise does not continue?

Another contradiction is on p50: *“The Rural Conservation Zone will be retained where it currently applies and to identified biolinks”* – how does this align with replacing the Cobaw Biolink’s RCZ with Farming Zone and a new overlay? It does not show where the new overlay would be applied – all or only part of the replaced RCZ? How does it align with other biolinks identified in the *Biodiversity Strategy 2018* but not here? It is good to see the small areas on page 34 being rezoned from Farming zone to RCZ to encompass some of these, but others are ignored. See for example *the Biodiversity Strategy 2018* map p99 which shows biolinks & waterways biolinks, and page 101ff for outline of objectives and proposed actions for 9 of these.

Saying on p39 that *“The Farming Zone will be applied to areas where agriculture and equine uses will be the primary land use”* is a nonsense in biolink areas where protection of environmental values should remain the priority. It seems that the tourism objective is driving the push to farming and rural activity rezoning with the aim of getting rid of the Place of Assembly prohibited (tourism) uses in the RCZ, such as cooking classes, horse riding schools, conference centres, wedding venues, galleries, concerts and music festivals (p39). A better option would be to pressure the State Government - which mandates PoA - to lift some prohibited uses that are compatible with the environment, such as educational gatherings/meetings in conference rooms on private properties.

While I find tourism questionable as a key strategic objective for rural areas in the draft Strategy, the fact that our beautiful natural environmental assets are what attracts tourism is an even greater reason they must be protected and enhanced.

This draft strategy does not outline what environmental significance and vegetation protection overlays (ESO, VPO) are involve in except in Appendix 1. Overlays currently manage development only and do not control use. Would for example VPO schedule 8 only protect existing vegetation in the Cobaw Biolink, not what might occur? If people are allowed other Farming Zone uses like warehouses, feed lots etc, how will these be controlled in future? I am not prepared to take on trust future development of protection overlays. I note that recommendations in the Biodiversity Strategy for new VPOs (Scoria Cone Woodlands and Plains Grassy Woodlands, p73-74) have not been taken up in the draft strategy, nor ESOs for Plains Sedgy Wetlands or Waterways (p74-5).

As a member of [REDACTED], **my main concern** is the retrograde proposal to change land in the Cobaw Biolink from Rural Conservation Zone to Farming Zone.

It is well-documented that agricultural activities in the RCZ Cobaw biolink area have damaged native vegetation and impacted on waterways, and continue to do. **I wish to see strengthening rather than weakening of environmental protection in the Cobaw Biolink which the draft Strategy does not achieve.**

I offer the following details in support of my argument.

The Cobaw Biolink has been Newham & District Landcare Group’s main project since 2005. The project encompasses pest plant and animal control, revegetation, rehabilitation of waterways, and roadside activities to provide habitat connectivity for native species on both public (eg Hanging Rock) and private land between Mount Macedon and Cobaw State Forest.

The Government funding we have sought has supported on-ground works within the Biolink area, resulting in investments of over \$1 million (\$521,760 in grant monies, and over \$600,000 in matching contributions). These funds have enabled on-ground works on private properties, at Hanging Rock Reserve and roadsides. Works included fencing to protect remnant vegetation, revegetation (around

142,000 tubestock), control of rabbits and woody weeds, property planning series, educational events, production of a Biolink poster and joint projects with the Shire on fauna monitoring, roadside weed control and, currently underway, effects of climate change on Snow Gums.

NDLG's 2021 widely viewed video, *Linking the Landscape – the Cobaw Biolink* (<https://vimeo.com/528031290>) aims to engage landholders and residents, making them aware that their contribution to improve connections between Mount Macedon and the Cobaw Range, on both private and public land, no matter how big or small, is environmentally vital. To quote one NDLG member, *“the Cobaw Biolink is bigger than any of us, it is a model that can be used anywhere..., it builds connections between remnants and it builds connections within community.”*

The video was funded in part by the Shire and by Melbourne Water. Has Melbourne Water contributed to this draft? As stakeholders they provide much funding and assistance to landholders in the Macedon Ranges via their Stream Water Frontage and other programs.

It would be a travesty to undermine the community's work in ongoing protection of the Cobaw Biolink, particularly considering the State Government declared in June 2021 that 2,532 hectares of the Cobaw Ranges would become a Conservation Park to better protect its environmental and biodiversity values. Something not recognised in the Strategy.

I support small scale agriculture, local food production and artisanal business, like farm-gate sales. However the focus of the draft strategy on economic and tourism promotion and agribusiness seems to be at the expense of existing farm uses and overwhelmingly at the expense of environmental protection. There is little discussed about farming in relation to future climate change which will have major impacts, apart from a para on p26 about access to water. Nor is there mention of the regenerative farming practices the Shire is already promoting. I urge ongoing funding of the important position of Private Land Conservation Manager to promote the vital new regenerative agricultural management practices around soil health, water, crops, native pastures and grazing, livestock etc. Rate rebates, currently offered only to properties protected by a Trust For Nature Conservation Covenant, are a great way to encourage private land holders to participate in habitat preservation and restoration.

I have made many environmental submissions to local, state and federal governments, both as an individual, for Landcare and for a political party. I always make the point that it is time to stop privileging economic productivity over the environment. A healthy environment is a prerequisite for a healthy economy and social wellbeing. According to the ANU scorecard released in 2020 - *Australia's Environment in 2019* (<https://www.wenfo.org/aer/>) the summary score for the Macedon Ranges LGA shows that its overall environmental score (out of 10) was 2.7, down from 4.8 in 2018; woody vegetation cover was below average. This was before the impacts of the 2019-20 summer drought and devastating bushfires when in Victoria more than 1.2 million hectares of forest was burnt. While our region in the Macedon Ranges was spared bushfires last season, it remains one of the most fire-prone in the country, to be exacerbated by the increasing dangers of climate change. The higher-elevation areas and unique geological features of Macedon Ranges will be especially important as climate refuges for plant and animal species.

I urge MRSC and Councillors not to accept this very flawed draft Strategy. If a new strategy is needed it should concentrate on issues that need clarification, such as dwellings and minimum subdivision sizes in the zones, and proper environmental protection and encouragement for biodiversity in any changed agricultural and other land uses.

2 September 2021

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Draft rural land use
Date: Thursday, 9 September 2021 10:43:49 AM

Hi there,

I tried to watch the link on your website last week, when the proposed amendment was brought to my attention, however your information session was unavailable. I feel that appropriate community discussion is impossible given the current lockdown and to proceed without such conversation would be an unfortunate oversight.

My family have owned the land in one of the proposed farming to rural conservation zones for the last [REDACTED] years and have worked tirelessly to maintain waterways and health of the land while accommodating council limits on livestock. Regenerative agriculture requires working with the land and animals to replenish topsoil, sequester carbon and improve biodiversity whereas conservative is akin to placing the area in a museum. The land needs to have animals and custodians on it.

You might argue that permits can be acquired to allow animals on conservation zoned land but the permit application process is restrictive and convoluted enough as it is. This applies to building permits or any other form of permit too. Compared to other councils this process is already much more rigid and unrelenting in the Macedon ranges. Further erosion of landowner rights isn't a In attractive proposal.

Although it's not the most relevant ecologically, the ability to make money from the land, as it was originally purchased for, will be completely eroded as no business proceedings can take place for farmstays or gardening workshops or really any other event.

To argue the viewpoint of the previously environmentally zoned properties: why allow destruction and exploitation to enter the area's you previously deemed important to preserve? If you are interested in conservation, this would be completely contradictory. The entire thing seems irrational, hasn't been communicated to landowners directly and seems to benefit certain new land owners over those who have lived in your shire for over half a century.

For these reasons, I am vehemently opposed to the proposed alterations in zoning.

Regards

[REDACTED]

From: [REDACTED]
To: [Strategic Planning](#)
Cc: [REDACTED]
Subject: Draft Rural Land Use Strategy - Ignoring economic effects on value of land
Date: Thursday, 2 September 2021 5:28:24 PM
Attachments: [image001.png](#)

To Whom it may concern,

I write concerning the Council's draft "*Rural Land Use Strategy*".

Has the Council undertaken any analysis of the economic impact the proposal will have (if implemented) on the value of farmers' land affected by the proposal?

A brief conversation with any local real estate agent or valuer will show that the proposal will slash the existing value of farm land affected by between 50% and 80%. It's clear that the Council is either intentionally ignoring this fact or deliberately pursuing a proposal which will slash farm values without understanding the counterproductive effect this will have on its planning objectives.

What is the Council's view on property prices/land values and how they factor in the delivery of strategic planning outcomes?

Has the Council taken into account the "social and economic effects" of the proposed amendment?

It seems obvious that a planning scheme change which will slash the value of affected land by between 50% and 80% will have a devastating economic effect. For the Council to ignore that economic effect and claim it's not relevant is both a breach in statutory duties and a demonstration of ignorance by the Council.

Has the Council considered the importance of economic effects that are especially relevant to the current proposal when the economic impact will have a devastatingly adverse effect on the economic viability of the intended planning outcome of preserving farm uses? This is because the proposal will undermine the viability of farm businesses by slashing the value of the security (namely the land) which farmers use to borrow against in order to fund their farming operations.

What is the Council's view on 'land banking'? Does the Council see this occurring? The Council has indicated as much to a neighbour of mine. Is this view and proposed changes trying to manipulate the real estate market and cut the value of farmers' land?

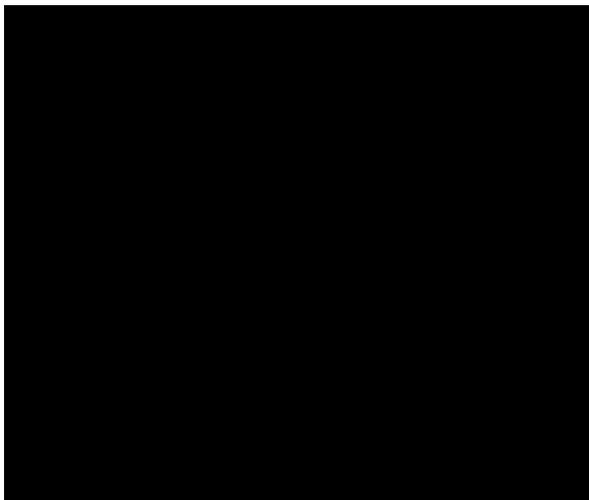
What is the Council's view on the relevancy of property values to strategic planning outcomes? and on the other hand potentially using "land banking/inflated land prices" as a basis for justifying the proposal?

Are the Council aware that the proposal is a wasteful duplication of the proposal already being pursued by Department of Planning (**DELWP**) involving removal of the "as-of-right" ability to construct a dwelling on 40 ha of farm zoned land within 100 kilometres on Melbourne – see DELWP's Consultation paper – *Planning for Melbourne's Green Wedges and Agricultural Land*. It

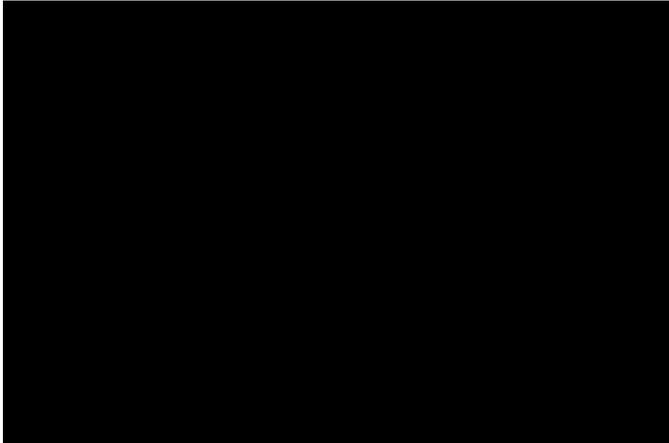
begs the question of why the Council is wasting ratepayers' money pursuing a duplicative planning scheme change and, in the process, putting farmers to the wasted time, cost and stress of objecting to two processes. It's this sort of bureaucratic bungling and government waste and duplication which gives the public sector a bad name.

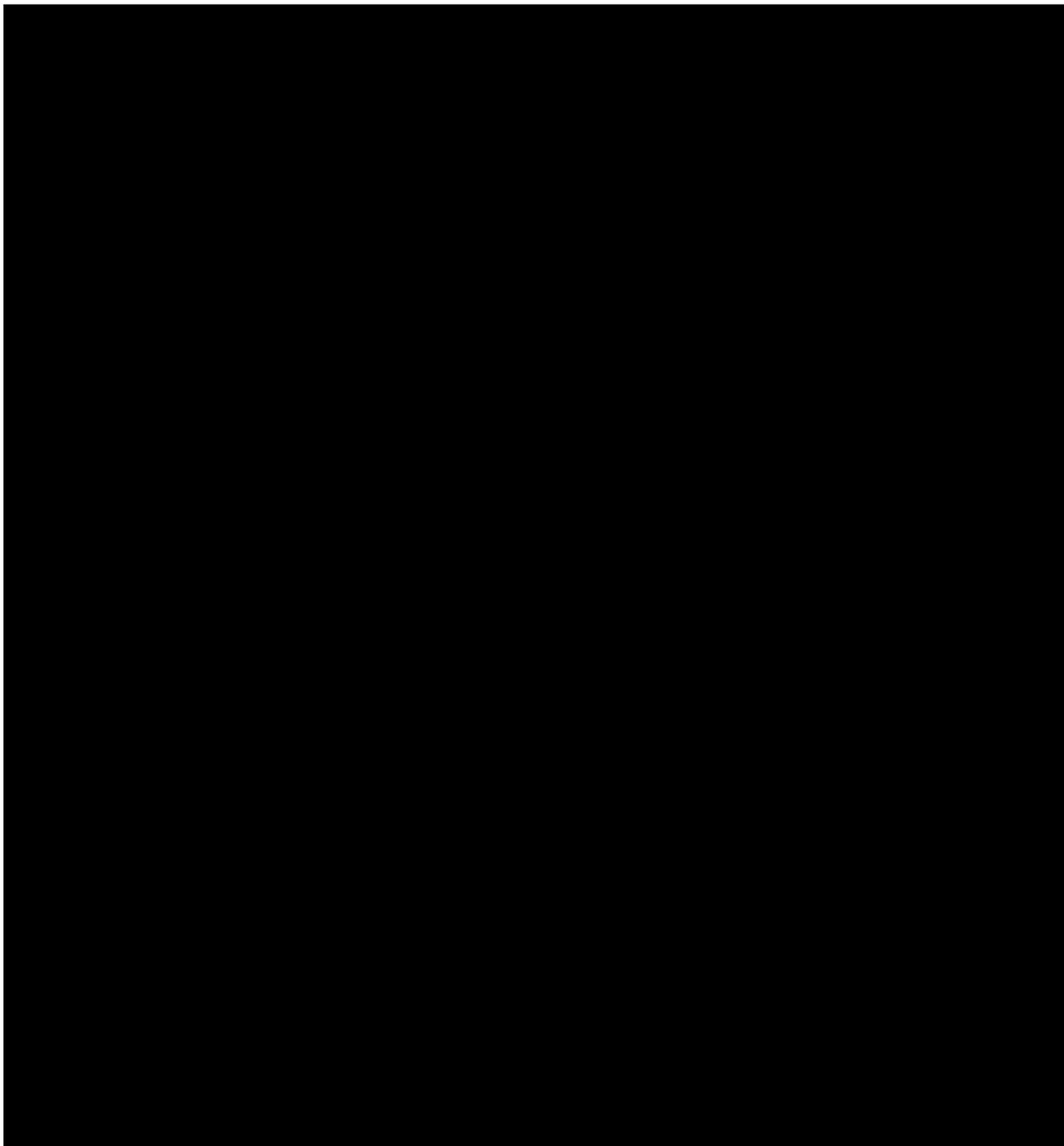
Given that the likely adverse impact on farm land values within the 100 kilometre zone from Melbourne will be in the hundreds of billions of dollars, I expect the Minister will see sense and halt the DELWP proposal from proceeding further. I strongly urge the Council to show some leadership and likewise cease to pursue its proposal.

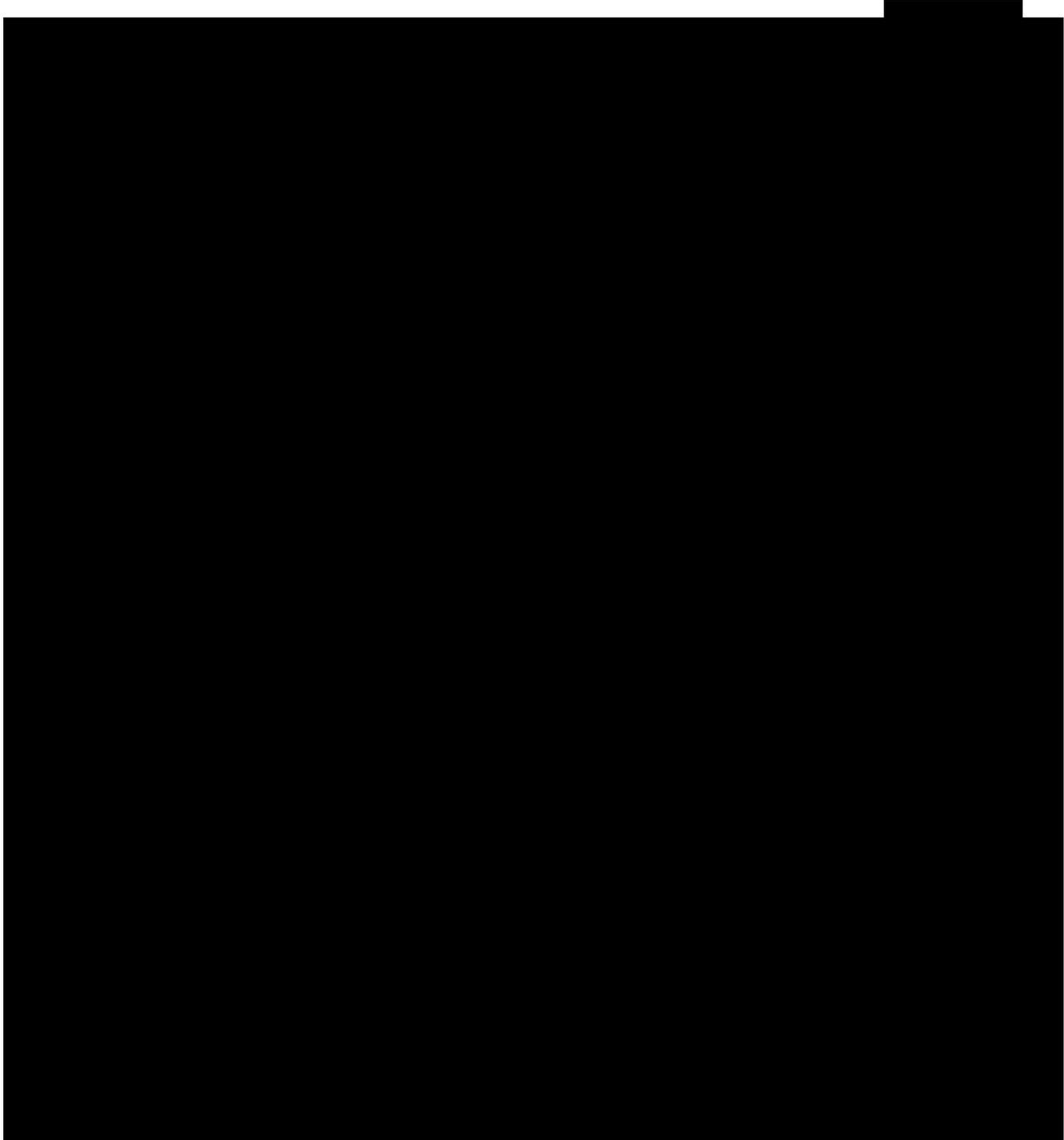
Regards,

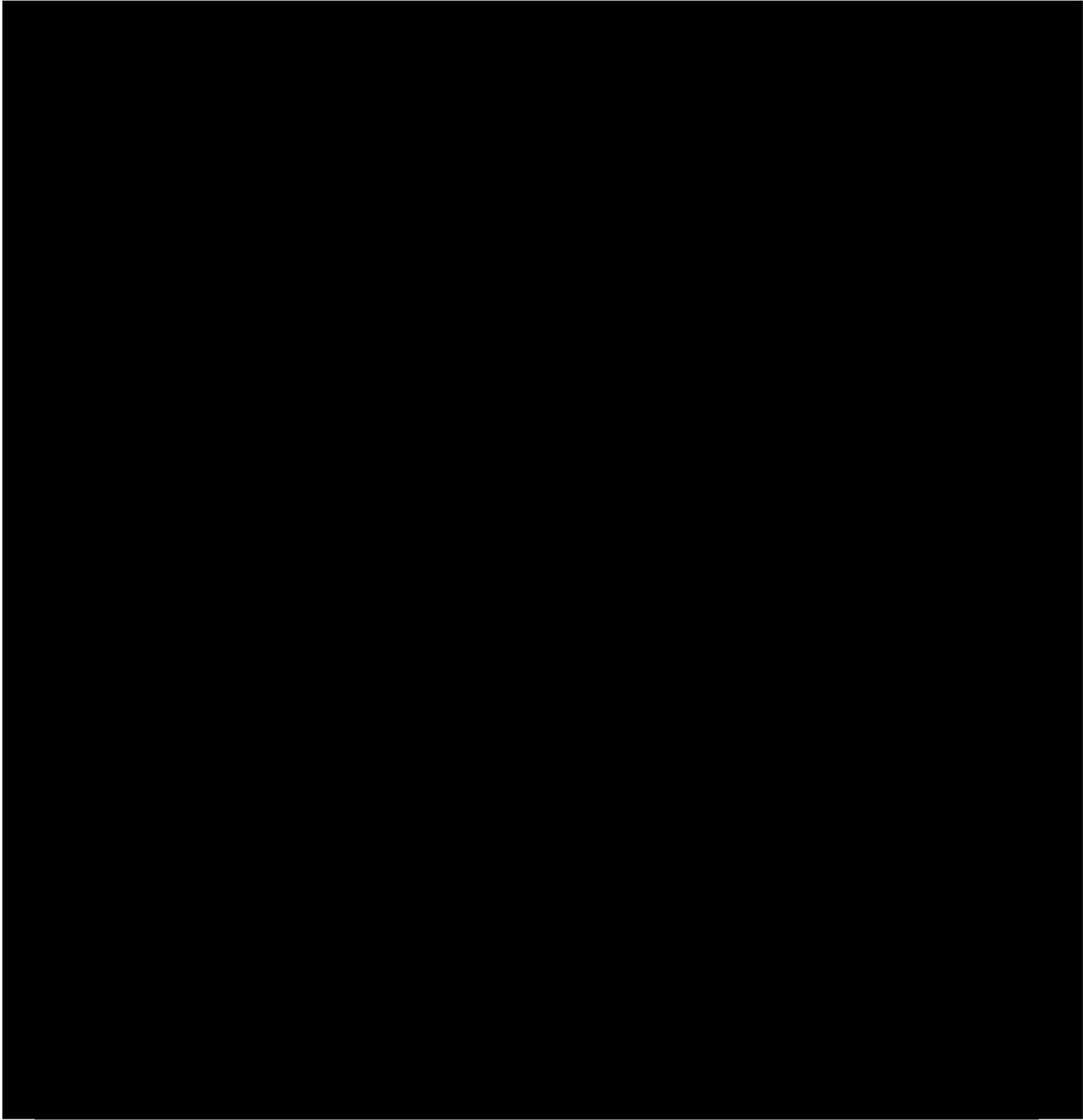


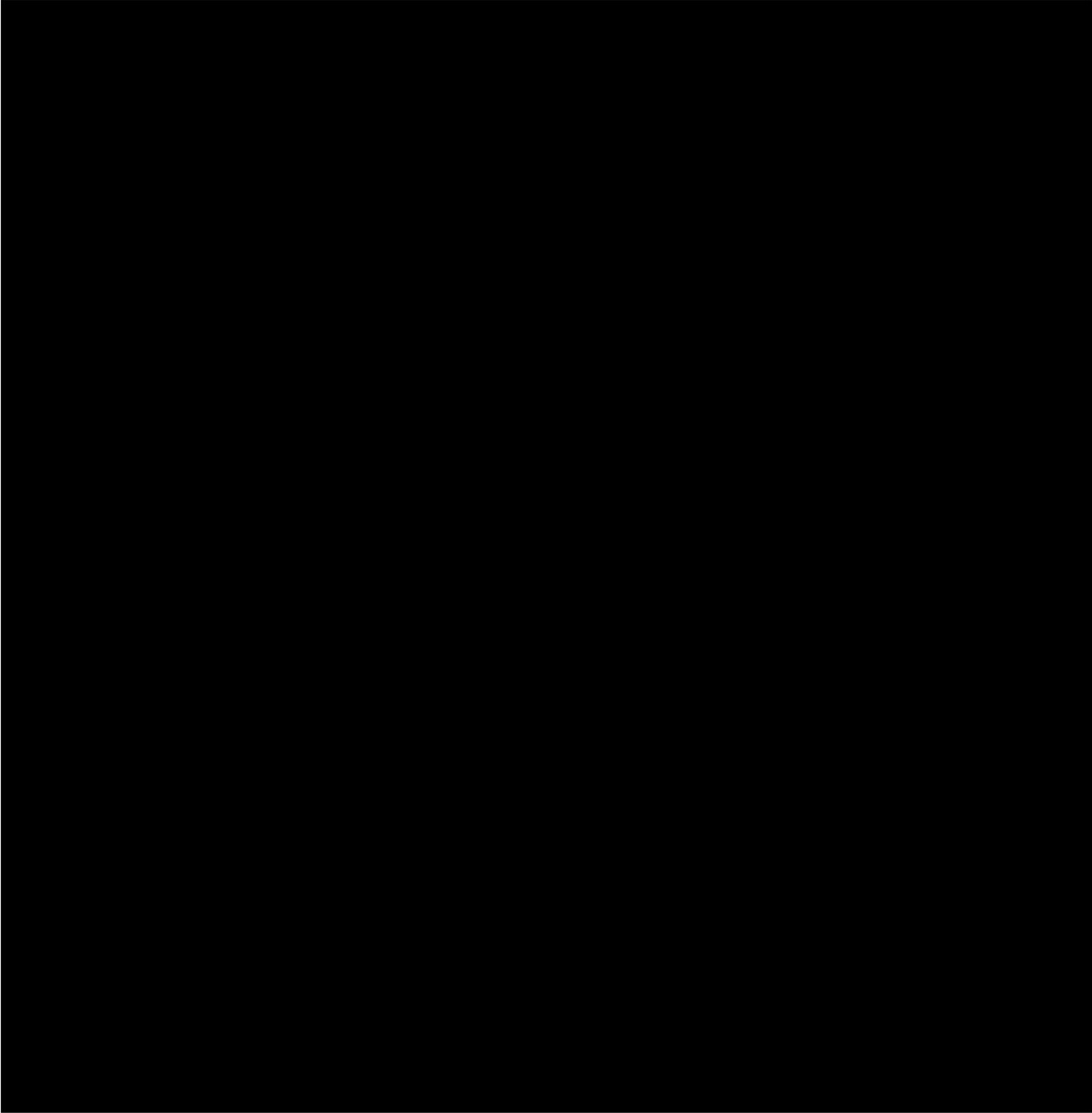
From: [REDACTED]
To: [Strategic Planning](#)
Subject: [REDACTED]
Date: Thursday, 2 September 2021 5:30:03 PM
Attachments: [image001.png](#)
[REDACTED]

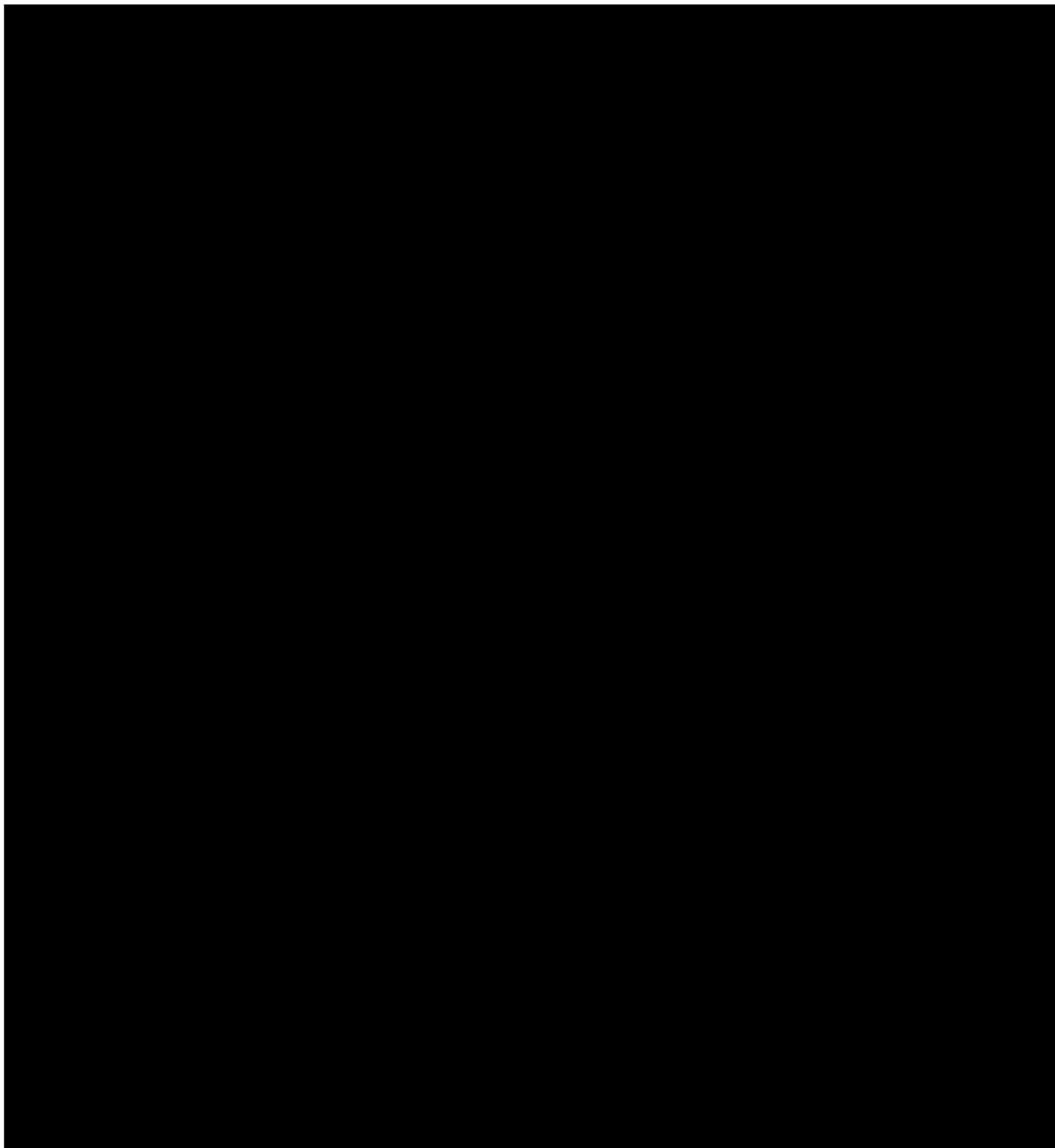


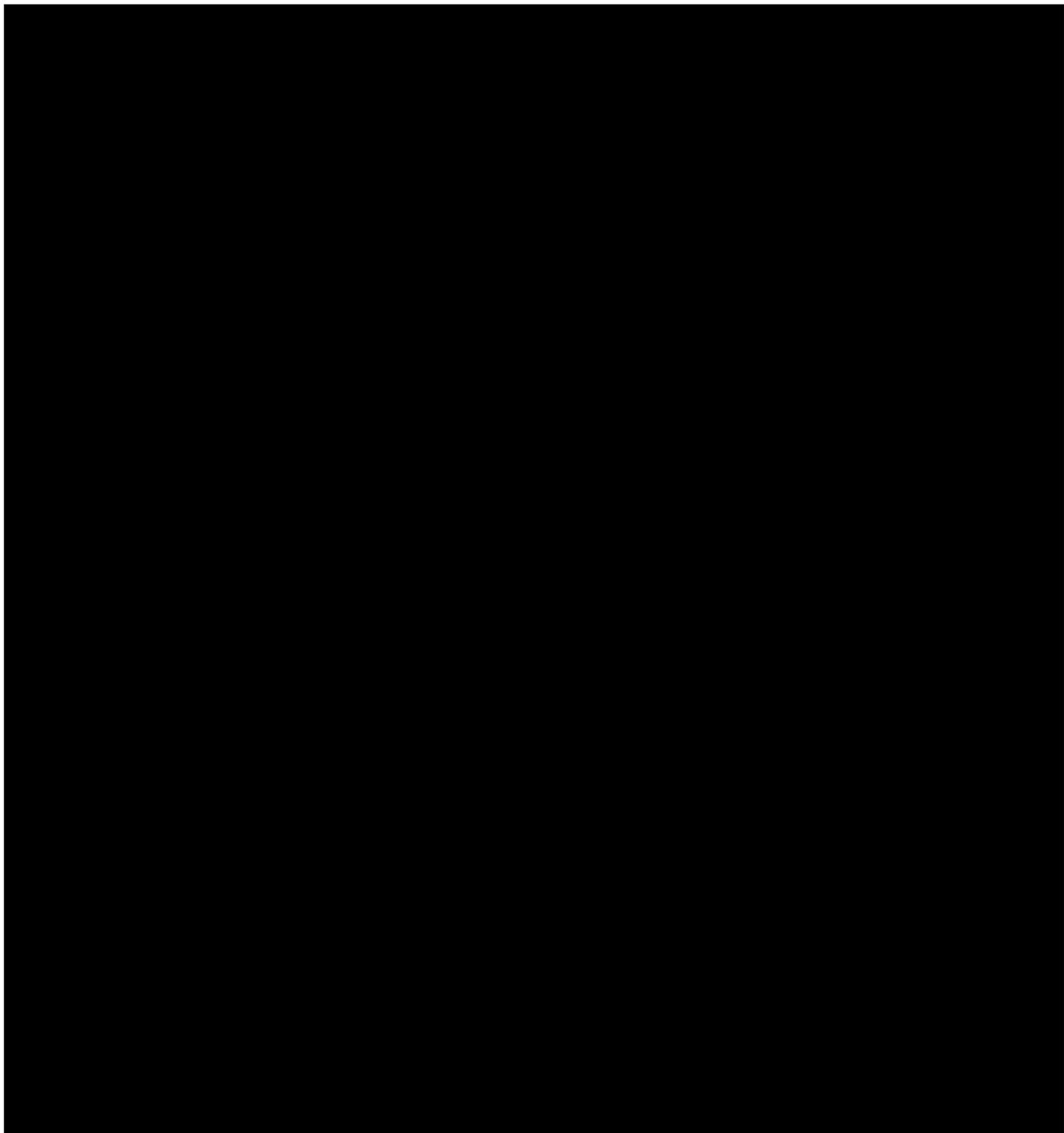












From: [REDACTED]
To: [Strategic Planning](#)
Subject: Town Planning - Draft Rural Land Use Strategy - Macedon Ranges Shire Council
Date: Sunday, 5 September 2021 6:33:12 PM
Attachments: [Town Planning Letter .docx](#)
[ATT00001.txt](#)

>
> Dear Sir/ Madam,
>
> Please see attached objection to the proposed permitted use change.
>
> Kind Regards
> [REDACTED]
>>
>>
>>

Macedon Ranges Shire Council- Strategic Planning Team

RE: DRAFT RURAL LAND USE STRATEGY

FROM: [REDACTED]

Dear Sir/ Madam,

I wish to protest against the proposed change to our permitted use.

My parents purchased this property in [REDACTED] a functioning dairy farm, and it has been operated continuously as a farm since. I purchased the property from my family in [REDACTED] and have been operating it as an active farm, presently growing beef cattle and horticulture.

Farming provides the platform and funding to manage weeds and fire hazards.

We have been good custodians of the land, having fenced off all our [REDACTED] [REDACTED] frontage to preserve the riparian area. We have fenced off a large area of red box bushland to protect it and its biodiversity.

We put in a lot of effort to control our weeds [gorse and blackberry] despite receiving a lot of infestation across the shire boundary.

The risk of our farming rights lapsing under the proposed zoning if there is an hiatus due to fire, drought, disease or our ill health is an additional stress we don't deserve.

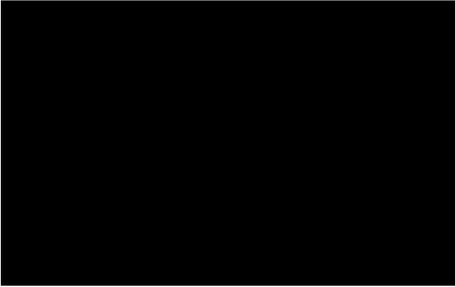
It seems strange that the [REDACTED] next door, despite having operated since the late [REDACTED]'s would not be able to open a 'cellar door' under the proposed regime.

Our property has been the focus of our family for almost [REDACTED] years. Please allow us to get on with farming and living here without the 'Sword of Damocles' that some hiccup can have us needing to apply for a permit to continue what this farm has been doing for a very long time.

It seems inequitable that our activities and assets are being arbitrarily and drastically reduced.

Please leave our zoning unchanged as “farming”

Yours sincerely



[REDACTED]

From: [REDACTED]
Sent: Tuesday, 7 September 2021 5:19 PM
To: Strategic Planning
Subject: RURAL LAND USE STRATEGY RESPONSE

MACEDON RANGES SHIRE COUNCIL

RURAL LAND USE STRATEGY

[REDACTED]

[REDACTED]

Due to the poor quality of the maps in the Rural Land Use Strategy , I contacted the staff at Macedon Ranges Shire Council who organised a zoom meeting . If that meeting had not taken place we would not have been informed that over half our farm is proposed to be rezoned to Conservation Zone from the current Farming Zoom.

Why were landholders not directly contacted when such a massive change to zoning is proposed?

A small flyer in the post does not constitute public information or consultation. Having spoken to many landholders they overlooked the flyer as not being of significance and therefore had not made a submission..

The sheer size and complexity of the Rural Land Use Strategy document is a direct impediment to land owners in the time, skills and knowledge required to interpret the documents and to make a meaningful submission. The maps and overlays are difficult to interpret, with no road names marked

Farmer's do not have staff to prepare their submission they will have to allocate time in their already busy farming schedules to preparing their submission.

Macedon Ranges – 2019 Rural Conservation Zone Survey Page 61

“This highlights the fact that many in the community are supportive of protecting the environmental values of the land, but they are less in favour of controls on the rights of property owners to manage their own land as they see fit.”

The proposed reclassification of our agricultural land which is appropriately 500 acres and is at least half of our current farm. To Conservation Zone is in direct conflict with Macedon Ranges own statements on preserving and protecting agriculture business and land.....

Macedon Ranges Agribusiness Plan 2013 – 18 States that agribusiness is an important part of the Shire’s economy, employing over 500 people and contributing over \$73 million in gross regional product.

“ The Farming Zone is primarily concerned with keeping land in agricultural production and avoiding land uses that could limit future farming or constrain agricultural activities.

*In this zone: Farming is the dominant land use and all other land uses are subordinate to farming
Farming uses are encouraged to establish and expand with as little restriction as possible, subject to proper safeguards for the environment*

Our own farm has been used for grazing since the [REDACTED]'s when first European occupation occurred in the Macedon Ranges.

Our agricultural business management program has been developed over many years.

We have dedicated over [REDACTED] acres as our on Conservation Zone. This area has been fenced to prevent our stock from entering and impacting on the vegetation and water sources.

Unfortunately this was destroyed during the “[REDACTED]”

Large areas of our farm have over time been fenced into smaller paddocks with lane ways to improved stock management and to prevent erosion.

We have been verbally assured by Macedon Ranges Shire Council staff that should our agricultural land currently zoned as Farming be rezoned to a Conservation Zone we will be permitted to continue to farm as we currently do.

We have absolutely no confidence that we will be permitted to continue to farm.

We were verbally informed that should the rezoning go ahead we could not change anything in regards to the stock or crops we currently farm without applying for permits to do so. We were also informed that should for some reason farming cease on our property for more than two years we would not be able to recommence farming on that part of the farm.

There is no mention of lost income, land value or costs incurred if we have to apply for permits.

Climate change forces farmers to adjust and adapt their farming practices for agricultural to survive into the future. We are already changing and adapting our farming practices however should the rezoning go ahead any changes would be subjected to an application process which we know is costly, time consuming and complicated.

The Macedon Ranges Shire staff were unable to inform us as to what the changes from Farm Zone to Conservation Zone may have on property values and rate charges Rates and land valuations are handled by a different department within the Shire .

I first visited the farm in [REDACTED] and worked on the farm on weekends from [REDACTED] while I completed my year 12 studies.

In May [REDACTED] our honeymoon was cut to just three days so that we could return to the farm due to drought. As an 18 year old bride I came home to the farm to start my married life caring for sick and dying sheep and lambs .

Over the past [REDACTED] I have supported my husband in farming and the thought of us losing over half of our farm is causing me and our family great distress.

In spite of the statement *“Farming is the dominant land use and all other land uses are subordinate to farming Farming uses are encouraged to establish and expand with as little restriction as possible, subject to proper safeguards for the environment “ Macedon Ranges Agribusiness Plan 2013 – 18* Our ability to farm is being taken away from us.

A bureaucratic decision by the Macedon Ranges Shire Council to rezone our farm from Farming to Conservation is just a mark on a map but for our family it will be the end of our farming way of life. My husband's [REDACTED] land grants was made possible when the Squatting Licences were revoked Farming has been carried on by members of the [REDACTED] family ever since. Our family of five son's and their children all boys will have no future in farming in Macedon Ranges Shire.

We acknowledge the traditional owners of the land and are aware that we are only the current caretakers of the land we currently reside and farm on.

[REDACTED]

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Rural Land Use Strategy feedback
Date: Thursday, 9 September 2021 12:31:42 PM
Attachments: [MRS Rlus feedback.docx](#)

Hi,

Please find the attached feedback on this draft strategy review.

Kind regards,

[REDACTED]



9 Sept 2021

Response to Macedon Ranges Shire Council Rural Land Use Strategy

By 

Dear Sir/Madam,

Thank you for your efforts to improve rural land use across the MRS and also for the opportunity to contribute.

I have a strong affinity and affection for these landscapes. I have worked on them for much of my career. I have a particular expertise in Land Management Planning, ecological restoration and environmental education. Like most conservation minded people, I am at times inspired by the people and places, and other times, I am disappointed and shocked at the degradation we are capable of. A guiding principle of my consultancy work is to seek the best outcome for the environment. Another principle is to seek the best outcome for the landholder/client. When these two principles align, the rural landscape can be conserved. The challenges of sustainable landscape management is managing the social as much as the natural aspects. And it is a challenge worth pursuing.

Unfortunately, due to time constraints, my comments are provided as points more so than essay format. Nonetheless, I hope you can understand these notes, and that they may prove helpful, given in the spirit of contributing to the conservation of these marvellous places.

My Preface to Review of Draft

- Macedon Ranges is a place of memories for so many locals. It is a place for new memories as well for new arrivals. Nature provides so much substance for these memories. Macedon ranges is a destination because of its natural settings. **Macedon Ranges is a social landscape before it is a natural one.** Council needs to manage the landscape with this in mind.
- Nature in MR, has been damaged, enormously so in some parts, minimally elsewhere.
- Think that all of Macedon Ranges as a venue for nature. Integrate nature and its conservation into the heart of Macedon Ranges governance. Otherwise it will be easily overlooked or relegated behind economic, equine, farming or development.
- The vision and principles of governance for rural land use could mostly apply across all of the shire.
- Appealing to conserve the cute and cuddly koalas and nostalgic bliss of bucolic broad acre grazing will not work, by itself, it is inadequate. Nor is un-development a panacea for nature conservation. Look around us. Count the losses, as I do and have for over 25 years working in natural resource management and ecological restoration. The current approaches are not working.
- MRS has inherited vast natural capital. It will be lost forever if things don't change.
- THERE IS A PREMISE that farming zone land is to be farmed only. The dichotomy is being reinforced that farming is for farming land and conservation is for conservation zone land. Forever separate. THIS IS UNHELPFUL.
- Farming as an economic driver in NRS is underwhelming and declining. Tourism and lifestyle (realty) are the main drivers.
- To see a rural environment that is richer in natural capital than now and with a thriving rural community two things are needed:
 1. Natural capital must be enhanced, and there are many ways to achieve this intra- and inter-property
 2. Rural landholders must be recognised and rewarded for providing common goods from their rural land use – you get what you reward.

Review notes on the Strategy

Farming

- Lots of income but mostly < 20 K annually, including from ecotourism
- Commercial scale agriculture is being pursued. Without discounting the merits of this land use, it is naive to not recognise that this can be one of the single largest destroyers of environment and rural landscapes
- I agree with education and capacity building of rural LH - this needs to be seriously funded
- I agree with incentives to encourage optimal productive land use – again needs serious funding
- Farmland of strategic significance is in Clarkefield, Romsey, Lancefield, Sidonia, New Gisborne, Ashbourne. Broad landscape assessments have been made here where a more nuanced approach is likely more accurate.

Dwelling

- Must have potential to be consolidated with other land to enhance agricultural productivity
- Lot size fetish - I don't agree
- Agree with siting and landscape impact matters

- The old chestnut mentioned that is that absentee landholders don't look after their land, well, they are not allowed to live there! Furthermore, plenty of occupied land is abused as well.

Environmental hazards

- Development in rural areas should deliver high quality environmental outcomes. Why not urban, tourist and other areas as well, within capacity.

Subdivision

- Again a size fetish

Some of my experiences of rural land use practice

1. Land is purchased overwhelmingly for the reason of building a dwelling and a rural lifestyle – there is no real contest of the landscape – unless you consider the contest is real estate auctions and bids - the main game is lifestyle. So we must use this motivation to seek conservation outcomes.
2. Incomes from rural land vary considerably, often very low.
3. People think rural living and rural conservation means a freedom to farm. Rural conservation zone is misunderstood.
4. The adversarial nature of planning scheme in rural land use is not helpful.
5. Farm/Land Management Plans are logically a great concept (and I have written hundreds) but generally fail to be implemented – seen as nuisance, adversarial, irrelevant, unreasonable, unnecessary, uninspiring, unread, unfair, unenforced.
6. Seeing wins in the landscape – the best conservation lessons are seen, not read in p. 33 of a Management Plan.
7. Conservation is expensive and few landholders are able or willing to pay to deliver it. It must be funded somehow though – some Macedon Ranges Rural Environment Fund.
8. There is no minimum lot size to a productive farm. Small farm enterprise is the new black (or green).
9. Chainsaws roaring and revving is the sound of the MR rural landscape (especially on weekends).
10. MR policies enshrine conservation outcomes on new developments and subdivisions, but not so for established farming land?
11. Increasing farming diversity does not require further subdivision, merely, greater use of farming across the range of MR rural properties, including rural conservation properties.

12. There are multiple public claims on privately owned nature. Private land offers public good (ecological benefits, visual, cultural, social, psychological). The public does not pay for these, specifically.
13. The will of rural land conservation comes from belonging. And it occurs on rural land of any zone class. Belonging is the past, present and future. I could take you to many many landholders who are driven to conservation by a past connection to nature (restoring childhood haunts, rectifying generational errors), a current connection (new-settlers in love with the MR landscape), and a dream to leave the place better than they found it.
14. There is a strong sense-of-place thrill in living in rural MR.
15. The implementation of conservation based rural land use can be seen and is not rare, but it is generally unrecorded, not widely recognised, unstrategic and disjointed, scattered, not well supported, poorly celebrated, unprogrammed and uncaptured by MR Council. This is a massive missed opportunity.
16. Too few examples of environmentally destructive land use is prevented, punished, fined and otherwise addressed.

Other thoughts and ideas

There is insufficient underlying philosophy in the Strategy – surely this is needed and it must be to protect the ecological function of the MR countryside. From here the planning scheme objectives will flow as they relate to the social/cultural, environmental and economic elements of rural land use.

Bring the environment into the rural economy – both agricultural, conservation and living

- P.9 recommends introducing additional policy to recognise and protect the environmental and biodiversity values of RCZ land.
- Principle 2 of the strategy is:

Support and encourage ag land use that strengthens the economy and contributes to the rural landscape, Therefore, bring the environment into the agricultural economy

- This notion of the contest of the landscape – there is no contest really, lifestyle is the game everyone is playing. So encourage/facilitate conservation of landscape

as the outcome of lifestyle. GO full-on with the incentives for conservation – be generous. Be rewarding. Be celebratory.

- Preparing a Farm Management Plan template – always ends up too simplistic and therefore is a blunt tool. It hasn't worked anywhere. Farm or Land Management Plans are very useful, but not a basic or template version.
- The objective to promote and support best practice rural land management is sound so use council policy and programs to facilitate and then showcase and celebrate these. Don't hide them behind landscape and legislative screening.
- There is very little in the Implementation section that will change the status quo. The vision of strategy is fine. But they need to be implemented. This is the challenge.
- Scrap the minimum lot size thresholds for subdivision and dwelling and replace with environmental outcomes thresholds.
- There is nothing in the strategy about facilitating conservation on existing farmland.
- Environment or nature conservation must be the vision and the objectives of land use such as farming, lifestyle, equine, tourism, economy need to be underpinned by this vision. Make farming, lifestyle, equine, viticulture and other land use categories all venues for conservation. Tourism pays (indirectly) for conservation outcomes but there must be other ways that rural conservation can become a greater income and industry generating component of the rural economy.
- Funding mechanisms like stewardship grants, shire-wide rural landscape conservation levies, native veg offsets, pollution and illegal works fines, corporate sponsorship, water authorities, Parks Vic, government grants could all form a fund for rural environment economy. You could call it Macedon Ranges Trust for our Rural Environmental Economy (TREE or MR TREE). Would \$10M be enough annually?
- The 3rd principle of the draft strategy wants to see a diverse and sustainable visitor economy compatible with the natural vales. Replace the words *compatible with*

with *because of*. Natural and rural values are the key driver of visitor economy anyway (Hanging Rock, drive in the country, Mt Macedon gardens and Devonshire teas, wineries, cobaws, macedon forest network).

- Celebrate the local ecology. Communicate local nature, amplified, in words, in pictures, art, science, natural and social history; feel the grain of nature, sense-of-place. Showcase the best examples of rural living. Blends of agriculture, lifestyle, culture, all fed by ecology.
- Envisage and sell the image of long-term function of a landscape. Map the ecology and then transpose how the social, agricultural and aesthetic values benefit from it.
- Map land capability across the landscape
- Build the landscape puzzle.
- Name the landscapes – bestow them with natural and social historical meaning – there are some examples already such as Black Forest, Hanging Rock, but take it further across the entire shire, e.g. Bolinda pastoral, Lancefield marshes, Hanging Rock, the Woollong peat, Kerrie valley, Springfields, forested uplands, etc.
- From all this comes the thrill of living in rural MRS
- The capacity or ability comes from finding their place in the landscape. Not before. Educate, train, mentor. Teach. Land management principles and practices. Don't enforce peremptorily. Facilitate best practice.
- Provide funds, from income, incentives, rebates. From here the practice of living in rural landscape is applied. Implementation of LMP. Workshops, field days, classes, support, praise.
- Enforce when necessary, where principles are not adhered to, permits are rejected, funding retracted, enforcement and fines.

26/8/21

RECEIVED 16 SEP 2021

RURAL LAND USE SURVEY.

TO WHOM IT MAY CONCERN

WE SUGGEST THE FARMING ZONE BOUNDARY
BE MOVED FROM [REDACTED]
[REDACTED]

THE LAND IN OUR AREA HAS ALREADY BEEN
SUB-DIVIDED INTO SMALL ALLOTMENTS RANGING
FROM 1'S HA TO APPROX 8 HA. SO ONLY
SUITABLE FOR A HOBBY FARM.

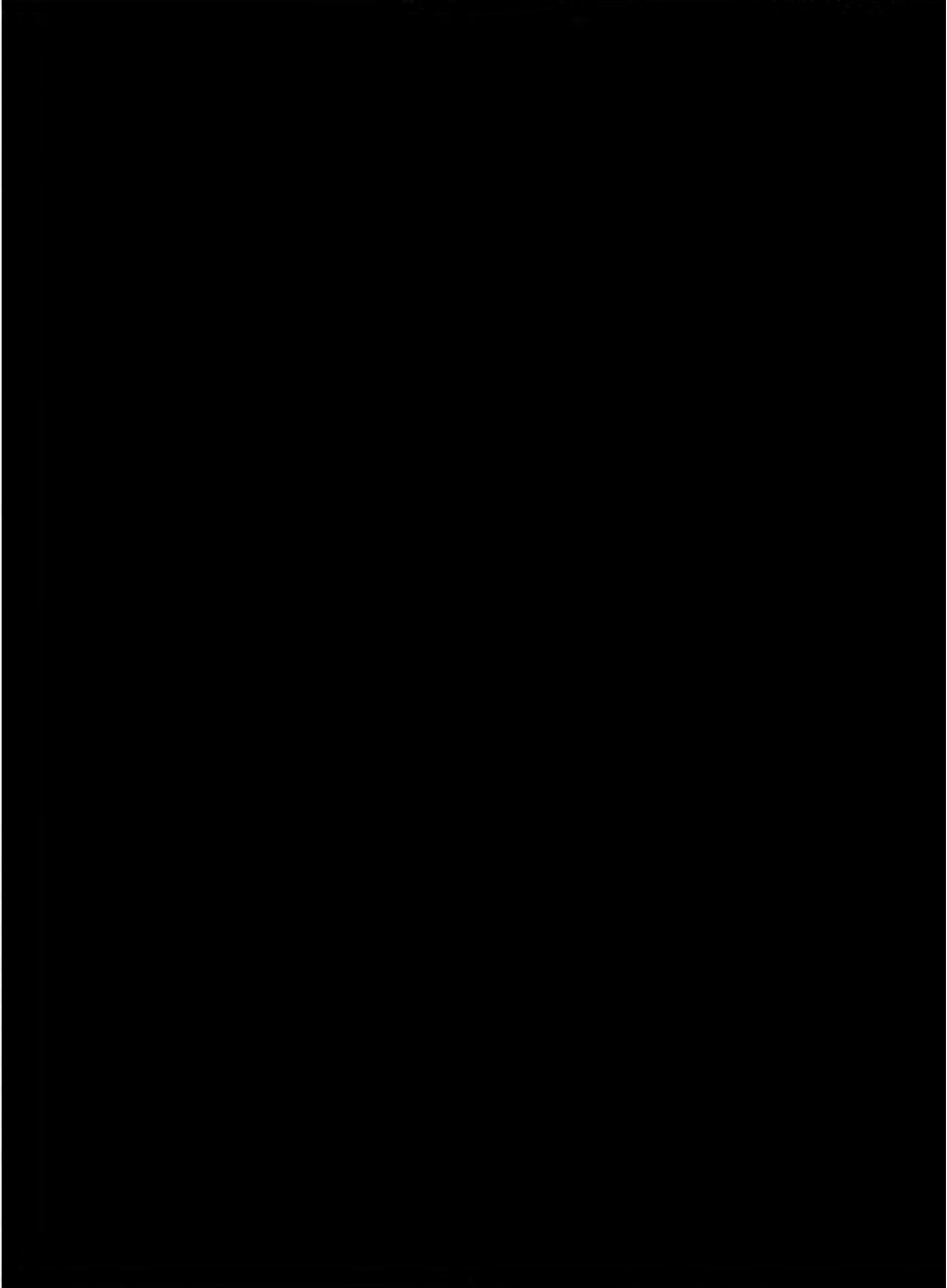
AS WE ARE [REDACTED] FROM [REDACTED] POST OFFICE
AND THE INFRASTRUCTURE IS ALREADY IN PLACE.
SO NO IMPACT ON THE TOWN.

IF THIS IDEA WAS ADOPTED, IT WOULD ENABLE
LAND OWNERS IN [REDACTED]
[REDACTED] AND OTHERS TO REALISE
THEIR DREAM OF A HOBBY FARM.

WHEN WE BOUGHT OUR LAND [REDACTED] IT WAS
ZONED RURAL LIVING AND LIKE OUR
NEIGHBOURS WE WOULD LIKE TO DO JUST THAT!

YOURS SINCERLY

P.S. PLEASE FIND
CRUDE MAP ATTACHED.





Macadon Ranges Shire Council
Strategic Planning &
Environment
P.O. Box 151
KYNETON
Vic

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From: [REDACTED]
To: [Macedon Ranges Shire Council](#)
Subject: FW: Draft Rural Land Use Strategy
Date: Monday, 6 September 2021 2:17:48 PM
Attachments: [MRSC submission draft Rural Land Use Strategy.pages](#)
[ATT00001.txt](#)
[MRSC submission draft Rural Land Use Strategy.pdf](#)
[image001.jpg](#)

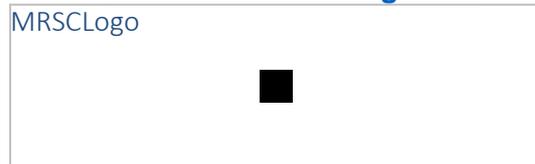
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Records Unit

Macedon Ranges Shire Council

T 03 5422 0351

Email: records@mrsc.vic.gov.au



-----Original Message-----

From: [REDACTED]
Sent: Saturday, 4 September 2021 4:41 PM
To: Macedon Ranges Shire Council
Subject: Draft Rural Land Use Strategy
Please find accompanying document: draft Rural Land Use Strategy [REDACTED]

Macedon Ranges Shire Council draft Rural Land Use Strategy

How lucky we Victorians are to have glorious country within an hour's drive of Melbourne. Covid has focused our minds, as never before, on what is accessible, beautiful, enriching and close to home.

Sadly MRSC is considering zoning changes of rural/conservation/farming zones to that of mixed usage, presumably to make our area more available for a growing population. Unfortunately denser housing and installations of one sort or another, while increasing Council's revenue, may necessitate greater allied infra structure thus cancelling out the financial benefits.

Increased acreage break-up into smaller plots has many poor planning precedents which should not be followed in the future. One example is small residential acreages around the Hanging Rock, which made it necessary to acquire the East paddock in order to have at least one uninterrupted view of the Hanging Rock. This soon lead to commercial pressures for concerts and fairs there, and, shortly after, to extra installations of toilets, lighting, car parking etc. to support them.

Enlightened countries know the value of their landscapes to visitors and, indeed, actively seek to preserve them and their farming activities by subsidising cattle and sheep raising in the Alps, restoring thousands of kilometres of stone terracing in the Cinque Terra, retaining landscapes of the Lake District in the UK and wild flower meadows and forests of Eastern Europe to name a few. Biodiversity is thus maintained, continuity of traditional farming pursuits supported, farm produce made available, the farming land remains intact and rural vistas are there to be enjoyed by visitors.

MRSC COULD be really brave, resist the pressure for semi-rural cut up and instead safeguard our farming enterprises, our soils, and our scenery.

It is good to have visitors if there is something left for them to see and experience.

It is good to have walking and cycling tracks, forested parks, sustainable eco systems, and sensible bush fire plans.

It is good to see, the sweep of our landscape scenery with livestock grazing our pastures, the maintenance of our rich volcanic soils, the reduced farm miles for produce.

It is good to retain Victoria's first Bio-link, a positive initiative in supporting the viability of flora and fauna throughout our special area.

Hanging Rock is a Victorian icon. It is a place to which people come and feel its "ancientness" and the spirit of the surrounding and spread out below with crags and pastures and forests stretching for tens of kilometres. This underscores Man's basic needs to connect with the land in a way that Aboriginal sensibility epitomises.

Let hope wise counsel ensues and that what attracts now will not be demeaned by adverse pressure for diluted planning controls.



Strategic Planning Team
Macedon Ranges Shire Council
PO Box 151 Kyneton Vic 3444



16-8-2021

RECEIVED 25 AUG 2021

Submission for matter to be examined after 30/8/21

Our farm is now [redacted], on the [redacted] of [redacted]
[redacted].

AGRICULTURE

This is important to us. Direct discussion with neighbours (easier if they live there) solves problems.

ENVIRONMENT, LANDSCAPE HAZARDS CATCHMENTS

Western Water have in recent years improved Emu Creek where this was needed.

EQUINE

The flatter, rock free parts have proved ideal for horses, now on many blocks. Some get good results.

RURAL TOURISM

The huge Monterey Cypress along the main road stops tourists seeing "[redacted] No tourist bus has been seen going past "[redacted] along [redacted] Road.

Figure 7 shows the most rocky, unproductive part of "[redacted]" as productive Agricultural Land, and all of hilly half rocky "[redacted]" as strategic Agricultural Land. These terms do not describe what we have.

The report is long and complex but is it best if owners of rural land nearby can live on it or not? The best indication is what has been happening and how the two types of ownership help our farming. It is clear that owners living on their land seem to improve pastures, fences, attend to animals, protect us from fire, join local organisations and reduce the risk of very bad weeds. This threat is real. The authorities warn us about serrated tussock and artichoke thistle. Owners living on their land are more reliable than absentee ones and put out some fires fast with their units. It is best if the owner can build and live on rural land in this area that concerns me. Forest^{and} crop areas are different. We hope owners can build on rural land. The district will be better off.

Lastly, we must think of land we owned since [REDACTED] and sold over the last [REDACTED] years. Some although adjoining was three miles away and over hills.

First to Buyer 1- Good home built, water and pastures fencing all better, keen [REDACTED]

Buyer 2- [REDACTED] acres, steep, runs to [REDACTED] Home under construction, pastures now productive with better fire prevention, owner has skills to help farmers including us. Improvement is vast.

Buyer 3- [REDACTED] acres, also [REDACTED] acres. Long-time prominent [REDACTED]. Was adjoining neighbour, already highly regarded in the area. Family group that use best modern methods. Not sure when they will build and would like it to be soon.

We were unable to provide the vast improvement made above which is ideal. It seems houses should be allowed in such situations and the only concern should be that the people in the houses are keen on farming or equine pursuits. [REDACTED]

DLC CFCP 453
17.08.21 23h 40

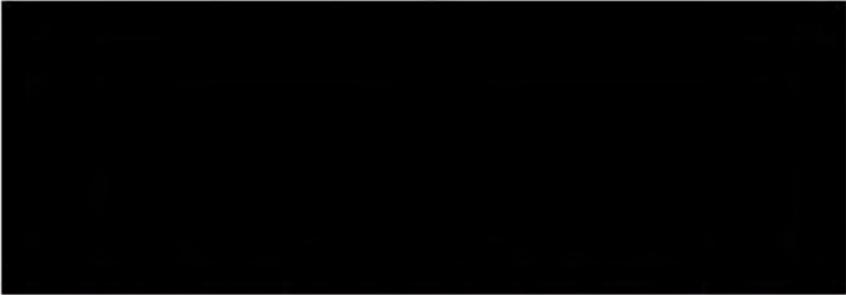
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Strategic Planning Team
MACEDON RANGES SHIRE COUNCIL
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CA Q Section [REDACTED]

Response to Farming Zone Survey

The land is in the Farming Zone, but forms part of a long established rural residential area where commercially viable farming is not the primary use of the area with a predominant pattern of 8ha sized lots. It seems appropriate that dwelling entitlements are granted so that the area can be better developed for productive hobby farm pursuits given the benefits that come from residing on the land towards caring for animals and attending to crops.

Therefore it is sensible that the minimum lot size for which no permit is required for a dwelling use be reduced from 40 ha to 8 ha to better reflect the area as a rural residential area with strong connections to the nearby township of Kyneton.

This will allow landowners to better invest in their desired farming pursuits and enjoyment of their rural environs whilst maintaining the Farming Zone to ensure Agriculture remains an as-of-right use.

It is clear that the area cannot be reverted back to large financial viable broadacre grazing and cropping due to the fragmented ownership of lots in the Fiddlers Green Road area and that rural residential hobby farm uses will instead provide the best beneficial land use outcome.

Given the size of lots and nature of farming in the area there are unlikely to be any amenity impacts from an increase in dwellings in the presence of mixed farming pursuits.

11 - AUG, 2021

[REDACTED]

[REDACTED]

RECEIVED 25 AUG 2021

13. 08. 21

Concession
POST

Submission 74

communitia



TO

STRATEGIC PLANNING
P-L-U-S

P.O. BOX 151

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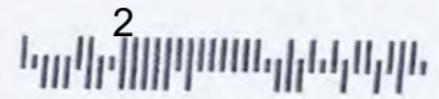
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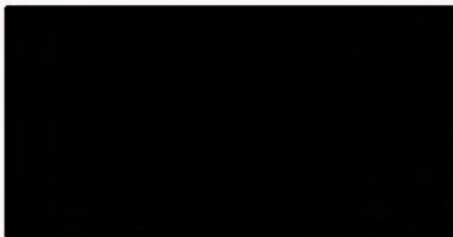
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2





Dear Council members,

We are responding to the Farming Zone Survey.

We purchased [REDACTED] years ago. Our plans at the time were to utilise the land as a hobby farm by planting trees, growing our own vegetables and having a few head of cattle to graze. It was also a lovely place to escape the hustle and bustle of Melbourne with our young children. Our long-term plans were to one day build a home on the property, raise our animals and gardens and retire there in our later years. To our dismay this long-term plan has not been possible as the land was rezoned from Rural residential to farming some years ago, (without consultation or explanation about the ramifications of this change) and consequently we are not permitted to put a dwelling on this land. As Ratepayer we should have been asked-about re-zoning of the land.

At least 80% pf the properties on [REDACTED] already have dwellings on them and most of them are purely residential. No one is utilising the land for the purpose of farming. Even then it is only for hobby farm pursuits, as the current size of the allotments do not allow large scale farming to occur. It is obvious that the privius land owners had a go at farming and where not successfull, that's way was divided in to 5 ,10 and 20 acre lots, for rural living.

As mentioned earlier we ourselves have raised cattle on our property over the years. The herd size has never exceeded [REDACTED] as larger herds are not viable on 20 acres. [REDACTED] we have had to drive to our property at least [REDACTED] in order to feed, water and check on the general welfare of our livestock. Over the years we have had instances where we have lost some of our cattle as we were not present during the calving process or animals became ill when we were not present. If this land was to be used as farming land, as the current zoning stipulates, surely it is also prudent that the farmers live on the property to be able to provide the best possible care for their livestock. Under the current rules this is not possible. That is why the rules need to change. Re-zone the land back to Rural Residential and allow ratepayers to utilise the land in a way that the current allotment sizes permit- hobby farming only. We don't believe that reverting the land back to Residential would have any negative impact on the rural aesthetic of the region, because as mentioned earlier most of the allotments on [REDACTED] are already developed. The change would simply allow other ratepayers, who have not already done so, to improve and maintain their properties and improve the quality of care to the animals on their hobby farms.

Regards, Ratepayers

12-8-2021

RECEIVED 25 AUG 2021

[REDACTED]

30 October, 2017

TO WHOM IT MAY CONCERN

Regarding:

[REDACTED]

Who own property at [REDACTED]

This practice has attended [REDACTED]. The family conducts small scale farming and horticulture at the property. Our most recent visit was to attend a cow with difficulty calving for over 24 hours. We have advised [REDACTED] that they should be on the property at least daily to check cattle to avoid adversely affecting the welfare of the animals, especially during calving time.

Increasingly of recent times we are aware of the difficulty of non-resident farmers caring adequately for animals, particularly in relation to calving or lambing, dog and fox attacks on sheep, calves and poultry, and general security of the property and stock.

Our strong advice is that an owner or manager should be permanently resident on the property where livestock is kept.

[REDACTED]

BLC CTCF0-154

13. 08. 21 01h25

Supporting
local
communities

Concession
POST

Submission 75

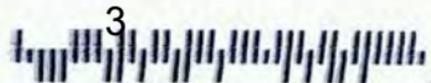


TO
STRATEGIC PLANNING
P.O. BOX 151 KYNETON
VIC-3444

RECEIVED 25 AUG 2021

POSTCODE

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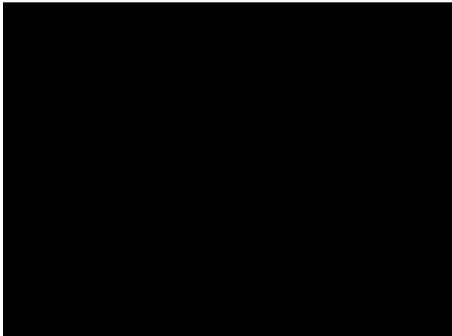




From: [REDACTED]
To: [Strategic Planning](#)
Subject: Rural Land-Use Strategy Submission
Date: Thursday, 9 September 2021 7:30:18 PM

MACEDON RANGES SHIRE COUNCIL

RURAL LAND-USE STRATEGY



Proposal to reclassify the Farming Zone to Rural Conservation



The Draft Rural Land Use Strategy is a biased, poorly written document that has been inadequately researched. It is structured in such a way that there is no clear line of argument or support for its recommendations and it contains many contradictions throughout. I would consider this document as a rough first draft and not worthy of presentation to the council.

The draft has a strong pro-development, anti-farming bias and is based on an unscientific interpretation, constructed from a poor observation of the present status of the landscape.

When Major Mitchell visited this area in 1836 it was a lightly wooded landscape of rich pastures and abundant wildlife. Mitchell's report encouraged Mollison and Browne to overland from New South Wales to take up the runs known as Pyalong and Darlington.

This area had been a managed landscape for approximately 40,000 years. This was achieved with a system of cold burns done in small areas in a mosaic fashion. This system maintained a rich pasture of perennial grasses growing in deep friable soil.

Following the displacement of the indigenous inhabitants, the sheep and cattle quickly killed out the deep-rooted perennial grasses which resulted in a proliferation of shallow-rooted annuals. These annual grasses, unlike the deep-rooted perennials, hay off, after a spring flush, once they set seed.

This abundance of dry matter was able to carry hot fire which germinated trees. The loss of the deep-rooted grasses caused a loss in soil nutrients that had previously

supported the microflora and fauna. This resulted in the collapse of the rich friable soil and its resulting compaction, not by domestic farm animals hoofs as is often reported.

The new forest which replaced the lightly wooded grasslands has tree spacings that are so close now that the trees alone can carry a fire even on a mild breeze. And so we enter the never-ending cycle of fire and regrowth resulting in the sterile bush we see today.

Even the wombats have been starved out of bushland since the last fires as there is a closed canopy shading out any grass that dares to grow.

Today's bush is a far cry from the rich pastures at Benloch that Hamilton and Jarret (who succeeded Mollison and Browne) fought over in court in July 1867.

Conservation is an emotive subject and most residents want to preserve our environment. But do we know what preserving our environment entails?

Conservation is not a passive process. Passive conservation is neglect and the hot burning of the environment on the granite plateau amounts to vandalism. The evidence is clearly seen in the bush around Benloch and Pastoria East.

Gone are the habitat trees and the open forest diversity with its understory and grassy glades. Gone are almost all of the wildlife this unique environment used to support.

But the remnants of the pre-European Australia Felix can however be seen on farmland that has been continually grazed. The sustainable farming strategy of cell grazing with land divided into small paddocks mimics the mosaic patterns of cool burning, as carried out by the indigenous inhabitants of the area, that had fashioned the landscape for thousands of years before European settlement.

With cell grazing and planting, perennial grasses are once again becoming the dominant grass. The ancient habitat trees have survived and younger trees are not stunted by overcrowding and will develop into replacement habitat trees when the ancient ones reach the end of their life. However, this is not the case in the neglected regrowth bush of passive conservation.

It is farming that has and will continue to preserve the unique landscape of this area therefore placing half of my farm in the Rural Conservation Zone would be an act of environmental vandalism.

A look at an aerial view of my farm and the land to the south clearly shows that this land is farming land down to [REDACTED] and should remain zoned as a Farming Zone.

I formally object to the placement of a Rural Conservation Zone over half of my farm as it will be detrimental to the preservation of this ancient landscape we have fought so hard to maintain.

It is farming that has maintained this landscape to its original Pre-European settlement

condition. If you want evidence please compare the neglected roadside on the [REDACTED], to the lightly wooded grasslands you will see in my paddocks.

As the granite plateau in the northeast corner of the shire is grazing land, the minimum lot size should be 100ha and not 40ha as suggested under the Conservation Zone.

Other issues such as foxes, feral cats, stray dogs and high density of dwellings have a major impact on both the flora and fauna and are best managed under the Farming Zone.

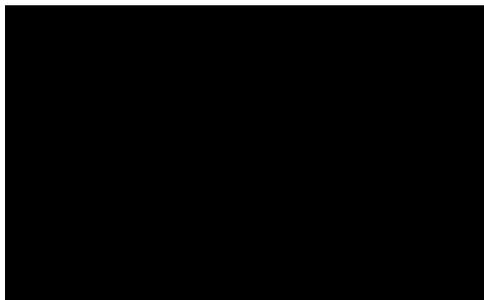
The draft states that control of the Cobaw Biolink is best managed under the Farming Zone yet it removes this control for our farm.

I have no confidence in the assurances by council staff that we can continue farming under the Rural Conservation Zone as the planning zone requirements are defined by the state government and can be changed by the minister at any time. The only sure thing in planning is that it will change.

Due to the short time frame, the poor structure of the draft document and busy time on the farm with lambing etc, I have not yet completed a point by point response but am willing to discuss my objection further.

I invite relevant people to visit my farm for a guided tour to clarify for themselves the issues raised in this response.

Thank you for taking the time to read my submission



From: [REDACTED]
To: [Macedon Ranges Shire Council](#)
Subject: Rural Land Use Strategy Submission care of Macedon Ranges Shire Council
Date: Sunday, 12 September 2021 4:23:40 PM

Dear Macedon Ranges Strategic Planning,

We wish to make a submission opposing the proposed zoning change in the Macedon Ranges Draft Rural Use Strategy (from Farming Zone to Rural Conservation Zone) involving the parcel of land situated to the [REDACTED] stretching from [REDACTED] [REDACTED].

The basis of our opposition is that we believe the zoning change is unnecessary, works against the Council's Macedon Ranges Visitor Economy Strategy, Macedon Ranges Agribusiness Plan, Macedon Ranges Events Strategy and recently exhibited Macedon Ranges Economic Development Strategy, and would potentially threaten the viability and future development of the [REDACTED] that we have worked so hard to develop and which we believe is an asset to the Macedon Ranges Region.

We hold a permit to operate a winery and cellar door, a permit to hold functions and we have a Certificate of Registration, Food Premises (Class 2).

For a small, diversified business, having options to support wine-tourism is very important. We hold small activities at our winery as part of this diversified business model, and in line with our current approvals. This helps us to sell our products on site. Most of our sales (80%) are made through cellar door.

We have endeavoured to support our community. Among other things, we have hosted events to enable the [REDACTED] CFA to purchase a support vehicle for their fire truck, as well as a set of accident scene floodlights. The [REDACTED] was run, as part of the Kyneton Daffodil Festival, over a period of six years or so (2005-2011) with all proceeds going to the CFA.

The [REDACTED] [REDACTED] is one of the most outstanding heritage style buildings in the Region and continues to be enjoyed immensely by locals and tourists alike. It has hosted many cultural events, including Opera concerts, Gilbert and Sullivan Opera Victoria concerts and monthly Celtic Folk Music nights. It has also provided a charming venue for all sorts of small scale social events (including several Christmas breakups for the Shire Council!).

In our small vineyard we grow some of the best white wine (pinot gris and riesling) and pinot noir grapes in Victoria and our wines have won many awards in the Victorian Wine Show, as well as the Macedon Ranges Vignerons Association Annual Wine Exhibition. [REDACTED] is one of only a few wineries in the Region to be twice awarded the Laurie Williams Perpetual Trophy for best wine of all varieties (2011, 2016)

We have the highest Google, Facebook and Trip Advisor ratings for wineries in the Region and you have only to read some of the visitor reviews to appreciate the contribution made by the sheer beauty of the [REDACTED] property and its rustic buildings. More than 80% of our sales are made at our cellar door in the barn and these are very largely to visitors to the Region from Melbourne as well as from all over Australia and international. Therefore, we submit that we make a significant contribution to tourism in the Macedon Ranges Region.

The [REDACTED] business is viable and is sufficiently profitable for us, but we are now in our seventies and are looking to retire. Future owners may wish to develop the business by planting more grapevines or by other means and this rezoning proposal seems to raise many doubts about what will be allowed and what will not and may prevent a reasonable sale.

We suggest that Council explores other mechanisms to implement environmental protection as is the case in many other Council Planning Schemes, such as Yarra Ranges, rather than use of the Rural Conservation Zone (RCZ).

We understand that existing rights would continue, but many questions arise about the future should this rezoning proceed. We fear a highly possible outcome when we retire would be that Paramoor Winery would disappear as a business-- and who wins from that?

Yours Faithfully,



From: [REDACTED]
To: [Macedon Ranges Shire Council](#)
Subject: FW: Draft Rural Land Use Strategy
Date: Wednesday, 15 September 2021 8:56:38 AM

From: [REDACTED]
Sent: Tuesday, 14 September 2021 10:19 PM
To: Cr Annette Death ; Cr Bill West ; gneill@mrsc.vic.gov.au; Cr Jennifer Anderson ; Cr Janet Pearce ; Cr Mark Ridgeway ; Cr Dominic Bonanno ; Cr Rob Guthrie ; [REDACTED]
Cc: anne.thomas@parliament.vic.gov.au; Bernie O'Sullivan
Subject: Draft Rural Land Use Strategy

CAUTION: This email originated from outside of Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

The Draft Rural Land Use Strategy seems ill-conceived and poorly executed and I think it should be scrapped.

Human nature being what it is, I think that is unlikely given the amount of time and money invested in it to date. A pity.

Of particular concern to me is the proposal to change the zoning of land within the Cobaw Biolink from Rural Conservation Zone to Farming Zone, with the inherent shift in priorities. The potential is that the values that make Hanging Rock and the Macedon Ranges a tourist destination will be negatively impacted by the zone change given the additional activities allowed.

I reach out to you in the hope that you will recognize the importance of prioritizing conservation within the Cobaw Biolink.

The Cobaw Biolink warrants continued protection through Rural Conservation Zoning because of its high conservation value alone, but landscape values are also particularly important in and around Hanging Rock Reserve.

The goals of a rural Conservation Zoning, in an area of highly significant conservation values and a time of climate change, should not be trumped by agricultural, tourism or economic development concerns.

The Macedon ranges Shire Biodiversity Strategy (2018) has the objective of protecting and enhancing biodiversity values across the Shire.

A major initiative listed is "to investigate rezoning identified areas with significant native vegetation currently in Farming Zone to ensure their protection".

The Cobaw Biolink has the protection of conservation zoning and should retain it.

The vision of the Cobaw biolink first appeared in 2002 and was supported by Shire initiatives to encourage landholders to undertake revegetation. It was then taken up by the award-winning [REDACTED] as its major strategic goal.

Over \$1 million has been invested in the Cobaw biolink over the last 16 years as a result of [REDACTED] attracting funding from both Federal and State governments to enhance biodiversity values and establish "functional connectivity" across the Cobaw Biolink area. On-ground works have been undertaken predominately on private land, but also on Hanging Rock Reserve which is an important component of this biolink. In addition, Melbourne Water, through its Stream Frontage Management Program, has funded extensive on-ground works to enhance natural assets along riparian zones thus increasing biodiversity, protecting natural assets and improving water quality. The 2002 vision of Macedon Ranges Shire Council is being realized - through the combined efforts of residents, the MRSC and State and Federal Government initiatives.

Providing functional connectivity between Cobaw State Forest and Macedon Regional Park is

particularly important in this time of climate change, due to the higher altitudes of these large blocks of remnant native vegetation.

The Cobaw biolink also has enormous strategic importance due to its position in central Victoria at the tail end of the Great Dividing Range – it provides a connection between the Maribyrnong and Murray river systems and has links to the Mitchell Biolink and to the Great Eastern Ranges Initiative.

Farming activities are still being undertaken within the Cobaw biolink but I am not aware of any providing the primary income source for the landowners (a search was made by [REDACTED] for such landowners when drought subsidies were available to farmers for conservation works).

Regenerative farming is on the rise, which is great. The changing demographic within the Cobaw Biolink area has meant increasing support for the Cobaw Biolink and an increase in the number of properties where protection and enhancement of environmental assets is a high priority.

Why wind back protection of this environmentally important area now?

Regards, [REDACTED]

From: [REDACTED]
To: [Macedon Ranges Shire Council](#)
Subject: OBJECTION: MRSC Draft Rural Land Use Strategy
Date: Wednesday, 15 September 2021 2:20:15 PM
Attachments: [image001.png](#)
[Macedon Ranges Rural Land Use Draft Strategy.docx](#)
Importance: High

Attention All Councillors:
Please confirm receipt of my email.
Many thanks.
Kind regards

[REDACTED]

[REDACTED]

[REDACTED]

14th September 2021

Macedon Ranges Shire Council
P.O. Boc 151
KYNETON 3444

Attention: All Councillors

I would like to object to the proposed change as set out in Macedon Ranges Rural Land Use Draft Strategy.

The draft strategy is long and difficult to comprehend and there has been limited opportunity for public consultation to understand the reasons if any or benefits for the changes.

I would like to make the following objections:

Rezoning of the Cobaw biolink from Rural Conservation Zone (RCZ) to Farming Zone (FZ).

- *This seems to be an unnecessary and from an environmental/biodiversity perspective a retrograde step*
- *While the draft strategy says the biolink will be protected using a special significance overlay, it will result in less protection. It is very hard to control how people manage their lands in farm zones. It will allow other uses on FZ land - for example warehouses, feed lots, caravan parks etc*
- *It will impact one of the most important regionally significant biolinks in the region, connecting the Cobaw Ranges to the Macedon ranges – an important North South and altitudinal connection required for species to adapt to climate change.*

The plan should be strengthening and expanding RCZs not removing them. The plan must retain the Cobaw Biolink in the RCZ.

Rezoning of Agriculture Zone land between Woodend and Malmsbury from Farm Zone to Rural Activity Zone.

It's very hard to see how this won't result in a quasi Rural Living Zone and result in a proliferation of houses. The area has a business focus, homestays/accommodation etc. Large 'one off' tourism developments have been raised potentially being allowed. The document is vague about what will and won't be allowed in this zone – it does not define criteria for allowing dwellings – saying all dwellings will require a planning permit which will be assessed by Council.

It notes that a 'local policy will guide assessment of planning permits for dwellings and discretionary uses' – this gives council far too much discretion – it could be open slather for houses (perhaps argued to be needed to develop a tourism business and then put over to private use).

This is not a forward thinking document for the times we are in. There is little reference to climate change adaption in it – for example regenerative agriculture, small-scale local food production systems/food security, nature conservation/biolinks. Instead, it has a focus on corporate agriculture, which really isn't highly relevant to this area.

The draft weakens biodiversity protections yet states that the region's natural values are very important and central to why most people chose to live here or visit here. The reason we have a biodiversity crisis is that nature always comes off poorly – and strong government leadership/legislation/planning is a big part in turning this around. Land use planning should ensure no future loss of biodiversity and its repair and expansion. This strategy ensures neither.

There seems to be no real need for the equine industry to have its own central pillar in the plan. The council no longer has an equine strategy, so it is unclear why it is brought to such high prominence in this strategy.

Yours Faithfully,

A solid black rectangular box used to redact the signature of the sender.

From: [REDACTED]
To: [Strategic Planning](#)
Subject: RURAL LAND-USE STRATEGY RESPONSE
Date: Thursday, 9 September 2021 11:46:24 AM

MACEDON RANGES SHIRE COUNCIL

RURAL LAND-USE STRATEGY

[REDACTED] *and has over 200 supporters so far after only two days*

[REDACTED]

[REDACTED]

Proposal to reclassify the Farming Zone to Rural Conservation

[REDACTED]

Due to the poor quality of the maps in the Rural Land Use Strategy, my [REDACTED] [REDACTED] contacted the staff at Macedon Ranges Shire Council who organised a zoom meeting. If that meeting had not taken place our family would never have been informed that over half their farm is proposed to be rezoned to Conservation Zone from the current Farming Zone.

Why were landholders not directly contacted when such a massive change to zoning is proposed?

██████ received a small flyer in their mailbox. This in no way constitutes public information or consultation. After we spoke with many landholders around our farm it was clear that a large percentage of them had overlooked the flyer as not being of any significance and therefore had not made a submission.

Both I and my family were aghast at the size and complexity of the Rural Land Use Strategy document. It is incredibly difficult for landowners to find the time to put in a submission. They may also lack the skills and knowledge and confidence required to interpret the documents and to make a meaningful submission. The maps and overlays are difficult to interpret and don't even include road names.

No Farmer's that I know have staff to prepare their submission. This means they will have to allocate time in their already busy farming schedules, with lambing, etc, to prepare their submission.

In the Macedon Ranges – 2019 Rural Conservation Zone Survey Page 61 it states that “This highlights the fact that many in the community are supportive of protecting the environmental values of the land, but they are less in favor of controls on the rights of property owners to manage their own land as they see fit.”

The proposed reclassification of our agricultural land which is appropriately 500 acres and is at least half of our current farm. to Conservation Zone is in direct conflict with Macedon Ranges own statements on preserving and protecting agriculture business and land..

Macedon Ranges Agribusiness Plan 2013 – 18 States that agribusiness is an important part of the Shire's economy, employing over 500 people and contributing over \$73 million in gross regional product.

“ The Farming Zone is primarily concerned with keeping land in agricultural production and avoiding land uses that could limit future farming or constrain agricultural activities.

In this zone: Farming is the dominant land use and all other land uses are subordinate to farming Farming uses are encouraged to establish and expand with as little restriction as possible, subject to proper safeguards for the environment

Our own family farm has been used for grazing since the 1830's when the first European occupation occurred in the Macedon Ranges.

Our family agricultural business management program has been developed over many years.

I, my parents, and my brothers have dedicated over ██████ acres as our own Conservation Zone. This area has been fenced to prevent our stock from entering and impacting the

vegetation and water sources.

Unfortunately, this was destroyed during the “ [REDACTED] ” and will take time to regenerate but the process of regeneration is being helped by our careful management of the dedicated 100 acres we have made

Large areas of our family's farm have over time been fenced into smaller paddocks with laneways to improve stock management and to prevent erosion.

We have been verbally assured by Macedon Ranges Shire Council staff that should our agricultural land currently zoned as Farming be rezoned to a Conservation Zone we will be permitted to continue to farm as we currently do.

We have absolutely no confidence that we will be permitted to continue to farm.

We were verbally informed that should the rezoning go ahead we could not change anything in regards to the stock or crops we currently farm without applying for permits to do so. We were also informed that should for some reason farming cease on our property for more than two years we would not be able to recommence farming on that part of the farm.

There is no mention of lost income, land value, or costs incurred if my family has to apply for permits.

Climate change forces farmers to adjust and adapt their farming practices for agriculture to survive into the future. We are already changing and adapting our farming practices however should the rezoning go ahead any changes would be subjected to an application process that we know is costly, time-consuming, and complicated.

The Macedon Ranges Shire staff were unable to inform us as to what the changes from Farm Zone to Conservation Zone may have on property values and rate charges Rates and land valuations are handled by a different department within the Shire.

I have lived and worked on the family farm my whole life until marrying and moving into [REDACTED]. I return to the farm whenever I can to help. In the future when my parents grow old I wish to continue my family's legacy of Farming in a sustainable and ethical way at [REDACTED].

In spite of the statement “***Farming is the dominant land use and all other land uses are subordinate to farming Farming uses are encouraged to establish and expand with as little restriction as possible, subject to proper safeguards for the***”

environment “ Macedon Ranges Agribusiness Plan 2013 – 18 Our ability to farm is being taken away from us.

A bureaucratic decision by the Macedon Ranges Shire Council to rezone our farm from Farming to Conservation is just a mark on a map but for our family, it will be the end of our farming way of life. My Great Great Great grandfather [REDACTED], his son [REDACTED], [REDACTED] all took up land grants in the [REDACTED] district. The purchase of land grants was made possible when the Squatting Licences were revoked. Farming has been carried on by members of the [REDACTED] family ever since.

I have four brothers and four nephews. Many of us want to continue the sustainable and ethical style of farming we have learned from our [REDACTED]. The proposed changes make this almost impossible with the number of impediments you are putting in the way.

We acknowledge the traditional owners of the land and are aware that our family are only the current caretakers of the land at [REDACTED]

[REDACTED]

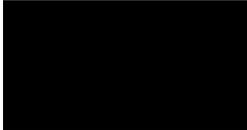
From: [REDACTED]
To: [Strategic Planning](#)
Subject: Rural Land Use Strategy
Date: Saturday, 4 September 2021 8:24:32 AM

Hello

My name is [REDACTED] in a farming Zone.

I would like to discuss the importance of agriculture in our area and the need to protect from subdivision. My suggestion would be to make the minimum division in my area a minimum 100ha not 40ha. I would like to discuss the historical reasons for land size in our area and the soil types.

Would appreciate a response, you can call me on [REDACTED]



From: [REDACTED]
To: [Strategic Planning](#)
Subject: Land use submission
Date: Wednesday, 15 September 2021 12:32:45 PM
Attachments: [Land use submission \(002\).docx](#)
[Macedon-Ranges-Technical-Report-Agricultural-Analysis \(3\).pdf](#)

To Whom it May Concern

Please find attached my submission to retain my area [REDACTED] as a farm zone.

Will send a separate email with a map of soil types that are explained at the bottom of my letter.

Regards

[REDACTED]



Macedon Ranges Shire – Jobs for the Future Blueprint – Technical Report – Land Suitability Analysis

Ms Magdalena Borges
Ms Madeleine Johnson
A/Professor Victor Sposito
A/Professor Robert Faggian

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Macedon Ranges Jobs for the Future Blueprint – Technical Report - Land Suitability Analysis

Final Report

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5. INTRODUCTION

The Jobs for the Future Blueprint project aims to assist the Macedon Ranges Shire in the planning process of a sustainable and prosperous community, by analysing the potential of the region to create jobs.

This report is an accompaniment to the *Macedon Ranges Shire Jobs for the Future Blueprint - Technical Report – Economic Analysis*. That report contains a detailed economic analysis of the Shire’s potential for job creation and economic growth. It includes an analysis of the Shire’s agricultural capabilities in particular for economic growth and development and job creation.

The *Technical Report – Economic Analysis*, details three methodologies that were applied to forecast total employment, by industry and by location for the next twenty years. Additionally, the implications of such growth in the educational sector were assessed, as well as the infrastructure and other services required to support it. The background to two surveys that were conducted (to businesses and residents) and the resources including public data and information provided from REMPLAN that was utilised in the study is also included.

To complement the agricultural case study analysis a Land Suitability Analysis was also undertaken for 5 key commodities (Vegetables, Fruit, Viticulture, Pasture (as a proxy for livestock) and Cropping that are either already produced in the Shire, or of a high value to be explored for potential future production.

This Technical Report details the methodology used in the analysis and also discusses the implications and opportunities for agricultural production in the Shire out to 2050.

5.1. Project Aims

The project aims to assist the Macedon Ranges Shire in the **planning** process of a **sustainable and prosperous community**, by analysing the potential of the Shire to **create jobs** in the **next 20 years**.

Such analysis will be guided by the following principles:

- Sustainable and even development
- Resilient and diversified economies
- Decentralisation (divert people from Metropolitan Melbourne to the Shire)
- Incorporation of infrastructure and services needed to support growth
- Incorporation of innovations
- Climate change adaptation
- GHG (Greenhouse gases) reduction

The project is organised as shown in Figure 5.1, with this report containing a detailed summary of 5. *Potential of agriculture to generate jobs – Land Suitability Analysis*.

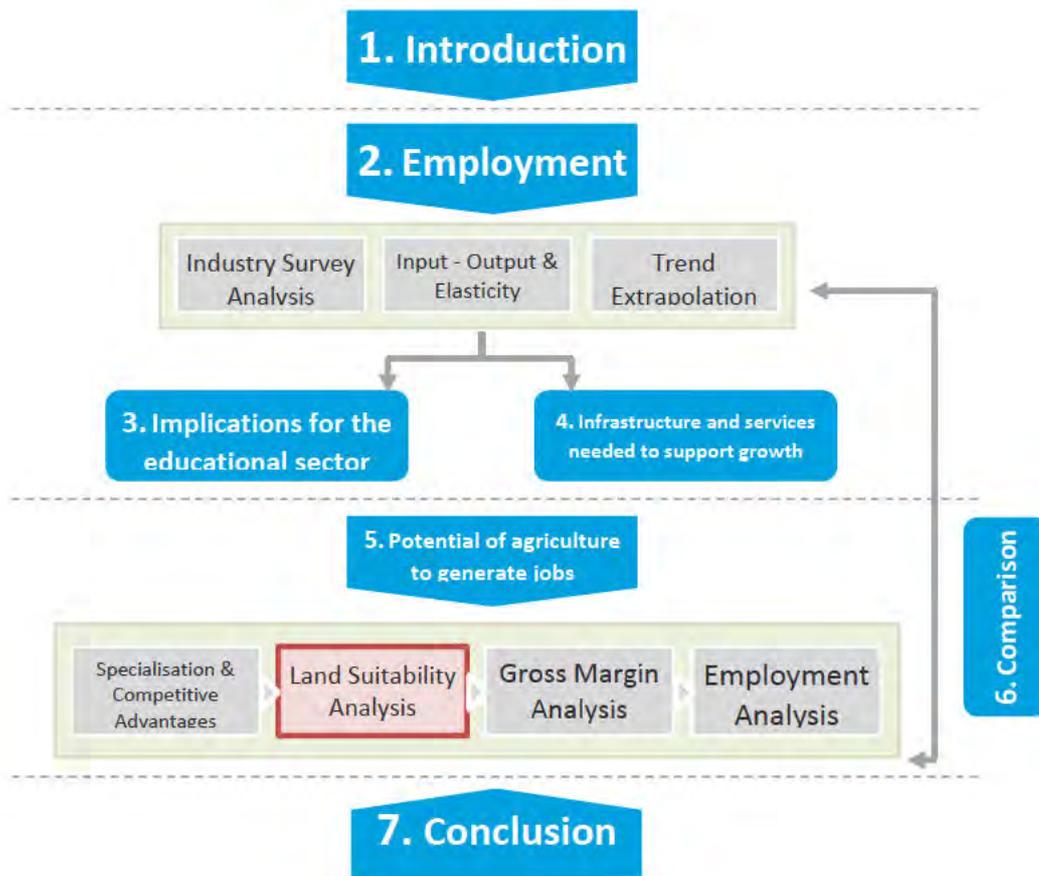


Figure 5.1. Project Structure

6. LAND SUITABILITY ANALYSIS METHODOLOGICAL APPROACH

In order to understand how projected climatic changes impact on agricultural production, we have followed the approach shown in **Figure 6.1**. In short, we use a Multi Criteria Analysis (MCA) applied with an Analytical Hierarchy Process (AHP) in a Geographic Information Systems (GIS), to spatially represent the biophysically suitability of land for a particular commodity. The approach has been published (Sposito et al 2013) and applied extensively across Victoria and in other parts of the world. As such, the approach will not be covered in any detail here. But, an important point to note is that the underpinning AHP and land suitability models allows for experts' participation in the decision making process. Compared to empirical models, an expert systems model such as this one explicitly incorporates the 'subjective' knowledge of experts who have understanding of the system of concern. This is an essential step in regional and local suitability analysis because often regional empirical data is lacking or poor in quality and therefore expert based knowledge can fill the gaps. The key to using expert knowledge as a data input is to ensure that a consensus position is achieved from all contributors on the weighting of each criteria.

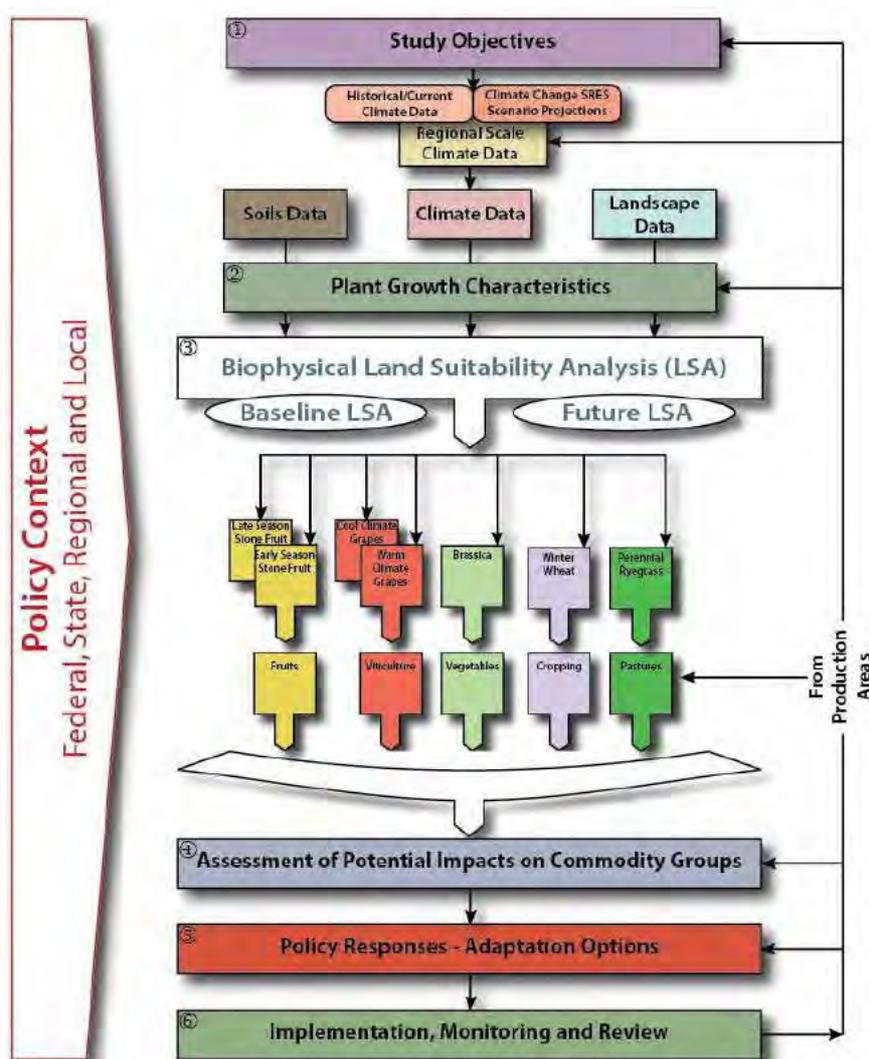


Figure 6.1. Methodological Core based on Biophysical LSA Modelling

6.1.1. Suitability Analysis

The AHP approach is used to assess Biophysical Land Suitability Analysis (LSA) for the agricultural commodities of interest, which is focused at the regional level. Biophysical LSA is defined as the process of determining the fitness, or the appropriateness, of a given area of land for a specified use (FAO, 1976), see also (McHarg, 1969;

Hopkins, 1977). Biophysical LSA can provide a rational basis for assessing the most favourable utilisation of land resources and therefore inform land use planning (FAO, 1993). It examines the degree of land suitability for the growth (cultivation or cropping) of the agricultural commodity of interest. It has thus gained wide acceptance and adoption across a range of users including land managers, agriculturalists and planners. Modifications in agricultural land suitability caused by climate change can be assessed by comparing future suitability maps (using climate change projections) with current suitability maps (using historical/present climatic conditions). This information, alongside other points of data, will indicate land that is agriculturally valuable and which could be set aside for agricultural development. Overall this can provide an assessment of the potential climate change impacts on agricultural systems, be utilised as a decision support tool and facilitate discussions of the policy options to respond to the likely impacts.

6.1.2. Suitability Framework

The United Nations Food and Agricultural Organisation (FAO) have an established framework structure for the assessment of suitability for any type of land use and cover (FAO, 1976). This structure is hierarchical in design and comprises of Orders, Classes, Subclasses and Units. Suitability Orders indicate if a unit of land is Suitable (S) or Not Suitable (NS). Suitability Classes are used to reflect degrees of suitability, with three base classes defined; High, Moderate and Low Suitability. Furthermore, the Not Suitable order can be defined into two classes; Currently Not Suitable and Permanently Not Suitable. If necessary, in a given analysis, the Classes can be divided into Subclasses, which reflect types of limitation in a Class. Further to this Subclasses can be divided into Units, which are used to show production characteristics or other requirements. This framework has been modified slightly for use in the Shire. The two principle suitability orders, S and NS, were maintained but NS was further defined into Permanently Not Suitable (PNS) and Temporarily Not Suitable (TNS). Furthermore, four suitability classes were utilised; High, Moderate, Low and Very Low.

6.2. Data Inputs

6.2.1. Observed Climate

Past and current climate data has been obtained through the SILO Project (Jeffrey et al., 2001), which is hosted by The Science Delivery Division of the Queensland Department of Science, Information Technology, Innovation and the Arts (DSITIA), and the *WorldClim* Global Climate Data online database. SILO is based on Bureau of Meteorology (BoM) climate data and includes multiple datasets of variables such as temperature and rainfall. The data is Victoria-wide and is presented at a resolution of 5 km² (grid). The *WorldClim* database is an online spatial dataset with a spatial resolution of 1 km². The layers are generated using interpolation of available monthly readings from weather stations on a 20 arc-second resolution grid (comparable to 1 km² resolution spatially). The dataset includes variables of rainfall, temperature and additional bioclimatic variables for the years 1950 – 2000.

Commonly used in climate studies is the ‘climate normal’, which is used as a reference period for comparative purposes between current, historical and future climates. Generally, they are calculated over a standard period of thirty years, which is long enough to include year to year variations but not that long to allow it to be influenced by long term climate trends. The World Meteorological Organisation (WMO) uses the period of 1961 to 1990, which is also used in Australian meteorological references. For use in this project a climate normal period will be used as a baseline comparison against future climate projections and simulated suitability analyses. The climate normal, hereafter, will be referred to as the ‘historical’ or ‘baseline’ climate.

6.2.2. Future Climate

Future climate projections were simulated through the use of the CSIRO ACCESS 1.0 Global Climate Change Model (GCM). This was run through two emissions scenarios or Representative Concentration Pathways (RCP), a low emissions renewable future scenario (RCP 4.5) and a business as usual high emissions pathway (RCP 8.5). The atmospheric content of the GCM model has been used to generate monthly based data.

6.2.3. Landscape

A Victoria wide Digital Elevation Model (DEM) provided the basis for landscape analysis. This is in a raster grid format, with a grid cell resolution of 100m². This data set represents the ground surface topography or terrain of Victoria. The dataset allowed the calculation of critical geographic features such as slope, altitude and aspect. The DEM has been sourced from NASA's Shuttle Radar Topography Mission (SRTM) landscape dataset (NASA and USGS, 2014), which is supplied at 1 arc second (equivalent to a 30 metre resolution). This is hosted in conjunction with the United States Geological Survey (USGS).

6.2.4. Soils

Soil type (Isbell and CSIRO., 2002) is one of the most important factors that influences land utilisation. It provides the physical, chemical and biological activity basis required for plant growth. Principal information for soils data for this study has been sourced from the Soil and Landscape Grid of Australia, produced by the CSIRO (CSIRO and TERN, 2015). These soils datasets are presented in a raster grid formation at a typical resolution of 30m². Further information for soils data and attributes have been sourced from the Soils and Landform Mapping, undertaken by the Victorian State Government found on the Victorian Resources Online (VRO) web-based platform (Victorian State Government, 2015b) or the Victorian Data Portal (Victorian State Government, 2015a). Soils attributes, as used in land-use suitability modelling, can be categorised into two broad groups; physical attributes and chemical attributes. Physical attributes relate to the actual physical properties of the soil and include measures such as texture or soil horizon depth. Measurements are usually done in the field. Chemical attributes relate to the chemical composition of the soil and can include soil nutrient composition or soil pH.)

6.3. Model Caveats

The LSA models are validated using regional expertise and input by local growers and experts. However, it is important to be aware of a number of caveats when interpreting the results of the models:

1. The methodology has been formulated for application at regional and local levels. In particular, LSA maps are developed and presented at a regional level with a spatial resolution of 5 square km, which is the resolution of the downscaled climate change projections. Therefore, LSA maps should not be used to infer (current and future) conditions at a site level (e.g. at farm level).
2. LSA maps depicting future conditions substantially depend on the input climate change projection data, which are inherently uncertain. A multiplicity of futures is possible depending on major decisions over time and how the climate system will respond to them. Therefore, future LSA maps depict a possible future and, by no means, the only future.
3. The modelling approach does not account for some important components of crop production; for instance, the effect that changing climatic conditions may have on bees and pollination, or on crop disease status.
4. With the projected regional increase in temperature and concomitant decline in rainfall, extreme weather events, (including fire risk) are likely to increase across the Shire. This is not considered in the present study and will require complementary research and (possibly) the preparation of overlay maps showing areas of greater risks.
5. Each commodity's biophysical requirements for climate, soil and landscape - were identified by a review of the scientific literature and their value ranges were validated using expert opinion and regional expertise. It is nonetheless possible for some subjective information, via the expert opinion phase of the exercise, to influence the model design or the weighting of individual criteria within the models.
6. The study did not examine different varieties within a particular agricultural commodity. Considerable variation can occur between varieties within a species with respect to their biophysical requirements.
7. It is difficult to account for the contribution that a grower's skill level can make to the suitability of a specific commodity at a particular geographical location. It is hence entirely possible for a particular grower to achieve good yields at a location that has been modelled as having a low biophysical suitability and, conversely for a grower to achieve poor yields at a location that is ranked with a high biophysical suitability. It should also be

TECHNICAL REPORT – LAND SUITABILITY ANALYSIS

noted that the models do not take into account other factors that may impact on suitability and yield, such as extreme climate events, pests and diseases, or socio-economic considerations.

8. The report has looked at a selection of agricultural commodities across the Macedon Ranges Shire. The reader should therefore be aware that the designation of an area in the region as less suitable or less versatile in future climates only applies to the particular commodities modelled in this report. The areas looked at in this report may become more suitable or versatile for other crops. Additional modelling will be required to examine other agricultural commodities in order to have a more comprehensive understanding of the agricultural potential of the Shire, now and in the future.

7. BRASSICA

The brassica biophysical LSA model determines the suitability of the region to produce a generic vegetable brassica species (*Brassica oleracea*) that is representative of several crops including broccoli, cauliflower, cabbage, Chinese cabbage and Brussels sprouts, among others (but not canola, which is *Brassica napus*). By necessity, the model assumes that irrigation is available in order to determine suitability across the entire region.

The model output relative to historical climate (Figure 7.1, left panel) indicates that the majority of the Macedon Ranges Shire is currently suitable for brassica production and generally ranked 80-90%. Some small areas are less suitable at 70%, due to a combination of soil and climatic conditions.

Looking to likely changes in suitability as we move into the future, it appears that the Shire will become more suitable for brassica production as the climate changes (Figure 7.1, centre and right panels). In both future scenarios, 2030 and 2050, the suitability of the region for brassica production increases, although stays relatively stable between 2030 and 2050, with the largest suitability group becoming 90%. The percentage area and total hectares of the Shire that falls within each suitability rating (for example, 80%) at each time point is listed in Table 7.1, which gives a good indication of degree of change over time.

TECHNICAL REPORT – LAND SUITABILITY ANALYSIS

Table 7.1. Brassica land suitability by area and percentage in the Macedon Ranges Shire – Historical, 2030, 2050

Brassica									
		Not Suitable	0 - 40%	50%	60%	70%	80%	90%	100%
		<i>Hectares (ha)</i>							
Historical	1961 - 1990	3,412	-	-	582	36,423	104,230	32,796	-
RCP8.5	2030	3,412	-	-	-	13,860	91,544	67,626	1,001
	2050	3,412	-	-	-	17,137	90,294	66,406	194
		<i>Percentage (%)</i>							
Historical	1961 - 1990	1.9%	-	-	0.3%	20.5%	58.7%	18.5%	-
RCP8.5	2030	1.9%	-	-	-	7.8%	51.6%	38.1%	0.6%
	2050	1.9%	-	-	-	9.7%	50.9%	37.4%	0.1%

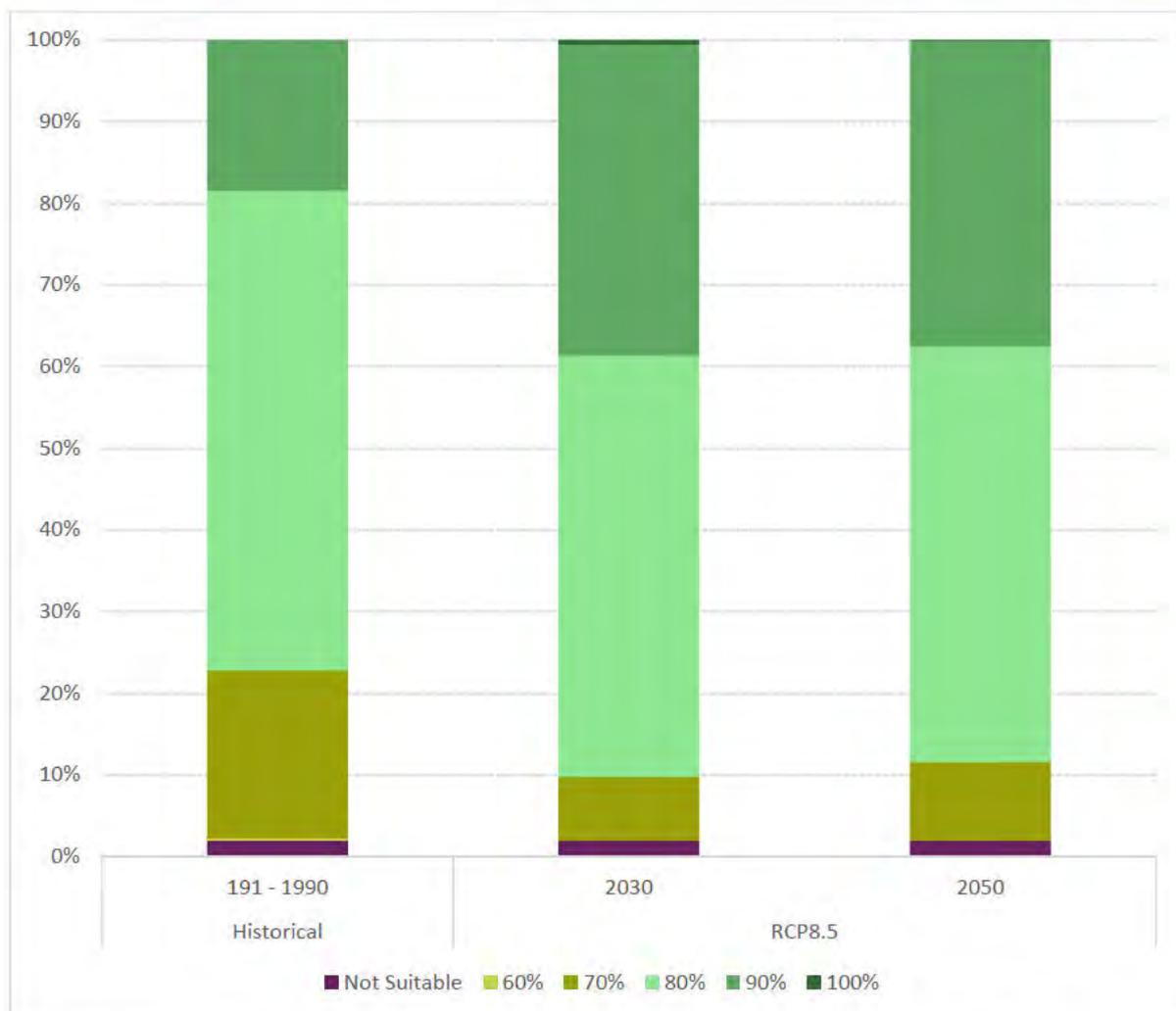


Figure 7.1. Brassica land suitability area by percentage amount in the Macedon Ranges Shire – Historical, 2030, 200

TECHNICAL REPORT – LAND SUITABILITY ASSESSMENT

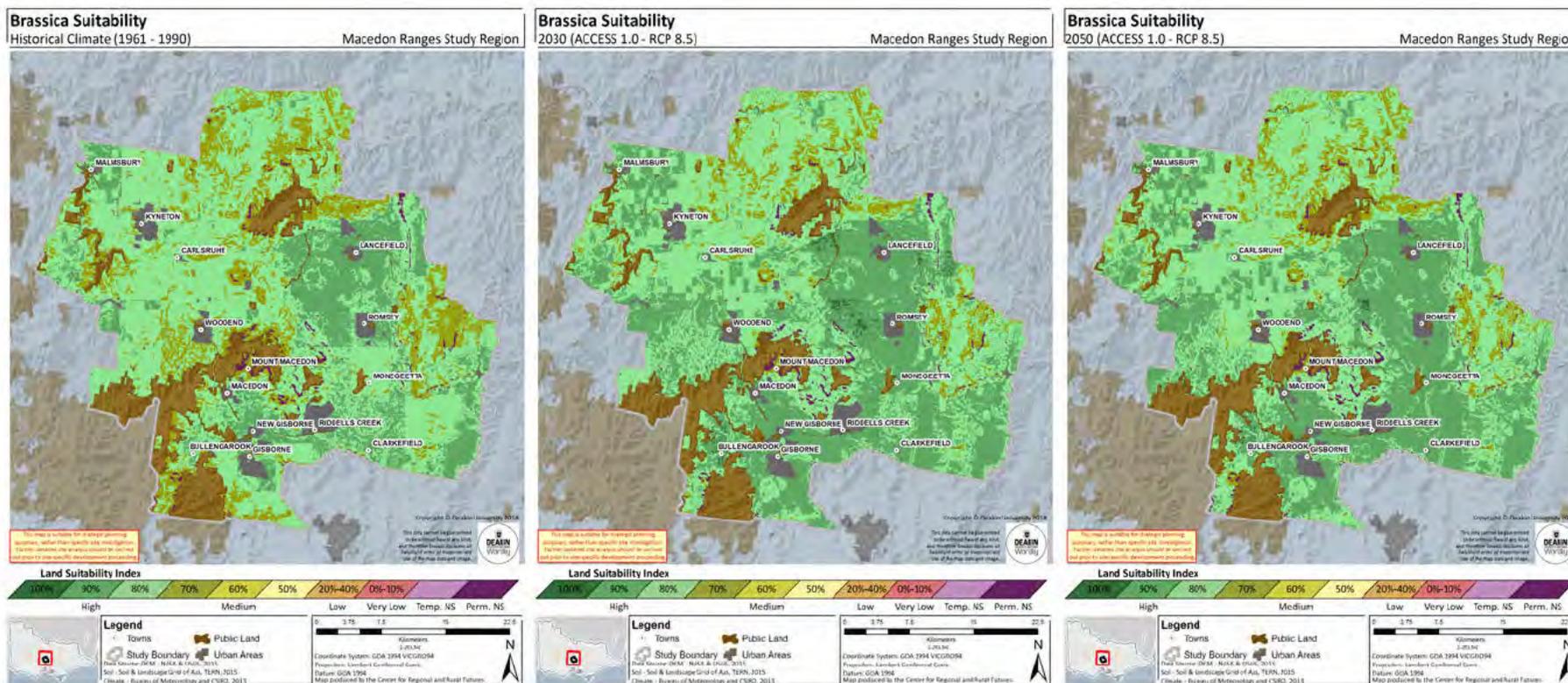


Figure 7.2. Brassica land suitability in the Macedon Ranges Shire – Historical (1961 – 1990) (left panel), 2030 (RCP8.5) (centre panel), 2050 (RCP8.5) (right panel)

8. GRAPE

Given the important of viticulture in the region, and the high value of the commodity, two generic varieties of grapes were modelled, a generic cool climate grape variety (currently largely grown across the region) and a generic warm climate variety. By necessity, both cool and warm climate models assume that access to water is available (such as irrigation, also in the form of dams, bores etc.), regardless of current access and water authority structure, in order to determine suitability across the entire region. The models also consider heat degree days.

The cool climate model output relative to historical climate indicates that the suitability of geographical areas for cool climate grapes corresponds closely with temperature. The majority of the Shire, is suitable for cool climate grapes with rankings of 80%. Scattered areas to the east of the Shire, are less suitable at 70%. Conversely, warm climate varieties are currently less suitable, with larger scattered areas of moderate suitability, d mainly by the lower temperatures in the region.

The models were validated with growers in the region, who specified the current cool climate suitability of the region, suitable for growing chardonnay and pinot noir in particular, driven largely by heat degree days (and climate more broadly) and elevation.

Looking to likely changes in suitability as we move into the future, the modelling indicates that the Shire will become far less suitable for cool climate grapes over time, a reduction from nearly 75% of the area at High suitability (80%) to less than 2% of the area by 2030. However, warm climate grapes remain stable into the future, maintaining around 68% of the area at a High suitability (80%) into 2030 and 2050, with stable scattered areas of moderate suitability governed largely by landscape and topographical attributes.

Figures Figure 8.3 and Figure 8.4 show the progression through time for cool climate and warm climate grapes respectively. The percentage area and total hectares of the Shire that falls within each suitability rating (for example, 80%) at each time point for cool and warm climate grapes respectively is listed in Table 8.1 and Table 8.2, which gives a good indication of degree of change over time.

It is clear from the modelling that a thriving viticulture industry is possible in the future, however a transition from cooler climate varieties to warm climate varieties could be prudent.

TECHNICAL REPORT – LAND SUITABILITY ANALYSIS

Table 8.1. Cool Climate Grape land suitability by area and percentage in the Macedon Ranges Shire – Historical, 2030, 2050

Grape - Cool Climate									
		Not Suitable	0 - 40%	50%	60%	70%	80%	90%	100%
		<i>Hectares (ha)</i>							
Historical	1961 - 1990	-	-	-	1,117	15,157	132,765	26,415	-
RCP8.5	2030	-	-	529	22,891	143,032	3,358	5,189	-
	2050	-	15	9,680	75,523	89,780	1	-	-
		<i>Percentage (%)</i>							
Historical	1961 - 1990	-	-	-	0.6%	8.5%	74.8%	-	-
RCP8.5	2030	-	-	0.3%	12.9%	80.6%	1.9%	-	-
	2050	-	0.01%	5.5%	42.6%	50.6%	0.0%	-	-

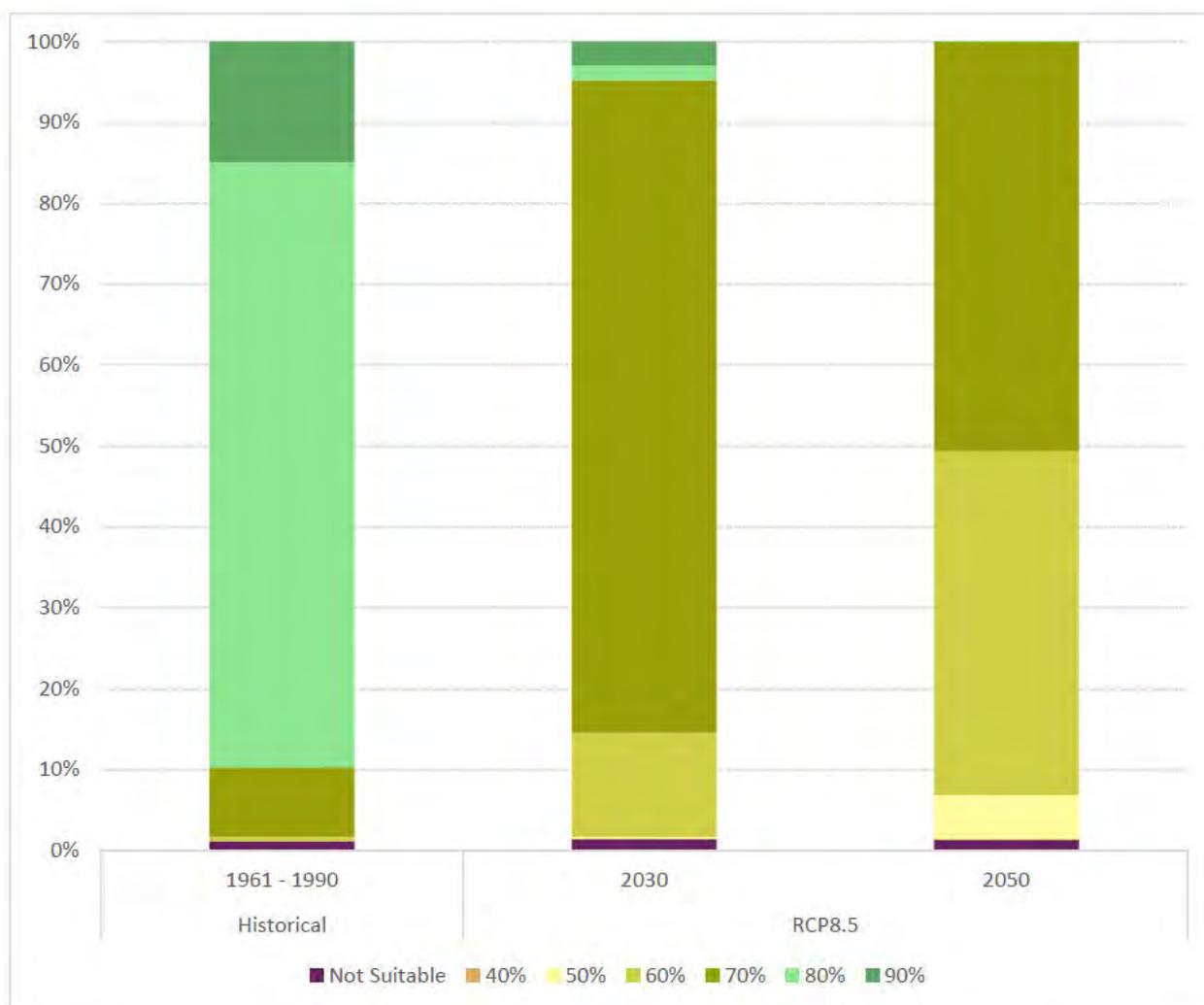


Figure 8.1. Cool Climate Grape land suitability area by percentage amount in the Macedon Ranges Shire – Historical, 2030, 200

TECHNICAL REPORT – LAND SUITABILITY ANALYSIS

Table 8.2. Warm Climate Grape land suitability by area and percentage in the Macedon Ranges Shire – Historical, 2030, 2050

Grape - Warm Climate									
		Not Suitable	0 - 40%	50%	60%	70%	80%	90%	100%
		<i>Hectares (ha)</i>							
Historical	1961 - 1990	-	-	981	17,941	35,495	120,562	-	-
RCP8.5	2030	-	-	716	18,111	36,628	119,524	-	-
	2050	-	-	915	18,381	36,283	119,400	-	-
		<i>Percentage (%)</i>							
Historical	1961 - 1990	-	-	0.6%	10.1%	20.0%	67.9%	-	-
RCP8.5	2030	-	-	0.4%	10.2%	20.6%	67.4%	-	-
	2050	-	-	0.5%	10.4%	20.4%	67.3%	-	-

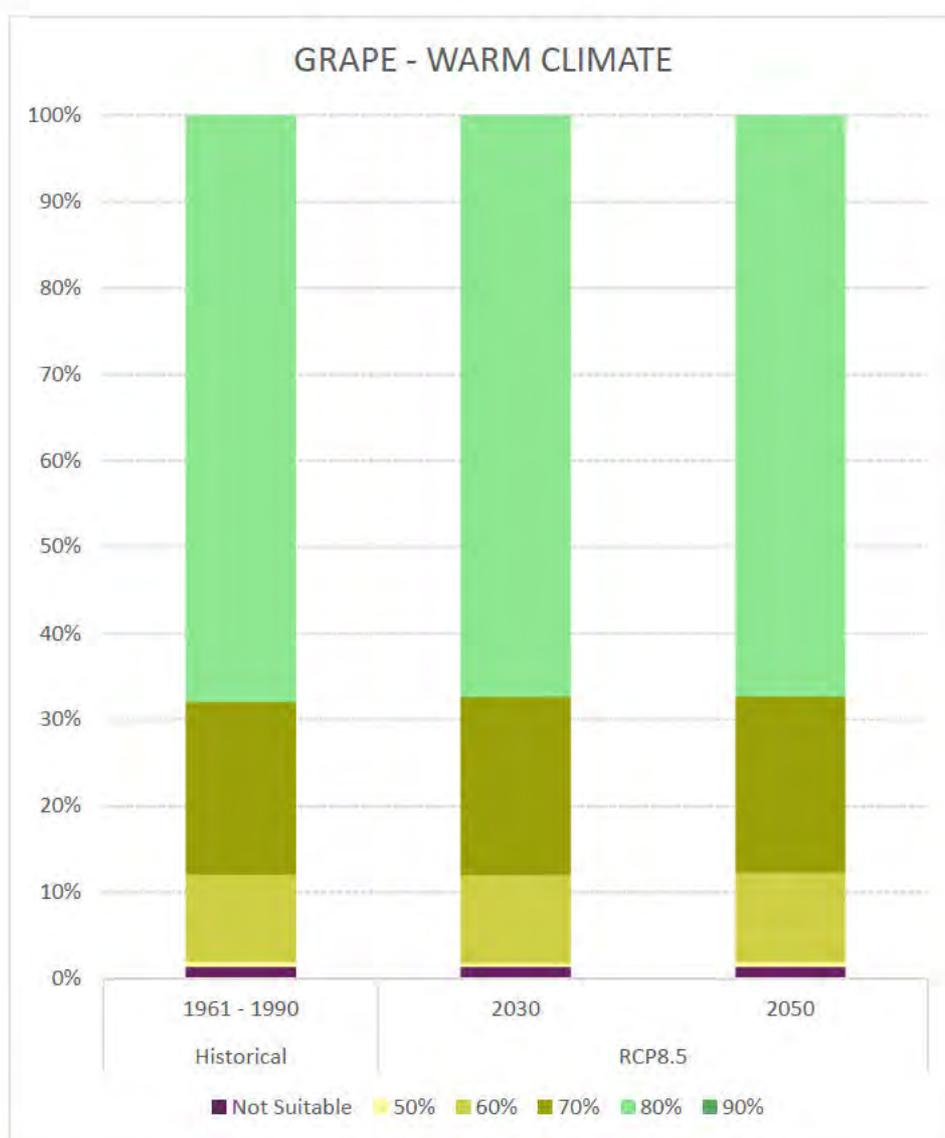


Figure 8.2. Warm Climate Grape land suitability area by percentage amount in the Macedon Ranges Shire – Historical, 2030, 20

TECHNICAL REPORT – LAND SUITABILITY ASSESSMENT

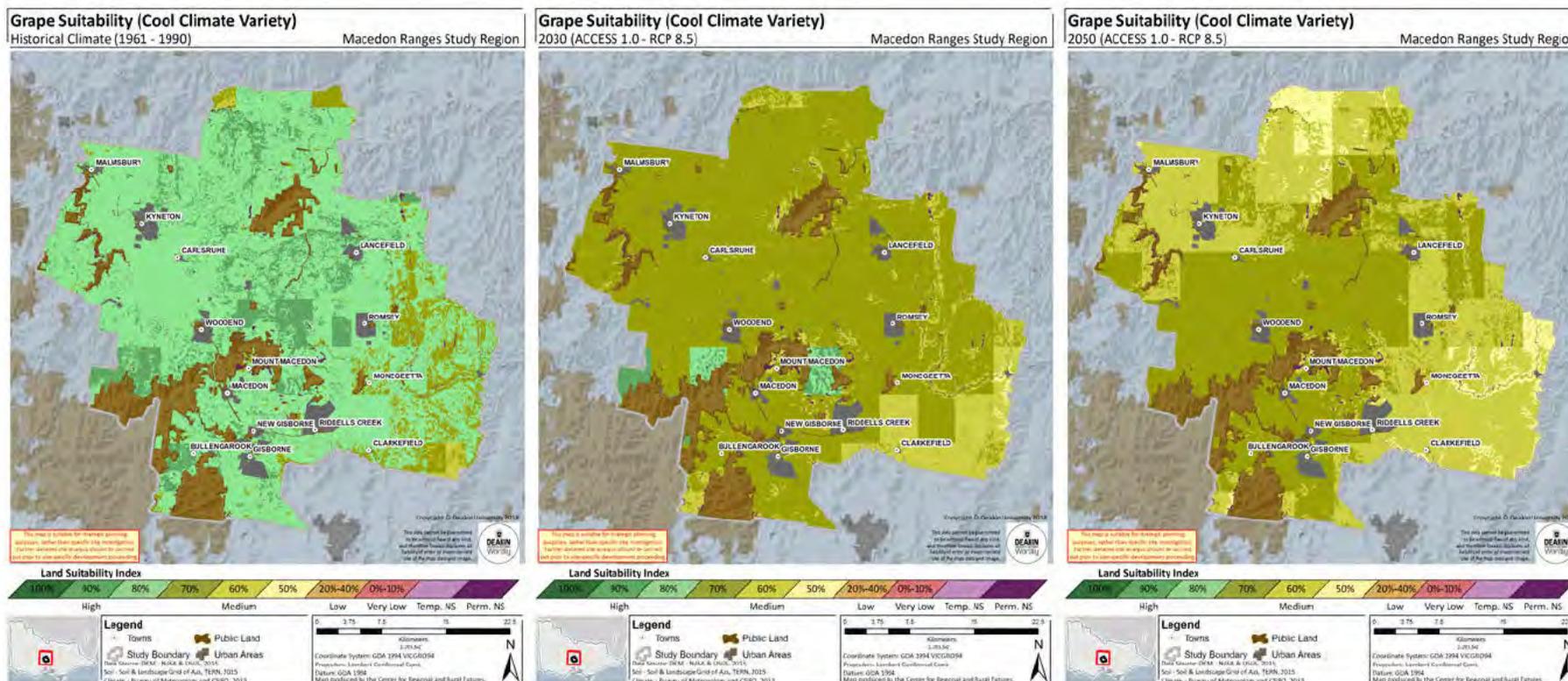


Figure 8.3. Cool climate grape land suitability in the Macedon Ranges Shire – Historical (1961 – 1990) (left panel), 2030 (RCP8.5) (centre panel), 2050 (RCP8.5) (right panel)

TECHNICAL REPORT – LAND SUITABILITY ANALYSIS

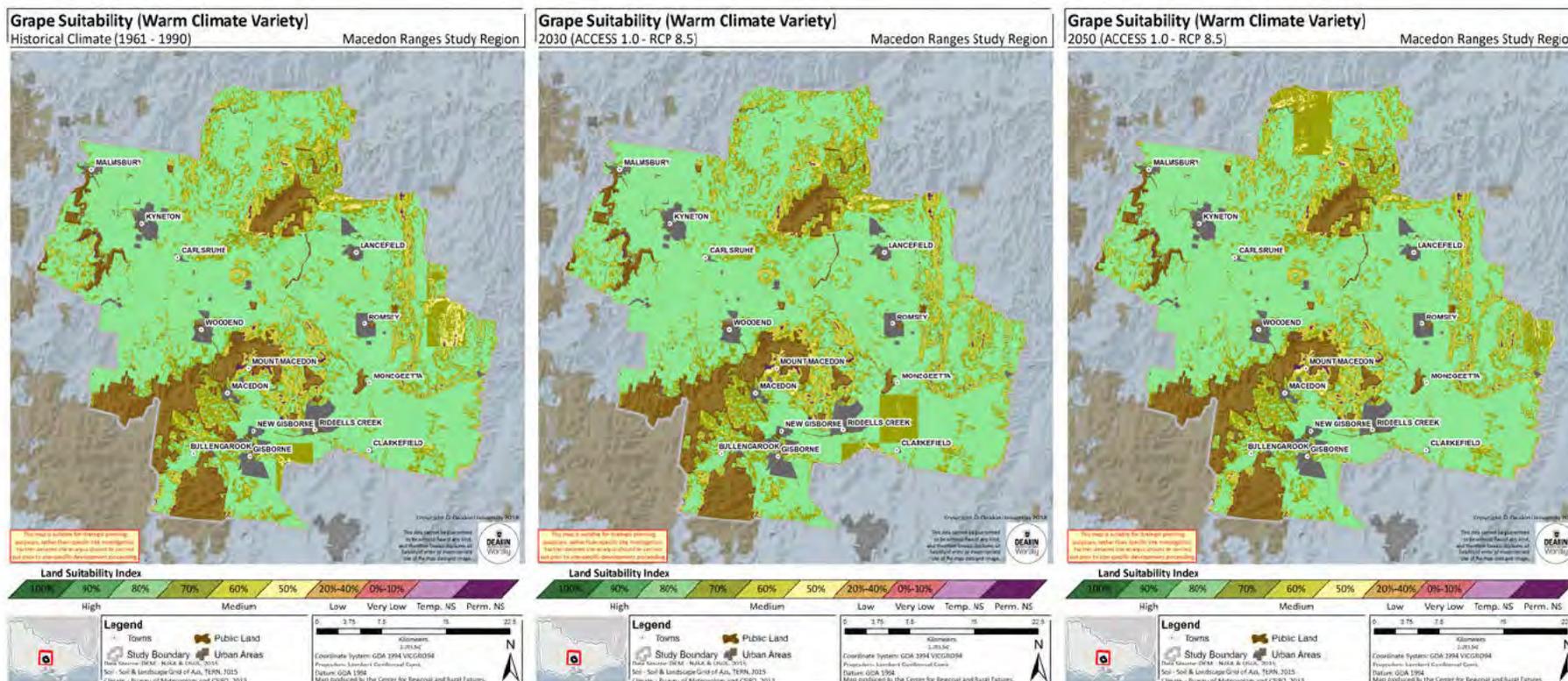


Figure 8.4. Warm climate grape land suitability in the Macedon Ranges Shire – Historical (1961 – 1990) (left panel), 2030 (RCP8.5) (centre panel), 2050 (RCP8.5) (right panel)

9. RYEGRASS

The ryegrass biophysical LSA model determines the suitability of the region to produce a generic ryegrass pasture.

The model output relative to historical climate (see Figure 9.2, left panel) indicates that the majority of the Shire is currently suitable for ryegrass production and generally ranked between 80 and 100% suitable. Notably, the south eastern area of the region from Riddells Creek to Clarkefield however, are significantly lower at 50% due to low rainfalls.

The region will maintain its suitability for ryegrass production into the future, with overall very high suitability (90-100%) remaining relatively stable (see Figure 9.2). In fact, overall high suitability (including 80%) improves in 2030, with slightly higher summer rainfalls over the south-east of the region improving from Riddells Creek to the boundary of the region. In 2050 this slightly decreases again, due to lower rainfalls, however it is still overall, a higher suitability than the historical scenario.

The percentage area and total hectares of the Shire that fall within each suitability rating (for example, 80%) at each time point is listed in Figure 9.1 and Table 9.1, indicating the degree of change.

TECHNICAL REPORT – LAND SUITABILITY ANALYSIS

Table 9.1 Ryegrass land suitability by area and percentage in the Macedon Ranges Shire – Historical, 2030, 2050

Ryegrass									
		Not Suitable	0 - 40%	50%	60%	70%	80%	90%	100%
<i>Hectares (ha)</i>									
Historical	1961 - 1990	670	185	13,649	18,373	13,186	37,780	66,010	27,590
RCP8.5	2030	1,126	-	30	5,361	15,743	49,392	103,180	2,611
	2050	1,126	-	285	8,113	20,858	45,882	101,179	-
<i>Percentage (%)</i>									
Historical	1961 - 1990	0.4%	0.1%	7.7%	10.4%	7.4%	21.3%	37.2%	15.5%
RCP8.5	2030	0.6%	-	0.0%	3.0%	8.9%	27.8%	58.1%	1.5%
	2050	0.6%	-	0.2%	4.6%	11.8%	25.9%	57.0%	-

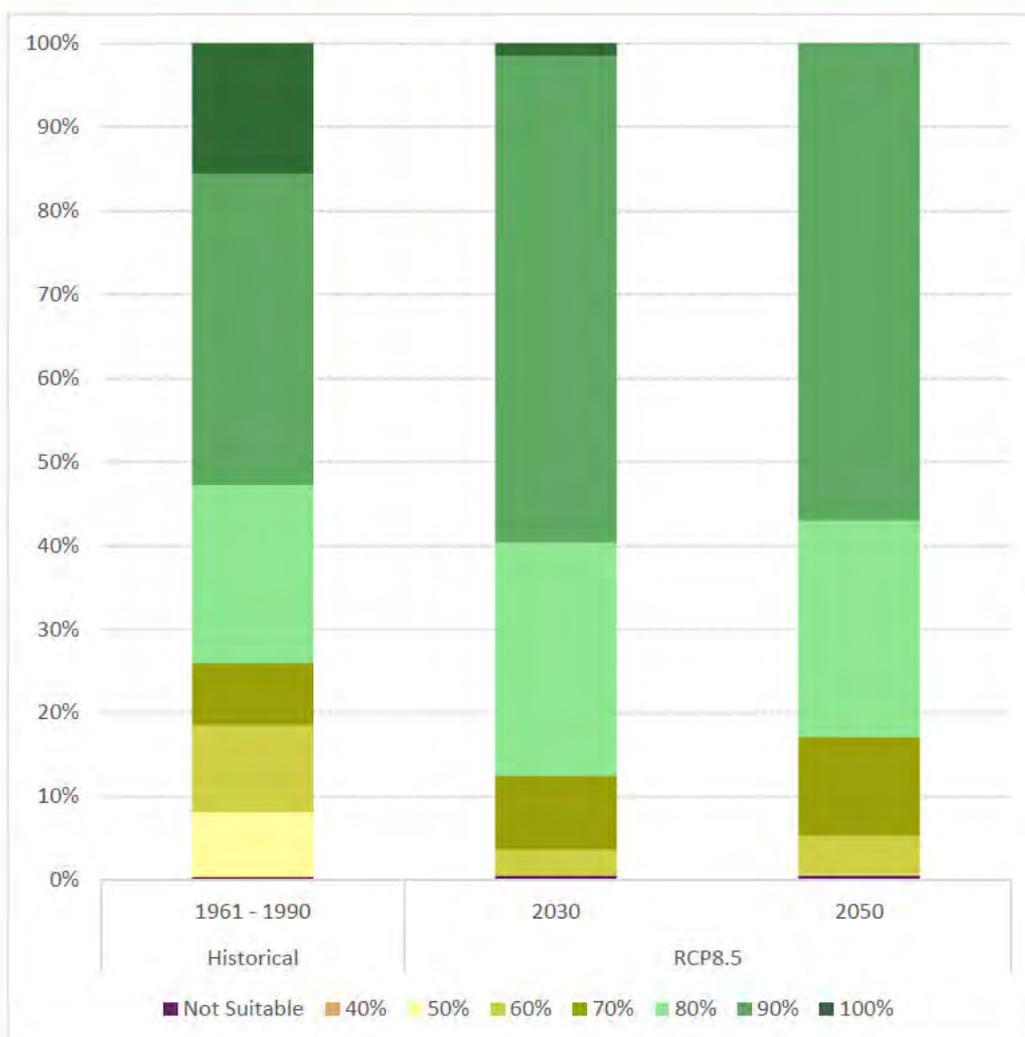


Figure 9.1. Ryegrass land suitability area by percentage amount in the Macedon Ranges Shire – Historical, 2030, 2050

TECHNICAL REPORT – LAND SUITABILITY ASSESSMENT

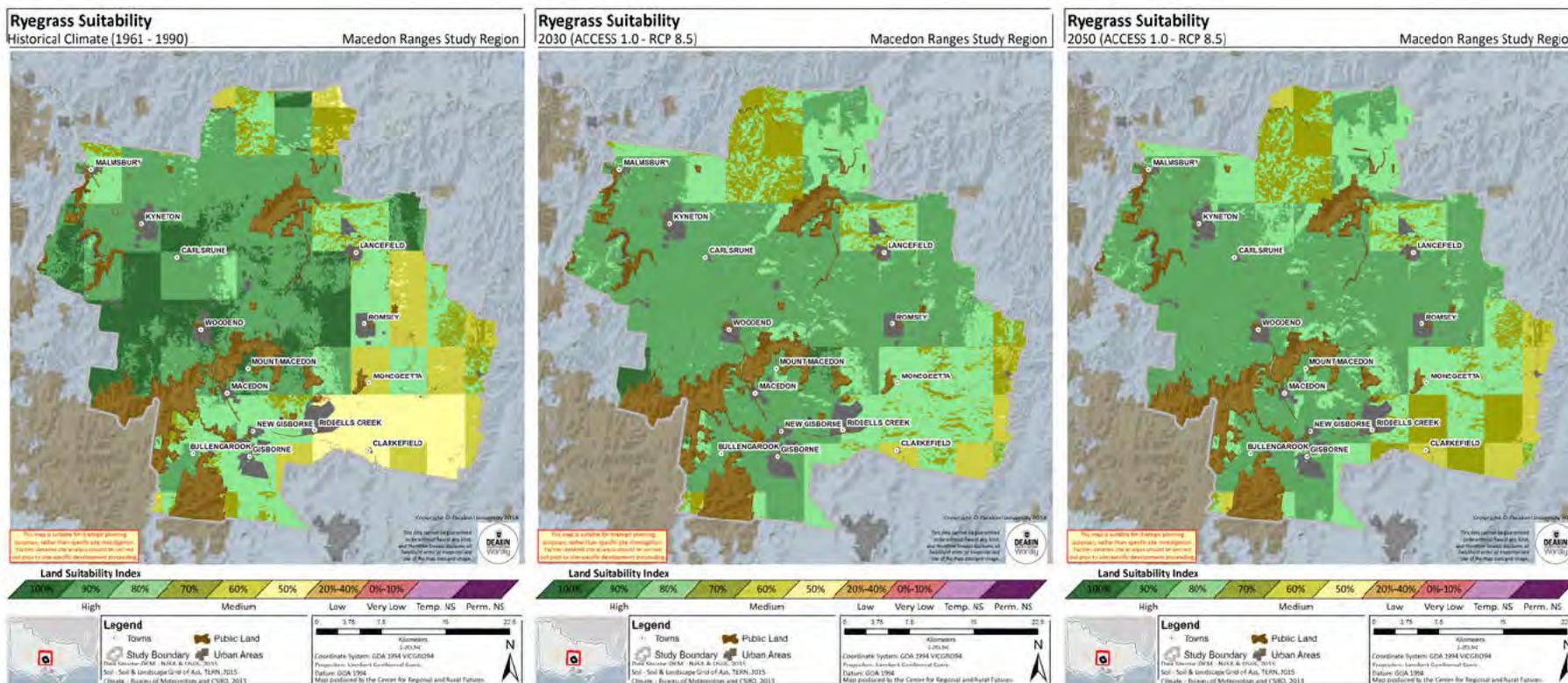


Figure 9.2. Ryegrass land suitability in Macedon Ranges Shire – Historical (1961 – 1990) (left panel), 2030 (RCP8.5) (centre panel), 2050 (RCP8.5) (right panel)

10. STONE FRUIT

Two generic varieties of early and late season stone fruit were modelled to account for the large range of varieties and cultivars available and their particular and complex flowering, maturing and harvesting seasons. They are broadly grouped in this report as Early Season Stone Fruit or Late Season Stone Fruit, with each variety having their own particular phenological stages; in general, however, early stone fruit will flower from September to October and have fruit growth from November to January. Late season stone fruit flower between September and November with fruit growth occurring between December and March.

The two models presented here represent generic varieties, however the Early Season Stone Fruit model has been validated with a Cherry producer with expert knowledge local to the Macedon Ranges region.

The model output relative to historical climate indicates that the suitability of both early and late season stone fruit is high (largely 80%). With the early season variety showing moderate suitability in the southern area around Riddells Creek only.

According to growers in the Shire, the impacts of a changing climate are already being felt. They reported that earlier harvesting, was becoming the norm, sometime of up to a month earlier. They also reported traditional differences in the harvesting time at locations of different elevations and local microclimates reducing and beginning to occur concurrently. Clearly this poses challenges in terms of logistics and labour, and has implications for fruit quality and size. Growers in the region have also noticed the region is noticeably drier in the last 15 years.

Looking to likely changes in suitability as we move into the future, the modelling indicates that the Shire will maintain suitability into the future at both 2030 and 2050 for both early and late season varieties. In fact a relatively stable, high suitability (80%) is seen as the dominant suitability class for both varieties. The percentage area and total hectares of the Shire that falls within each suitability rating (for example, 80%) at each time point is listed in Figure 10.1 and Figure 10.2, which gives a good indication of degree of change over time for early season and late season varieties respectively.

The even spread of high suitability for both varieties indicates the region can support a diverse stone fruit industry in the future providing it has sufficient access to water (irrigation), as has been assumed in these models.

TECHNICAL REPORT – LAND SUITABILITY ANALYSIS

Table 10.1. Early Season Stone Fruit land suitability by area and percentage in the Macedon Ranges Shire – Historical, 2030, 2050

Stone Fruit - Early Variety									
		Not Suitable	0 - 40%	50%	60%	70%	80%	90%	100%
		<i>Hectares (ha)</i>							
Historical	1961 - 1990	8,539	-	-	3	22,848	146,053	-	-
RCP8.5	2030	10,357	-	-	-	987	166,099	-	-
	2050	10,357	-	-	-	633	166,154	299	-
		<i>Percentage (%)</i>							
Historical	1961 - 1990	4.8%	-	-	-	12.9%	82.3%	-	-
RCP8.5	2030	5.8%	-	-	-	0.6%	93.6%	-	-
	2050	5.8%	-	-	-	0.4%	93.6%	0.2%	-

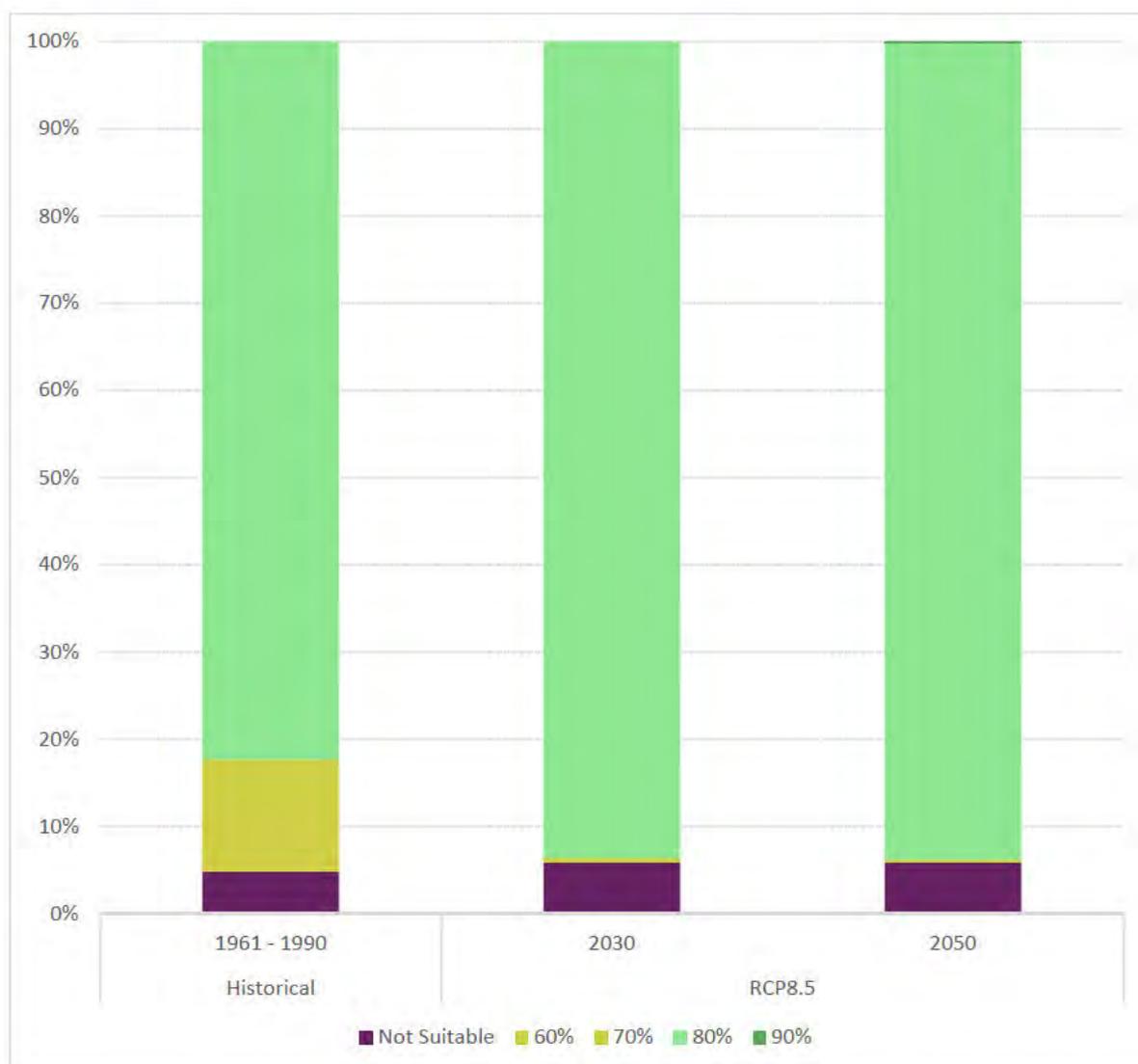


Figure 10.1. Early season stone fruit land suitability area by percentage amount in the Macedon Ranges Shire – Historical, 2030, 200

TECHNICAL REPORT – LAND SUITABILITY ANALYSIS

Table 10.2. Late Season Stone Fruit land suitability by area and percentage in the Macedon Ranges Shire – Historical, 2030, 2050

Stone Fruit - Late Variety									
		Not Suitable	0 - 40%	50%	60%	70%	80%	90%	100%
<i>Hectares (ha)</i>									
Historical	1961 - 1990	8,539	-	-	-	1,054	165,419	2,431	-
RCP8.5	2030	10,357	-	-	-	1,735	165,351	-	-
	2050	10,357	-	-	-	151	166,935	-	-
<i>Percentage (%)</i>									
Historical	1961 - 1990	4.8%	-	-	-	0.6%	93.2%	1.4%	-
RCP8.5	2030	5.8%	-	-	-	1.0%	93.2%	-	-
	2050	5.8%	-	-	-	0.1%	94.1%	-	-

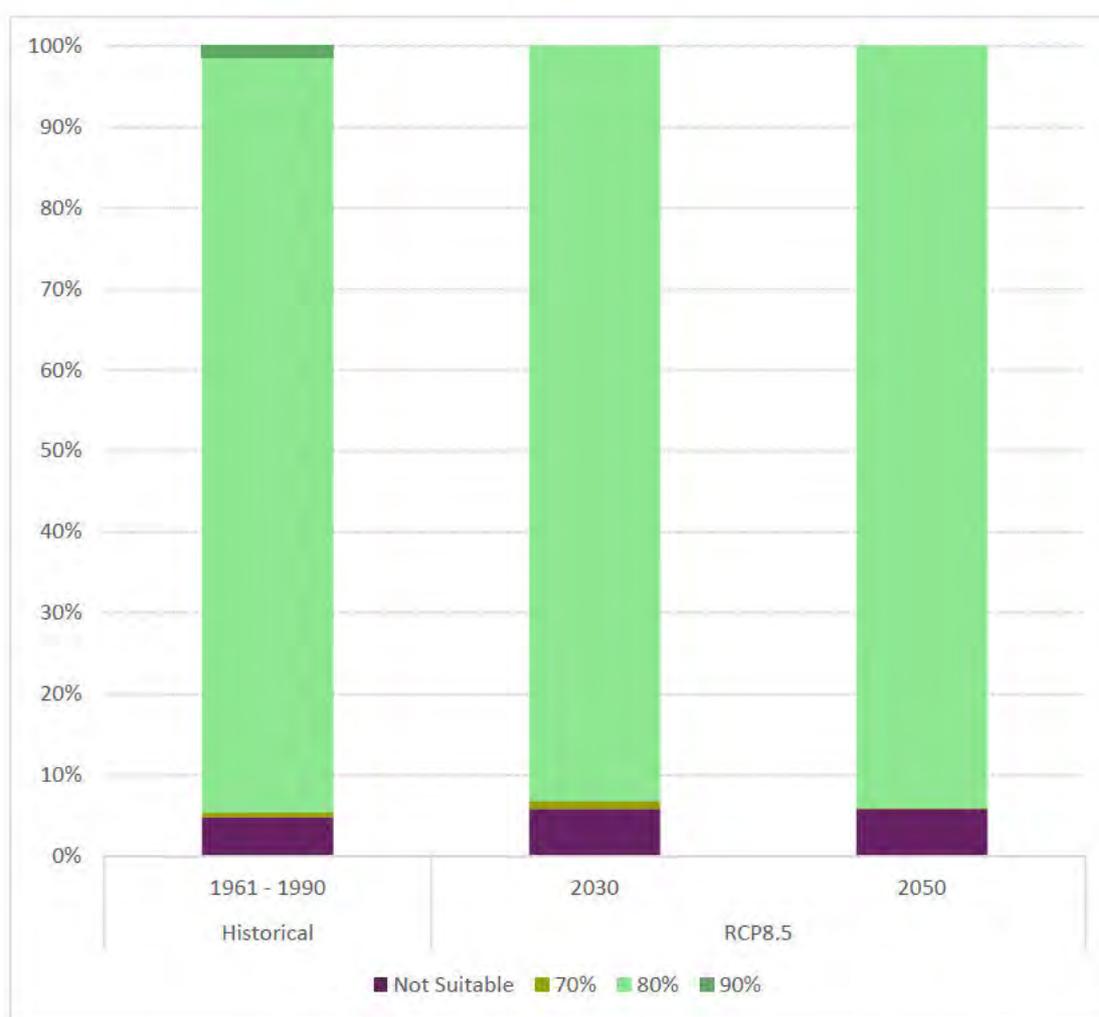


Figure 10.2. Late season stone fruit land suitability area by percentage amount in the Macedon Ranges Shire – Historical, 2030, 200

TECHNICAL REPORT – LAND SUITABILITY ASSESSMENT

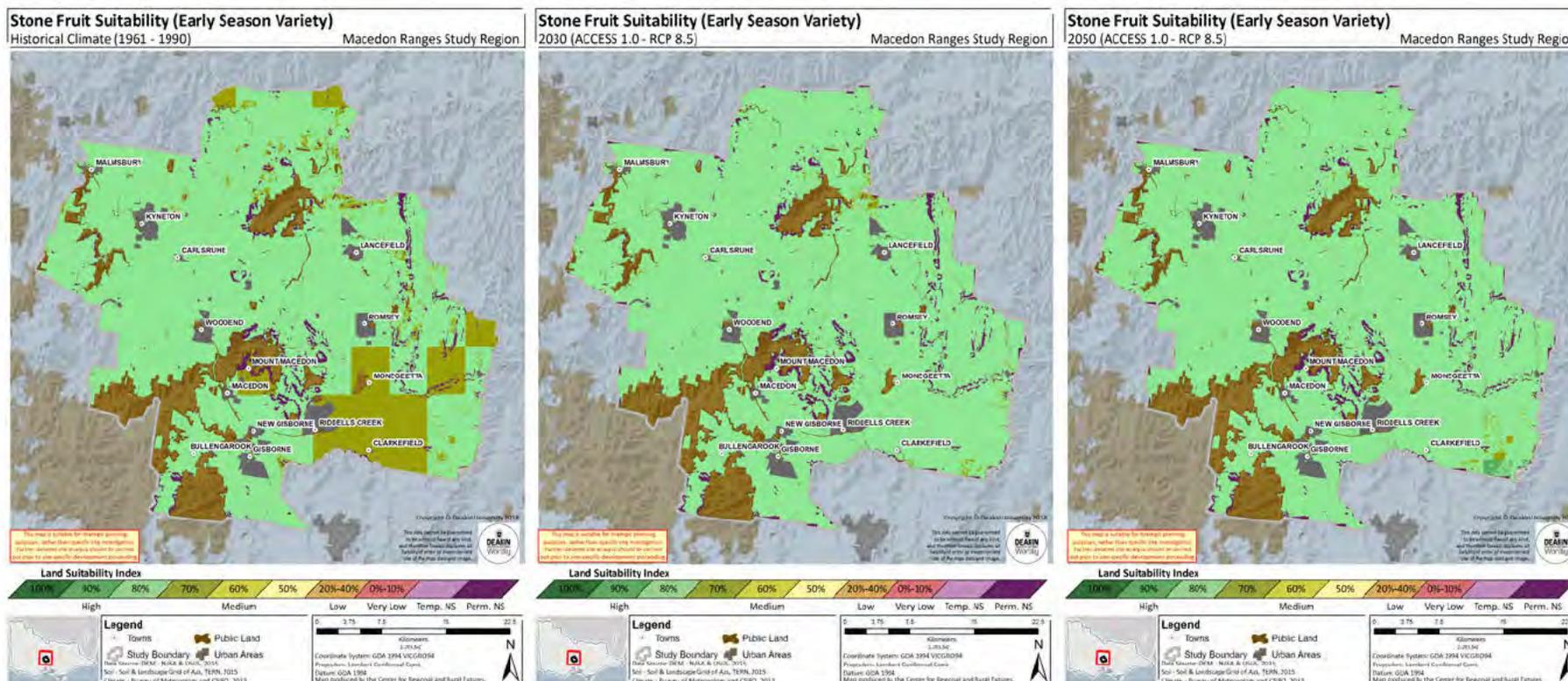


Figure 10.3. Early Season Stone Fruit land suitability in the Macedon Ranges Shire – Historical (1961 – 1990) (left panel), 2030 (RCP8.5) (centre panel), 2050 (RCP8.5) (right panel)

TECHNICAL REPORT – LAND SUITABILITY ANALYSIS

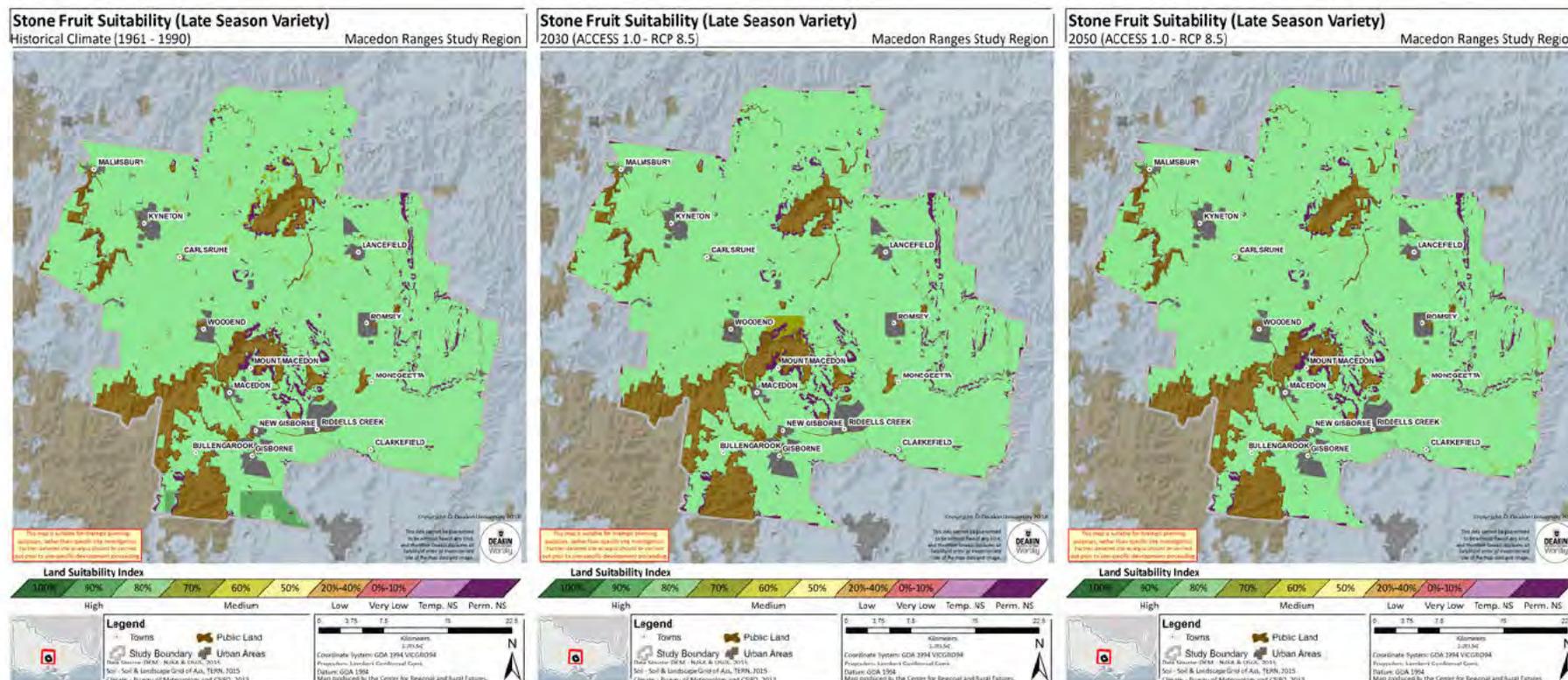


Figure 10.4. Late Season Stone Fruit land suitability in the Macedon Ranges Shire – Historical (1961 – 1990) (left panel), 2030 (RCP8.5) (centre panel), 2050 (RCP8.5) (right panel)

11. WHEAT

The wheat biophysical LSA model determines the suitability of the region to produce a generic winter feed wheat variety, with sowing period of May and harvest period of late November, early December onwards.

The model output relative to historical climate indicates that the majority of the Shire is currently highly suitable for wheat production and generally ranked 80% or above. Central areas around Carlsruhe to Woodend, in particular display very high suitability (100%).

In the historical climate map, areas of Permanently NS are limited in distribution, with only small areas around Mt Macedon and to the east of Lancefield and Romsey. This is associated mainly with pH levels landscape (slope) factors.

Looking to likely changes in suitability as we move into the future, the high suitability of wheat is maintained towards 2030 and 2050, with some previously 80% suitability areas around Clarkefield, becoming more highly suitable (90%). Between 2030 and 2050 the high suitability is maintained at around 60% of the area at 90% suitability and 25% of the area at 100% suitability.

The percentage area and total hectares of the Shire that falls within each suitability rating (for example, 80%) at each time point is listed in Figure 11.1, which gives a good indication of degree of change over time.

TECHNICAL REPORT – LAND SUITABILITY ANALYSIS

Table 11.1. Wheat land suitability by area and percentage in the Macedon Ranges Shire – Historical, 2030, 2050

Wheat									
		Not Suitable	0 - 40%	50%	60%	70%	80%	90%	100%
<i>Hectares (ha)</i>									
Historical	1961 - 1990	8560	-	-	-	208	15,320	106,728	46,627
RCP8.5	2030	8560	-	-	-	520	6,052	116,632	45,679
	2050	8560	-	-	-	744	13,413	109,360	45,366
<i>Percentage (%)</i>									
Historical	1961 - 1990	4.8%	-	-	-	0.1%	8.6%	60.1%	26.3%
RCP8.5	2030	4.8%	-	-	-	0.3%	3.4%	65.7%	25.7%
	2050	4.8%	-	-	-	0.4%	7.6%	61.6%	25.6%

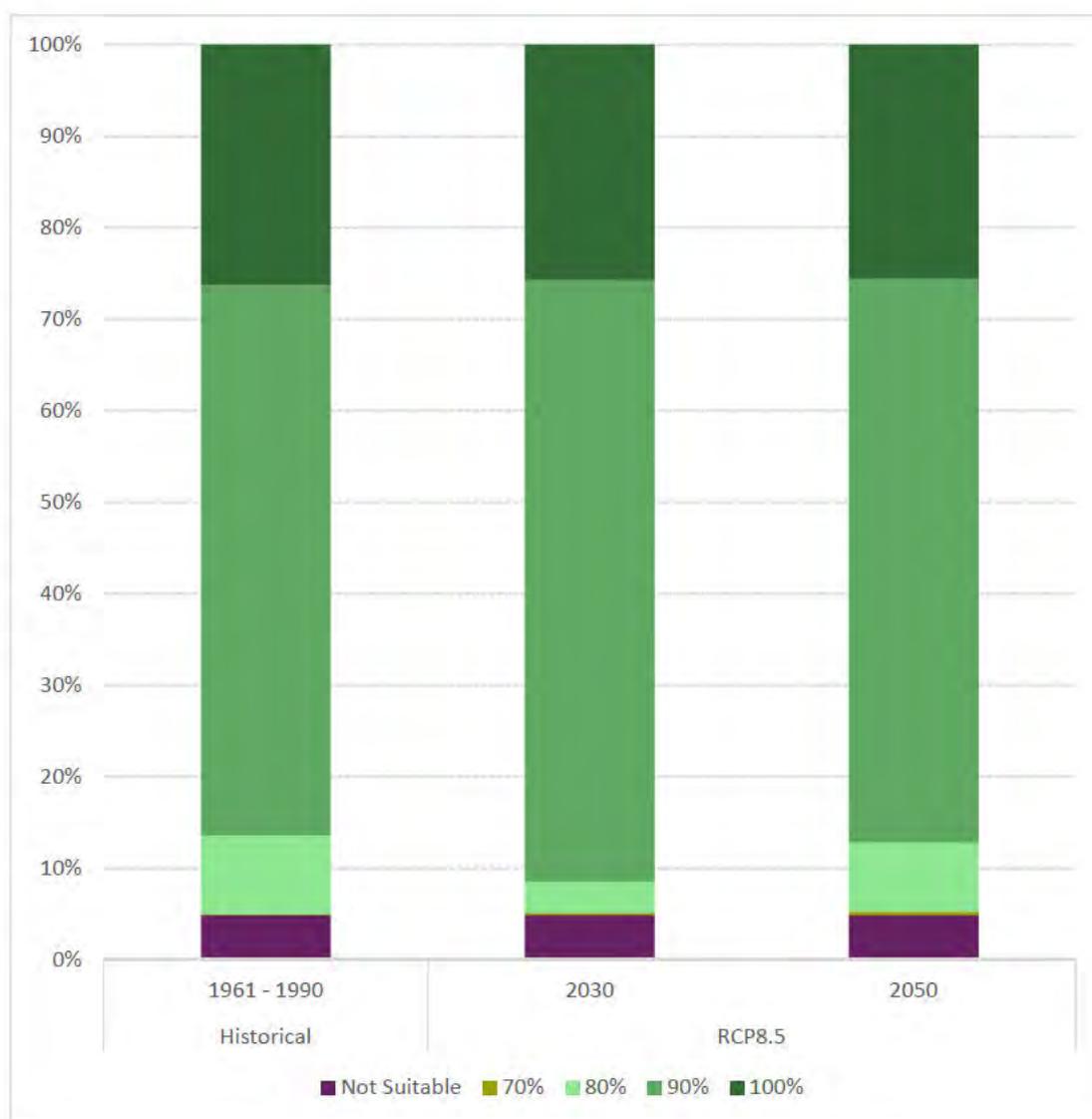


Figure 11.1 Wheat land suitability area by percentage amount in the Macedon Ranges Shire – Historical, 2030, 2050

12. IMPACTS AND OPPORTUNITIES

There are significant and wide reaching impacts that the agricultural industry will see in the future, driven largely by climatic factors. However there are also important opportunities that can be capitalised upon to adapt to projected changes and take advantage of the benefits these can have.

The impacts and opportunities can be both commodity specific, but also relevant to the agricultural industry in general.

12.1. Expansion of production

As outlined, climate change will make the Shire more suitable for multiple agricultural commodity production. So, it can be expected that over time, farmers will begin experimenting more with different varieties as an integral component of their farming systems and rotations. The potential for expansion is greater when viewed in a State or National context, where some areas that depend on specific and single commodity production will experience declines in suitability. Regional organisations can assist by:

- a) facilitating access to basic information about different varieties, where they can be grown (including the maps presented in this report) and production opportunities;
- b) ensuring that the farming landscape (including lot sizes) in highly favourable areas is preserved and not allowed to fragment; and
- c) prioritising the strategic use of land to avoid or manage the potential environmental impacts of the expansion, such as introducing buffer zones between highly productive pasture areas and rural living zones to reduce the likelihood of conflict between livestock farmers and tree-changers

12.2. The value of knowledge

The primary impact across the region is the declining value of farmer's historical climate knowledge and uncertainty about future climate, both of which increase the complexity of farm decisions. Regional organisations can assist by a) facilitating access to basic information about climate change (including this report) and its impact on agricultural production and b) partnering with agribusiness groups to organise and run field days or workshops that provide farmers with the opportunity to learn from each other.

12.3. Seasonal changes

12.3.1. Change in sowing or planting time

The changing climate has already impacted on sowing or planting times, with these continuing to shift as climate changes. Understanding these shifts will require a combination of information sharing and new research. Critical to making decisions about sowing time is the ability to match sowing or planting time and variety.

12.3.2. Transition from cool climate grapes

The modelling suggests that the Shire's suitability for cool climate grapes will decrease substantially over time, while also experiencing a stabilisation for warm climate varieties. There is a clear association between average mean temperature and the styles of wine produced in a region (Gladstones, 1992). Mean temperature is a key influence on the heat degree day summation, which is a method used for classifying the climate of a wine growing region. Wine regions are categorised according to total degree days over a seven month growing period. At present, most of the Shire is classified as Region I according to the heat degree day summation. By 2050, the Shire will be a mixture of predominantly Regions II, III and IV (note that this data is not shown but did form a critical input for the suitability modelling). As such, it can be expected that viticulturists will need to transition to new varieties over time. During the transition phase, viticulturists will need to implement strategies that offset some of the effects of warmer and drier conditions on cool climate grape varieties. In particular, it is important to note that the production of high quality wine grapes is difficult from water-stressed vines; careful irrigation management will be a critical adaptation measure.

Regional organisations can assist by:

- a) facilitating intra-region field days and workshops to provide farmers with the opportunity to learn from their colleagues in different climatic zones;
- b) working with agribusiness groups to commission research (field trials) that identifies new suitable varieties and their optimum sowing times;
- c) prioritising the strategic use of land to protect those areas where warm climate grapes can be maintained and those areas where a transition to productive warm climate grape production can feasibly occur; and
- d) commissioning new research to assess the suitability of warm climate grapes and finer varietal suitability differences across the region.

12.4. Water

As temperatures increase and rainfall decreases, maintaining reliable access to fit-for-purpose water will become a key factor for the viticulture industry in the region. More farmers may find it necessary to apply (additional) irrigation to start their crop, where previously they might have relied on rainfall. If this is not a practice they are accustomed to, it will be necessary to ensure that the water they use is appropriate (in terms of quality) given the soil type that will be receiving it (to avoid sodicity and other problems). As a result, it may also be necessary to develop a better understanding of the available water resources (including groundwater and alternative water sources like recycled and reclaimed water) in the region and how to make it available to farmers. Regional organisations can assist by partnering with water authorities and Catchment Management Authorities to commission research that identifies the current state of water resources in the region and their likely future state under various climate change and agricultural development scenarios. Some farmers interviewed during this study have already flagged the need for additional irrigation infrastructure, partly due to the disparity across the region in terms of access to recycled water.

Additionally, it is worth mentioning that apart from the ‘traditional’ concept of infrastructure, in recent years the notion of ‘Blue-Green’ Infrastructure (BGI) has become increasingly important. It is an environmental planning strategy that embraces vegetation (open green spaces) as well as hydrological features (water bodies) in designed landscape components (Ghofrani, Sposito and Faggian, 2017). These components are strategically designed to provide many functions such as flood control, water storage for irrigation and industry use, biodiversity corridors, removal pollutants from water, among many others. Therefore, although it was not analysed in this project, considering these type of infrastructure would be relevant in the future to build resilient communities against climate change and to enhance and protect the environment.

12.5. Infrastructure

The opportunities for agriculture across the region, expansion of the area devoted to primary production and the possible shift towards more diverse varieties, the introduction of infrastructure that facilitates local processing and value-adding could be considered. Providing such whole-of-chain opportunities within the agricultural systems can also ensure that opportunities for local job creation are maximised and that the associated downstream economic activities remain local.

The information contained in this report on likely future extent and yields can support further economic and infrastructure analyses of the agricultural sector in the region. Regional organisations could assist by commissioning the development of detailed strategic agricultural development plans for the region and partnering with State and Federal agencies to implement them.

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To Whom It May Concern

I live and farm [REDACTED] in a Farming Zone. I support some aspects of the draft Rural Land Use Strategy (RLUS) but I have grave concerns regarding the proposal put forward by MRSC for the wide use of the Rural Activity Zone in the [REDACTED] area as it will undermine the operations of genuine farmers.

My concerns first relate to the confusion between land size for subdivision and housing.

With respect to zoning, it has been brought to my attention that we live in an area with a minimum subdivision size of 100ha, yet I only need 40ha to obtain a residential permit 'as of right'. **In the farming zone we need housing permits to be aligned with the minimum subdivision of 100ha. I fully support the proposal to remove the 'as of right' minimum lot size for dwellings in the Farming Zone so that all proposed dwellings trigger a planning permit and demonstrate they are *genuinely required* for an agricultural purpose.**

Rural Activity Zones (RAZs) will cause operational and biodiversity problems as more houses in rural areas mean more habitat fragmentation due to noxious weeds, foxes, rabbits, dogs and cats – the latter in particular can have a devastating impact on local wildlife. These zones should be limited and confined to areas around towns which have already been compromised by subdivision or to areas of poor soil as long as this does not impinge on native bush or other areas where native vegetation still thrives.

The strategy is disappointing in that it fails to grade the area according to the quality of the soil types and fails to properly address the importance of local biodiversity.

It is now accepted that climate change is a reality and that this is likely to lead to areas of Australia and Victoria becoming too hot and dry to farm. Since continued food security is important, this will increase the relative importance of the Macedon Ranges area as a Farming Zone. Refer to Macedon Rangers-technical-Report-Agriculture-Analysis from 2018

Top quality agricultural land must be identified and maintained as such for future generations. I question the accuracy of the Land Use Capability study 'A Land Capability Study of the Former Shire of Kyneton,1996' referenced in the Farming Zone Review. Under no circumstances should high quality farming land be zoned as Rural Activity Zone (RAZ) as it will lead to further dilution, if not fragmentation of good quality farming land, further biodiversity loss and urban sprawl with its accompanying problems. The Campaspe Valley is a volcanic plateau extending down to Axedale.

By way of background, I will illustrate the point with the history of my own area. When this land was surveyed back in the 1850s it was this land that was taken up first as it had good volcanic soil, high rainfall, reliable rivers and streams. Small subdivisions were made in this area as it was a means of

stopping people from going back to where they came from, after their luck ran out in the gold fields. Up to the 1880s there was employment in quarrying stone that was sent to Melbourne for channel and kerbing and general paving. With the combination of subsistence farming and quarrying people were able to make a living. This type of existence was wiped out in the 1890s depression and these small holdings were absorbed into larger holdings. This took place up until the 1970s.

From the 1970s development pressure has led to the extensive selling off of small titles and our area has been fragmented to varying degrees by these small holdings. Apart from helping to overcapitalise land and making it difficult for genuine farmers to expand, these small holdings have caused major problems for farmers through failures to control noxious weeds and pests, stock being worried by dogs and failures to maintain fences. Our Catchment Management Authority seems unwilling or incapable of enforcing landowner requirement to manage noxious weeds under Section 20 of the Catchment and Lands Protection Act in relation to small and vacant Farming Zone landholdings.

The best example in our shire of the effects of not assessing soil quality is the urbanisation between Romsey and Lancefield. Some of the finest soil types in the world have been lost to farming forever. Future generations will wonder how this was allowed to come about.

It is also important to point out that we still have important residual biodiversity in our area. The NGO, Biolinks is working with landowners between Black Hill and the Green Hill (extending from the Windmill Bridge and Rogerson Bridge above Turpins Falls) and has identified important pockets of native grasses, old growth trees and extensive soaks which landowners have committed to preserve and enhance.

Small holdings zoned Rural Activity which allow for activities such as tourism and the equine industry to name a few in this area will undermine endeavours to retain habitat. There is a biodiversity crisis across the region and many of the native vegetation classes that existed in the areas around Kyneton have been lost or are threatened. We need to maintain this vital work which is being incorporated into new farming models to increase biodiversity.

Areas between Black Hill, Bald Hill and Mount St Mary have areas of highly significant remnant vegetation and are home to several threatened species but do not seem to have been assessed for Rural Conservation Zone.

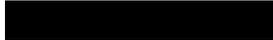
I am seeking that we are left as a farming zone only, that has a minimum subdivision and housing permit of 100ha. Further, RAZs be zoned around towns in area where subdivision has already taken place and where soil types have less agricultural use, provided this does not encroach on areas of native vegetation. All approved developments should contribute to expanding the biodiversity of the area.

Some additional considerations:

- assess council rates based on the unimproved value of land – this would increase the cost of holding undeveloped smaller landholdings and lower their value.
- investigate the use of community land trusts for agriculture to allow for young farmers who would otherwise be unable to farm in the region. This would particularly help farmers who do not need extensive landholdings and do not have an existing family farm in the area.
- consider the use of the restructure overlay to require the consolidation of small inappropriate subdivisions in the Farming Zone.
- Incorporate additional current and future biolinks into the strategy including the Cobaws to Bald Hill, Bald Hill to Black Hill and Black Hill to Greenhill (when I mention Greenhill I mean

the hill just outside the MRSC boundary). This will allow Mt Alexander Shire to zone corridors to Mt Alexander to encourage an increase in natural habitat and biodiversity. We may even see Koalas back in our landscape.

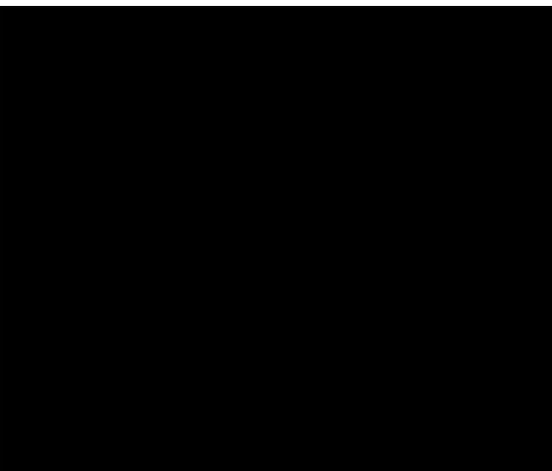
I have attached a Victorian Geological map that identifies soil types. If you go to the top left hand corner you will see the codes for Newer Volcanic beside Holocene to Miocene and there codes QVS & QVN. If you scroll down the map and expand the map to high light the Campaspe, Coliban Valley you can see the extent of this volcanic plateau. This is the same soil structure that extends across the Western District. Soil that needs to be protected from urbanisation. Also attached the MRSC Tech report.



From: [REDACTED]
To: [Strategic Planning](#)
Subject: Fwd: [REDACTED] Rural Land Use Strategy Submission
Date: Sunday, 12 September 2021 7:51:54 PM



Macedon Ranges Shire Council
Rural Land Use Strategy



I am the fourth generation to farm in the [REDACTED] District.

The proposed rezoning of my farm to a Conservation Zone will impact my future ability to farm.

Due to the poor quality of the maps in the Rural Land Use Strategy I have been unable to determine exactly how much of my farm [REDACTED] is proposed to be rezoned Rural Conservation.

I have only very recently been made aware of the proposed rezoning of my property as I had not received any prior notice from Macedon

Ranges Shire.

The Rural Land Use Strategy states

“The Farming Zone is primarily concerned with keeping land in agricultural production and avoiding land uses that could limit future farming or constrain agricultural activities.

In this zone: Farming is the dominant land use and all other land uses are subordinate to farming

Farming uses are encouraged to establish and expand with as little restriction as possible, subject to proper safeguards for the environment”
page 48

The requirement for me to obtain a permit to alter any farming on my property from Macedon Ranges Shire will be costly and time consuming with no guarantee that my application will be successful.

Farming is already highly regulated at Local, State and Federal government levels the last thing farmers need is more costs, time delays and paperwork.

Maintaining the existing Farm Zone will preserve the landscape not destroy it.

I formally object to the rezoning from Farming to Conservation of my family farm.

██████████

From: [Strategic Planning](#)
To: [REDACTED]
Subject: RE: HPE CM: Fwd: [REDACTED] Land Use Strategy Submission
Date: Friday, 17 September 2021 10:22:00 AM
Attachments: [image001.jpg](#)

Dear [REDACTED]

Thank you for your submission on the draft Rural Land Use Strategy (RLUS), it has been registered and you have been allocated Submission No. 82.

The content of your submission has been noted and will be presented to Councillors for their consideration, along with all other submissions, prior to any decision being made on what to do next with the RLUS.

We will keep you updated regarding progress of the RLUS project. Please be aware that copies of objections, letters of support, or submissions received by Council in relation to the RLUS will be made publicly available with any identifying information removed.

Yours faithfully,

Strategic Planning
Macedon Ranges Shire Council
T 03 5422 0333 | E strategicplanning@mrsc.vic.gov.au | W: www.mrsc.vic.gov.au

Working Together | Honesty | Accountability | Innovation | Respect

Macedon Ranges Shire Council acknowledges the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, present and emerging.

Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.

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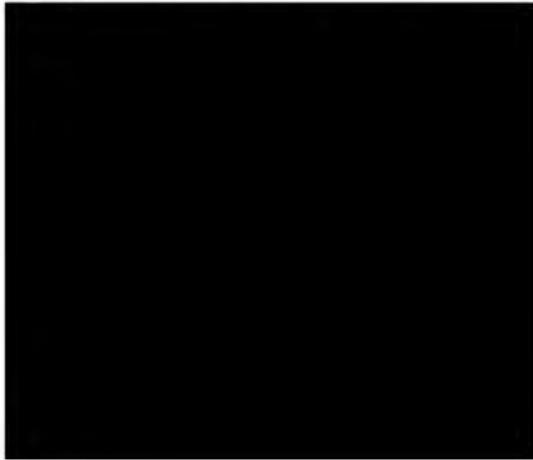
From: [REDACTED]
Sent: Sunday, 12 September 2021 7:52 PM
To: Strategic Planning <strategicplanning@mrsc.vic.gov.au>
Subject: HPE CM: Fwd: [REDACTED] Rural Land Use Strategy Submission

Forwarded message -----
From: [REDACTED]

Subject: [REDACTED] Rural Land Use Strategy Submission
To: [REDACTED]

Macedon Ranges Shire Council

Rural Land Use Strategy



I am the fourth generation to farm in the [REDACTED] District.

The proposed rezoning of my farm to a Conservation Zone will impact my future ability to farm.

Due to the poor quality of the maps in the Rural Land Use Strategy I have been unable to determine exactly how much of my farm [REDACTED] is proposed to be rezoned Rural Conservation.

I have only very recently been made aware of the proposed rezoning of my property as I had not received any prior notice from Macedon Ranges Shire.

The Rural Land Use Strategy states

“The Farming Zone is primarily concerned with keeping land in agricultural production and avoiding land uses that could limit future farming or constrain agricultural activities.

In this zone: Farming is the dominant land use and all other land uses are subordinate to farming

Farming uses are encouraged to establish and expand with as little restriction as possible, subject to proper safeguards for the environment”
page 48

The requirement for me to obtain a permit to alter any farming on my property from Macedon Ranges Shire will be costly and time consuming with no guarantee that my application will be successful.

Farming is already highly regulated at Local, State and Federal government levels the last thing farmers need is more costs, time delays and paperwork.

Maintaining the existing Farm Zone will preserve the landscape not destroy it.

I formally object to the rezoning from Farming to Conservation of my family farm.

██████████

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Re: Draft Rural Land Use Strategy - My say
Date: Friday, 17 September 2021 12:40:46 PM

Thank you very much. All good, it didn't need that much of a tweak. The below doesn't need to be redacted I think.

"I can see in the proposal that my property [REDACTED] still be categorised as Rural Conservation Zone (RCZ), whether across the road ([REDACTED] or [REDACTED]) would be changed to Farming Zone.

My ask is to also change from RCZ to Farming Zone the area between [REDACTED]
[REDACTED]

Hobby farming, including animal keeping has long been an activity widely adopted amongst the residents of this area [REDACTED]. The Rural Conservation Zone overlay stipulates that no more than 2 big animals can be kept/farmed (cow, goats, sheep, alpacas, etc.), which completely opposes the factual status of animal keeping in the area.

Also, the Farming Zone is similarly restrictive on the subdivision topic, which appears to be almost the only topic that really would bring neighbour complains if it was relaxed (we all want to keep this as rural as it is now). A conversion to Farming Zone would most definitely better match the actual use of the land which develops in harmony across the community. This land use has been the same since the big farms around were subdivided many decades ago, and certainly throughout the whole period of the area being classified as Rural Conservation Zone.

I don't think a re-designation to Farming Zone would likely bring any industrialised farming operation (which would most certainly bring opposition within the community), given the cost of the land around us and it would only make "legal and permit-free" the activities that already happen amongst hobby farmers and that are part of the rural lifestyle that its residents pursue and by which the shire is known for.

I hope you consider my recommendation,"





Yours faithfully,

Strategic Planning

Macedon Ranges Shire Council

T 03 5422 0333 | E strategicplanning@mrsc.vic.gov.au | W:
www.mrsc.vic.gov.au

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On Fri, 17 Sep 2021, 10:28 am Strategic Planning,
<strategicplanning@mrsc.vic.gov.au> wrote:

Dear 

Thank you for your submission on the draft Rural Land Use Strategy (RLUS), it has been registered and you have been allocated Submission No. 83.

The content of your submission has been noted and will be presented to Councillors for their consideration, along with all other submissions, prior to any decision being made on what to do next with the RLUS.

We will keep you updated regarding progress of the RLUS project. Please be aware that copies of objections, letters of support, or submissions received by Council in relation to the RLUS will be made publicly available with any identifying information removed.

Yours faithfully,

Strategic Planning

Macedon Ranges Shire Council

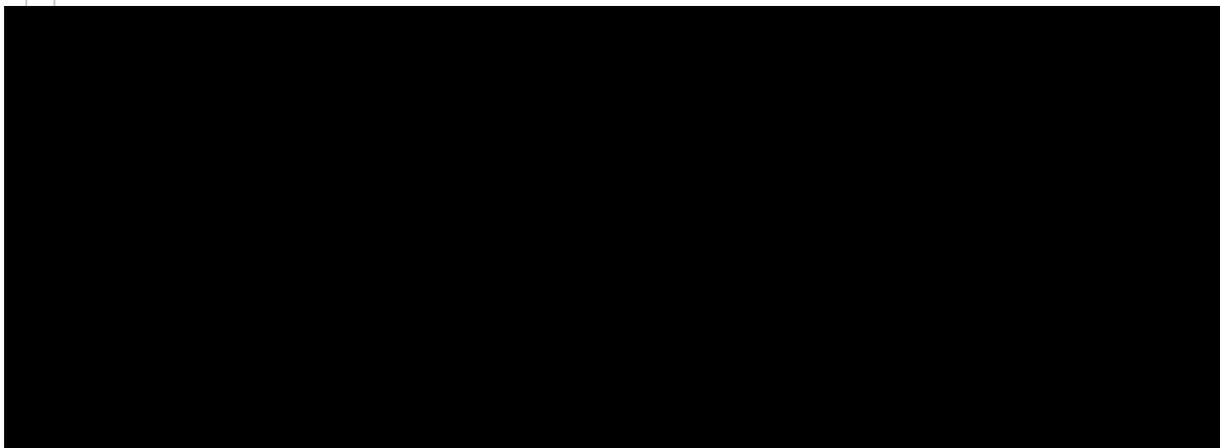
T 03 5422 0333 | E strategicplanning@mrsc.vic.gov.au | W:
www.mrsc.vic.gov.au

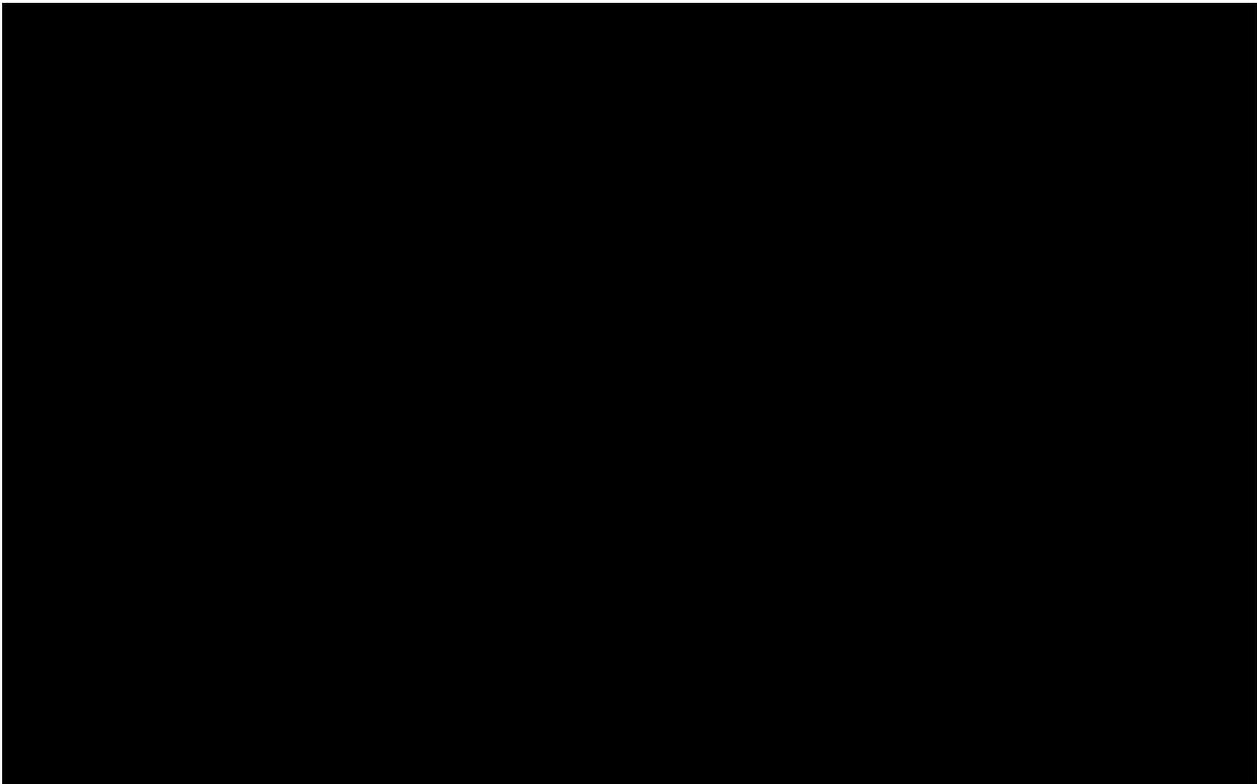
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Macedon Ranges Shire Council acknowledges the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, present and emerging.

Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.

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From: [REDACTED]
To: [Strategic Planning](#)
Cc: [Cr Jennifer Anderson](#); [Cr Janet Pearce](#); [Cr Mark Ridgeway](#)
Subject: Objection to the Draft Rural Land Use Strategy
Date: Monday, 13 September 2021 10:15:27 AM
Attachments: [MRSC Objection to Draft Rural Land Use Strategy.docx](#)

To Whom it May Concern,

Please find attached our response, and objection, to the council's Draft Rural Land Use Strategy.

Regards,

[REDACTED]



13 September 2021

Macedon Ranges Shire Council
PO BOX 151
Kyneton VIC 3444

To Macedon Ranges Shire Council,

Re: Draft Rural Land Use Strategy

We are writing to object to the Draft Rural Land Use Strategy currently being proposed. This so-called strategy, as it currently stands, seems to have failed to consider several important aspects of land use and the rights of property owners.

The first of these is the re-classification of the land along the Kangaroo Creek as a "Rural Conservation Zone". There is no need to re-zone the land in this area. There are already many pre-existing land reserves that are available and already serve, in effect, as conservation zones (such as the Lauriston bushland reserve, Kangaroo Creek Reserve, Drummond Reserve and more).

The strategy also does not outline any of the alarming practical outcomes that would result from this unnecessary re-zoning. For example:

- Will we be able to realistically continue to graze cattle, sheep, or other animals?
- Will we have to apply for a permit every time we want to go above the ridiculous limits of the number of stock currently being proposed?
- What limits are imposed on clearing windfall for firewood and for bush-fire prevention generally?
- Will we be prevented from using tractors or trail bikes on our properties?
- What restrictions will be applied to land cultivation or fertilization?

It also appears more farcical that a RCZ applied around Hanging Rock, a significant local feature and heritage site, would be removed in favor of farming zone.

The above concerning questions, and many, many more, exist with this strategy. It seems ill conceived and unnecessary. While changes to state government planning laws or schemes may prompt the need to update shire planning schemes, the minimum necessary to achieve compliance should be applied, and then only in proper and full consultation with the community.

I note that to date we have yet to receive any direct correspondence from the council on this strategy, and its consequences to our property and the area in which we live, and have only learned of its grave, and alarming, consequences through neighbors and letters to the editor written in the *Midland Express*.

The current strategy should therefore be thrown out in favor of a small, sensible, update of the necessary schemes, and then only for the purposes of complying with state laws, after a full and through community consultation process.

Yours sincerely,

[REDACTED]

CC: Cr Jennifer Anderson, Cr Janet Pearce, Cr Mark Ridgeway

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Fwd: Rural
Date: Monday, 13 September 2021 1:38:27 PM

>> We all move to these locations because we want to live in a rural environment but council take this away from everyone just to line there pockets you have no regard for the people in the community not only re zone our farmland community but constantly approve people purchasing property in townships then allowing them to sub divide so they can sell it to make money they don't live in our community just want to make money on it, but rely on your scrupulous antics to line your pockets and continuously allow this to happen and us dedicated country bumpkins are left with the aftermath

>> Get a grip will you, leave our rural areas alone you increase our rates and give us nothing in return absolutely nothing.

>> Macedon Ranges are well known for there pathetic actions in more ways than one, try and lift your game and try to give back to your residents for a change, back them up and help them

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Proposed re-zoning
Date: Monday, 13 September 2021 1:48:07 PM

We are located at [REDACTED] and fall in a proposed re-zoning area from Farming to Rural Conservation.

My wife and I have owned the property for [REDACTED] years and have a [REDACTED] business here called [REDACTED]. We grow [REDACTED] for sale as packaged meat products from a flock of [REDACTED]. The owners before us also used the property for alpacas and beef cattle. Despite a consultation with the strategic planning team we are opposed to the re-zoning for the following reasons:

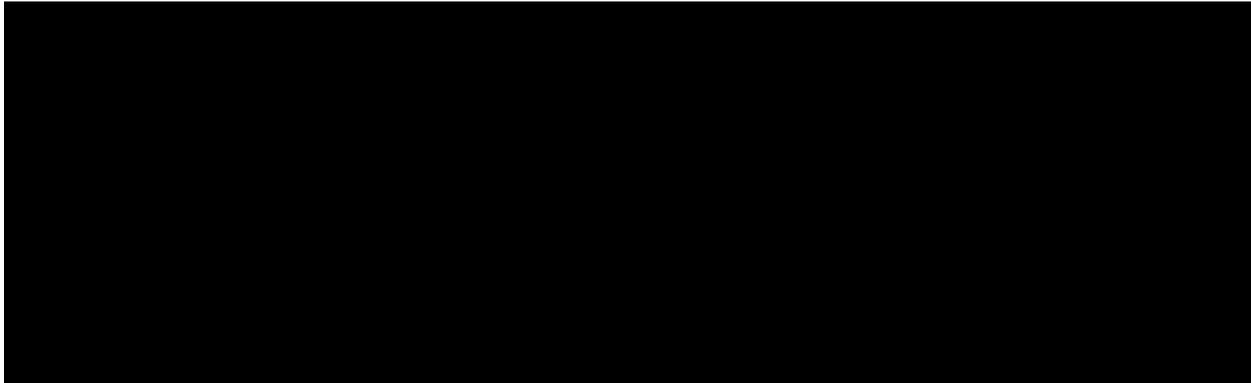
1. There is no guarantee that we will be able to continue our [REDACTED] business at the scale and manner in which we currently farm once the re-zoning occurs unless we obtain permits.
2. The terms, conditions and cost of permits are not clearly stated.
3. The re-sale value of the property would be severely impacted if the next owners were required to get permits for whatever they wanted to farm.
4. Despite having already fenced off the waterway running through our property and planting of numerous trees, there is no certainty that we will not be required to invest further capital in conservation efforts.
5. Whether we are allowed to use particular herbicides and pesticides for weed and pest control is unknown.
6. The fact that we heard about this planned re-zoning via neighbours and with no direct contact from the Council gives us a very untrustworthy stance as to the Council's desire to be open and honest with us in regards to this proposal.
7. There has been no ability to discuss this new zoning with people from areas that are already zoned this way to hear first hand what sort of limitations and costs they have incurred.

Please note by return email that you have received and lodged these comments.

Regards.....

[REDACTED]

From: [REDACTED]
To: [Macedon Ranges Shire Council](#)
Cc: [Cr Anne Moore](#); [Cr Annette Death](#); [Cr Bill West](#); [Cr Dominic Bonanno](#); [Cr Geoff Neil](#); [Cr Janet Pearce](#); [Cr Jennifer Anderson](#); [Cr Mark Ridgeway](#); [Cr Rob Guthrie](#)
Subject: [REDACTED] draft Rural Land Use Strategy
Date: Thursday, 16 September 2021 7:26:10 PM
Attachments: [REDACTED]



Submission: MRSC draft Rural Land Use Strategy [the draft Strategy]

16 September 2021

1 Overview - [REDACTED] Position On The Draft Rural Land Use Strategy

Poor Macedon Ranges. So magnificent. So often let down. Despite having, since 2016, better councillors, better staff and greater respect for the environment, governance and community, and then the Shire being declared Victoria's inaugural Distinctive Area and Landscape operating under a Statement of Planning Policy, this draft Rural Land Use Strategy takes the Shire back to a time when none of this existed (also a feature of MRSC's recent draft Economic Development Strategy, and now the Council Vision and Council Plan).

What has gone so wrong at Macedon Ranges Shire Council that it would even contemplate such a narrowly-focused draft Rural Land Use Strategy which also is so dated, "error-ridden and cobbled together" ¹, under-informed and damaging?

The draft Strategy is not a strategic planning review of all the Shire's rural land with an objective of greater protection for the Shire's highly significant and non-renewable rural assets and natural resources. It is instead a vehicle to change rural land USE by arbitrarily rezoning very large areas of rural land on the basis of economic priorities at the expense of the integrity of some of the Shire's most sensitive areas and resources.

To achieve this, it overturns the more carefully considered and justified directions and safeguards in the Shire's planning scheme and ignores the critical existing environmental imperatives that drive it, going so far as to regurgitate the formally-abandoned Equine Centre and Equine Strategy and other rejected economic priorities of almost a decade ago for no better reason than it is apparently what a relatively small number of people want. In doing so it fails miserably to recognise or understand Council's legal obligations and Statement of Planning Policy requirements to give priority to protection of the Shire's environment. It further divorces itself from the principles of proper and orderly planning by proposing, as *Council policy*, to consider rezoning individual properties to Rural Activity Zone to give proponents of large tourism proposals what they want, the implications of which action may well be of interest to IBAC. Instead of furthering the protection of the Shire's rural land, environment and natural resources, the Shire is left with less protection than it has now.

While in principle the requirement for permits for all FZ dwellings (but why not RLZ1?), higher minimum subdivision sizes (why not RCZ?), additional biolinks (why not all?) and Farming Zone policies have some merit, all need improvement.

However, other genuine opportunities have been missed to improve the operation, use and development of the Shire's rural areas, including taking up previous recommendations (for example, rezoning RLZ1 to FZ in the east of the Shire, applying environmental zoning to water catchments in the north). The need for better controls to restrict dwellings, urban built form and commercial uses in the Shire's most environmentally sensitive and hazardous areas is not realised either.

In the first Distinctive Area and Landscape declared in Victoria, the draft Rural Land Use Strategy is an embarrassment for Council, and breaches trust with a community which, in survey after survey, has affirmed overwhelming support for the Shire's environment and its protection. The starting point for preparation of any strategy in this Shire is the Macedon Ranges Statement of Planning Policy. That's not where this draft Strategy starts. It has no place in Macedon Ranges Shire.

¹ "error-ridden and cobbled together" The Advisory Committee and Panel appointed to hear submissions on the Macedon Ranges Shire's New Format Planning Scheme Planning used this term in its 1999 report to describe the draft planning scheme. It considered re-exhibiting the scheme but instead made 157 recommendations for improvement. Of those, 117 'before adoption' recommendations were addressed by expert planner, Trevor Budge, who also produced the Shire's 2002 Rural Land Strategy.

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2 Does Anything In The Draft Strategy Have Merit?

The Association supports the principles underpinning the following initiatives in the draft Strategy (although not necessarily their execution which would benefit from improvements).

2.1 Proposal To Restrict Dwellings Without Permits In The Farming Zone

The draft Strategy proposes to close a damaging loophole in the Farming Zone's schedule that has allowed houses to be built on lots over 40ha without a planning permit (although we note that the State government is already proposing the same thing in its current PMGWAL review of Green Wedge and peri urban areas).

The draft Strategy omits to alter the Farming Zone schedule to also restrict the size of dwelling extensions and outbuildings associated with dwellings without a permit. It also fails to restrict dwellings without permits on lots over 40ha in the RLZ1 zone (40ha minimum subdivision size) in the Shire's east. **Address these matters.**

2.2 100ha Minimum Subdivision Size – Farming Zone

The principle of applying a larger minimum subdivision size is supported, however the draft Strategy is thoroughly unclear about outcomes. It confuses current FZ subdivision sizes (40ha and 100ha), then creates further confusion by saying 100ha will be *retained* in the Farming Zone. **Very sloppy execution which needs correction and clarification.**

In contrast, the draft Strategy does not address minimum subdivision sizes in the Rural Conservation Zone (which likewise should be 100ha) or the outcome in areas rezoned to RCZ where the Farming Zone's 100ha minimum is currently applied. Draft zone schedules are not provided. **Address these matters.**

2.3 Rezone Farming Zone to Rural Conservation Zone – New Biolinks

At face value, this is supportable (p34), although this change does not compensate for the draft Strategy's concurrent dismantling of the Cobaw Biolink.

The new biolink areas are said to reflect recommendations for biolink protection in the Shire's Biodiversity Strategy, but not all recommendations for biolinks are to be implemented (apparently only 3 of 6). The inclusion of 3 seems to be half-hearted, an afterthought added at the last minute. **If implementing the Biodiversity Strategy's recommendations, include all biolinks or introduce all through a separate planning scheme amendment.**

A proposed new but undefined Environmental Significance Overlay is apparently only intended to be applied to what was the Cobaw Biolink area (p50). **Include the proposed ESO provisions and identify where any new ESO would apply.**

Other than rezoning to RCZ, the draft Strategy doesn't offer new biolink overlays or policies for these areas. Instead it applies the damaging and unsustainable Rural Activity Zone and Rural Conservation Zone Dwellings Policy, and Rural Tourism Policy (which, among other undesirable characteristics, support dwellings and 'spot' rezoning for tourism proposals). Neither Policy addresses biolinks or has environmental credentials. They are not the support a biolink needs. **Prepare separate policies for both Dwellings and Subdivision in the RCZ (see also 3.4.2 and 3.4.3 in this submission), and a separate policy for biolink areas addressing biolink values and objectives to provide guidance for use / development / environmental outcome requirements.**

As with the Farming Zone, the draft Strategy omits to restrict the size of dwelling extensions and outbuildings associated with dwellings without a permit in the Rural Conservation Zone schedule. **Address this matter.**

2.4 Farming Zone Subdivision and Dwelling Policies

2.4.1 Farming Zone Subdivision policy (page 43)

The policy's primary focus appears to be subdivisions for excision of existing dwellings. A positive is that it mainly uses strong, clear language. **Any use of the ambiguous "should" needs to be removed and clearer direction provided. Replacing "strongly discourage" and "discourage" with "will not be supported" or "avoid" would further improve certainty.**

2.4.2 Farming Zone Dwellings policy (page 44)

- a) This policy has strength but its language needs review to remove potential loopholes, including:
 - **Rewriting to remove "should" – it either does or doesn't.**
 - **Using "avoid" rather than "discourage" the proliferation of dwellings not associated with agriculture.**
 - **Using "ensure" rather than "encourage" at dwellings...to be located away from ridgelines and hill tops...**
 - **Replacing "discourage" and "strongly discouraged" with "avoid" or "will not be supported".**
- b) **Objective 3 "...cost-effective production of food and raw materials..." Add "fibre".**
- c) **"An application for a dwelling must include" This instruction appears to be incomplete.**
- d) **Some of the requirements at "application for a dwelling" appear to be decision guidelines and should have a separate heading.**
- e) **Add, at matters to be considered, the impacts of structures and infrastructure on landscapes and natural systems, and additional content setting out requirements to be met for this.**

3 Elements Proposed In The Draft Strategy That Are Not Supported

The following proposed changes are considered to threaten the integrity of the Shire's rural areas, natural resources, landscapes and environment.

3.1 Rezone Rural Conservation Zone To Farming Zone - Hanging Rock and Cobaw Biolink

It is hard to imagine a more damaging proposal than this unless it was a high temperature incinerator on top of Mount Macedon. In the past, Council itself identified this land as *"The Range and The Rock"* area, and as being the Shire's most sensitive.

Regardless of biodiversity, habitat, landscape (national and state significance) and water catchment values, and the presence of internationally renown icon Hanging Rock, the draft Strategy's thinking goes no further than rezoning not only the Cobaw Biolink's Rural Conservation Zone 2 but also long-standing Rural Conservation Zone 1 land (i.e. more than the Cobaw Biolink) to facilitate urban tourism developments. Not addressed is the multitude of other undesirable and damaging uses that may or may not require a permit (for example, cattle feedlots, sawmills and abattoirs) which the Farming Zone brings to this ultra-sensitive area.

The proposed rezoning also dismantles the Cobaw Biolink (a substitute Environmental Significance Overlay will not control land use). Unfortunately, the aged draft Strategy hasn't caught up with the Victorian Environmental Assessment Council's 2019 (and now approved) B2 recommendation that the Cobaw State Forest become the Cobaw Conservation Park. The Cobaw Biolink currently connects two major biodiversity areas - Macedon Regional Park and the new Cobaw Conservation Park but the draft Strategy eliminates both the Cobaw Biolink and Rural Conservation zoning connecting them. The Amendment C21 panel supported creation of the Cobaw Biolink (Page 76, 7.6.2, C21 Panel report). It recommended review of zone and overlay boundaries *prior to adoption* of C21, not the elimination now proposed.

The Farming Zone's purposes are to provide for the use of land for agriculture, protection of agricultural use and conservation of soils. In contrast, the Rural Conservation Zone's purposes are to provide for agricultural use consistent with the conservation of the environmental and landscape values of the area, and to minimise impacts on and protect and enhance these values. The draft Strategy unforgivably prioritizes the economic imperative of places of assembly and a range of other incompatible uses as more important than anything else.

The draft Strategy provides no answers about what happens to the existing Vegetation Protection Overlay (VPO8) applied uniquely, with RCZ2 zoning, to the Cobaw Biolink, nor does it address the change shown in the Rural Conservation Zone R & I report (p49) where RCZ2 land not rezoned to Farming Zone is to be rezoned to RCZ1 north of Three Chain Road (but RCZ2 south of Romsey Road is not addressed).

And after all this, the draft Strategy creates complete confusion by saying (p50) *"The Rural Conservation Zone will be retained where it currently applies and to identified biolinks."*

Abandon this completely inappropriate and insensitive rezoning.

3.2 The Draft Strategy's Introduction Of Rural Activity Zone To Macedon Ranges Shire

(affects an area from Tylden to North Woodend to Newham, to Pastoria to north of Malmsbury)

All of the vast area of land affected by this change is in the Eppalock Special Water Supply Catchment. About half of the affected area is also immediately upstream of the 3 water supply reservoirs that supply town drinking water to Kyneton, Malmsbury and Castlemaine. For the first time in this area's planning history, protection of this critical natural resource and essential drinking water supply, although fundamental, is not recognised or prioritised, either by Rural Activity Zone rezoning (apparently coveted for its "flexibility", especially for tourism use and development), or the damaging dwelling and rural tourism policies supporting non-agricultural and residential use. This compares poorly with the planning scheme's existing *"Agricultural Landscape"* and *"Northern Catchments"* policies which carefully balance agriculture, landscape and water catchments, with priority for protection of water quality.

The Rural Activity Zone is only sparingly applied across Victoria, usually targeted to discrete areas with very specific characteristics. In contrast, the draft Strategy introduces it to Macedon Ranges Shire by applying it to about a third of the Shire's current Farming Zone, an area encompassing common – and different - characteristics. The Rural Activity Zone does not share the Farming Zone's focus on protecting agriculture and soils or the Rural Conservation Zone's focus on protecting environment and landscapes. It is deliberately a *"mixed use"* zone that provides for non-agricultural, commercial and urban development, notably allowing bars, pubs, tertiary and employment training education centres, convenience shops, car parks, equestrian supplies and backpackers lodges that aren't allowed in the Farming Zone, additional to uses currently common to both zones. It is difficult to see how this reduces the current crop of land use conflicts said to justify Rural Activity Zone application.

The draft Strategy essentially throws its hands in the air saying this huge area is too fragmented (despite having sufficiently large titles to allow some 70 dwellings without permits 2006-2017, p15), has too many houses and not enough *"commercial"* farming (despite some Class 2 soils and the draft Strategy's partial inclusion of RAZ areas as *"Strategic Agricultural Land"*) to justify remaining Farming Zone. It instead is reclassified to a tourism area with *"significant tourism nodes"* at Malmsbury and Woodend (p41).

Rural Activity rezoning is not strategic and should be abandoned. The draft Strategy says (p10) that the planning scheme's current Land Use Vision will be retained, and here is one part of the Vision that isn't delivered by Rural Activity Zone rezoning:

"Protection of water quality, especially potable water supply, is fundamental. Land use and development, particularly un-serviced development in open water supply catchments, is minimised and managed to ensure water quality is not compromised."

There is a history of zoning to protect water catchments in this area. Amendment C21 responded to the presence of water catchments and reservoirs by rezoning **all** of the current northern Farming Zone to the then Environmental Rural Zone, which the C21 Panel supported with adequate safeguards for agriculture in place. However, in 2006, instead of applying the then more restrictive Rural Conservation Zone, the need to support agricultural activities resulted in the Farming Zone being applied instead. Before 2000, the Kyneton chapter of the Macedon Ranges planning scheme applied a Rural Water Catchment Zone to the land immediately upstream (the catchment) of the 3 reservoirs.

As the draft Strategy significantly downgrades and downplays the importance of agriculture in this area, if any rezoning is to be contemplated, the strategically justified option is to apply the now more relaxed Rural Conservation Zone if not to all of the land proposed for RAZ rezoning to at least the land upstream of the 3 reservoirs. In addition, land captured in the draft Strategy's "Strategic Agricultural Land" - by implication - should also not be rezoned to Rural Activity Zone.

3.3 The Draft Strategy's Strategic Objectives For Rural Areas

There are four Strategic Objectives (p20) in the draft Rural Land Use Strategy:

- Agriculture;
- Environment, Landscape, Hazards and Catchments;
- Equine;
- Rural Tourism.

The Environment objective begins badly with *"The environment and landscape values of Macedon Ranges contribute greatly to its attraction as a place to live and work."*, reflecting the lack of importance and attention paid to the environment throughout – priorities for environmental protections aren't evident while priorities for the other three are.

The focus must be on getting environment right first (including water catchments, biodiversity, and landscapes) – that's what the Macedon Ranges Statement of Planning Policy requires, and then agriculture ("the fundamentals"), with "the rest" falling in behind. The draft Strategy inappropriately elevates Equine and Rural Tourism to the same status, which puts "the rest" before "the fundamentals". ***Delete "Equine" and "Rural Tourism" as strategic objectives for Macedon Ranges Shire's rural land.***

3.4 The Draft Strategy's Rural Framework, Strategic Objectives And Rural Policies

- The draft Strategy does not provide a policy addressing equine land use and structures for its Equine Strategic Objective.
- Policies that are provided are set out in Local Policy (Clause 22) format. It is not clear whether the draft Strategy intends these to be included in Clause 22, or whether they are simply using the format available at the time they were written. Equally unclear is how much would survive if translated into the MSS (MPS). ***Address this uncertainty.***

3.4.1 Rural Framework Plan

Figure 5 (p21) The *Rural Framework Plan* is unclear. The names of Policy Areas 1, 2 and 3 failed to reproduce. The only known reference in the draft Strategy to these Policy Areas appears to be deeply buried in the text of Strategic Objectives.

The only environmental component recognised is significant landscapes (see also 4.7 in this submission). Omissions in the Plan appear to suggest that the draft Strategy deletes all existing rural policy areas and their policies (including Northern and Southern Catchments policies).

If this is the only Rural Framework Plan on offer, it doesn't make the grade. It is inconsistent with the Land Use Vision and the Macedon Ranges Statement of Planning Policy, fails to recognise important environmental, natural resource

and hazard constraints, and provides little direction. Even more concerning is that the Plan is underpinned by the RAZ and RCZ Dwellings Policy and the Rural Tourism Policy. **Provide a new Plan with unambiguous and fuller direction, and an unambiguous explanation of what is intended in regard to existing policy.**

3.4.2 Rural Activity Zone And Rural Conservation Zone Dwellings Policy (Page 46)

What a dismal failure. This policy is not acceptable for either zone, but particularly not the Rural Conservation Zone, which in any event warrants its own policy.

The policy confuses dwellings with non-residential and commercial use by having an objective for “*providing for the orderly and complimentary use of land for agriculture, tourism, niche and mixed farming and related purposes in attractive rural landscapes*”; and also “*encouraging mixed use and niche farming enterprises, rural tourism, accommodation and produce sales*”. The Policy also will only “*discourage*” dwellings where they will “*limit the operation of surrounding commercial agriculture enterprises*” (which, according to the draft Strategy, are almost non-existent), while it will support dwellings if the most basic requirements (already covered by zones and State policies) are met.

Not a policy about dwellings at all really other than allowing more of them, and it may as well apply to a suburban metropolitan municipality because there is no environment or water catchments to be seen here. The Policy is also inconsistent with the Macedon Ranges Settlement Strategy, which does not provide for growth in the Shire’s rural balance, outside the towns. **Abandon this policy.**

3.4.3 Rural Tourism Policy (Page 45)

Naked economics-only with this one, where “*Likely benefits to the local and regional tourism economy*”, and “*whether the facility will significantly contribute to the tourism economy of the region*” are primary considerations, but no mention of drinking water catchments here or priority for environment, despite the Policy’s application to Farming, Rural Activity and Rural Conservation Zones.

The policy surpasses itself, contradicting its Objectives for facilitation of only ‘*small scale*’ and ‘*low impact*’ tourism development, by making it *council policy* to spot rezone individual titles or properties in the Farming and Rural Conservation Zones to facilitate large scale tourism development, “*It is envisaged that the Rural Activity Zone may also be used to support and provide for a small number of “one of” high quality, regionally important development (sic) within the rural areas as part of a strategic rezoning proposal.*” (p50). The draft Strategy calls this “*strategic rezoning*”, but that confuses strategic *planning* with strategic *economic investment*. They aren’t the same. **Abandon this policy.**

3.4.4 Policy Omissions

- a) Policies are not included for **subdivision** in the Rural Conservation Zone or, despite it having additional options for creation of small lots, the Rural Activity Zone.
- b) The draft Strategy (p27) says that “**protected cropping** may become a viable option..”. This is a land use which has caused major landscape impacts and can also displace soil-based agriculture. Other sensitive areas (e.g. Yarra Ranges and Green Wedges) have long grappled with this problem. The draft Strategy raises and supports this activity on economic grounds without further consideration of environmental impacts.

4 Error-Ridden & Cobbled Together

Additional concerns arise in relation to the draft Strategy’s fitness-for-purpose in relation to typographical, factual and formatting errors, conflicts, lack of clarity and omissions, as well as the tell-tales that expose its age and genesis as a Farming Zone only project. These provide further confirmation the draft Strategy is out-of-touch and out-of-step with what is demanded for Macedon Ranges Shire. This section provides examples of issues, but is not exhaustive.

4.1 The Draft Strategy's Basis

Although the draft Strategy points to several areas as justification for what it does, there is little obvious relationship between what it says is its basis, and what it does, leaving the question: What does justify the draft Strategy?

4.1.1 Rural Land Strategy 2002 v Rural Land Use Strategy 2021

The draft Strategy cannot be taken as a serious strategic and analytical planning document. Discussion at pages 3 and 4 confirm its purpose is changing the use of land to suit some business group and landholder aspirations and expectations, summarized as *"the draft Rural Land Use Strategy will need to provide a framework to:*

- *Prioritise and balance rural land use aspirations*
- *Respond to local circumstances*
- *Clarify the land use and development opportunities for rural land."*

4.1.2 Misconceptions About 2006 Application of New Rural Zones

The draft Strategy seems to incorrectly believe the Shire's Farming and Rural Conservation Zones were applied haphazardly by direct translation in 2006, when they were in fact applied by the then Minister for Planning during the post-panel implementation and approvals process for Amendment C21, which implemented the 2002 Rural Land Strategy, following which Amendment C21 (i.e. old State rural zones) became Amendment C48 (i.e. new State rural zones). The new zones corresponded with C21, with one main exception: the Environmental Rural Zone was not replaced by the Rural Conservation Zone but by the Farming Zone in the north of the Shire. See also discussion at 3.2 in this submission.

4.1.3 Inconsistency With The Planning Scheme Review 2019

At page 10, the draft Strategy lists opportunities for improvement identified in the 2019 planning scheme review. Two of these stand out as not being what the draft Strategy does:

- *"The Rural Land Use Strategy should be consistent with the 2002 Rural Land Strategy principles and the Statement of Planning Policy for Macedon Ranges".* Look no further than the draft Rural Land Use Strategy's lack of environmental priorities for confirmation that it is not consistent with either.
- *"Reviewing the boundaries to the Rural Conservation Zone and Farming Zone to ensure that the zones objectives align with land use and development."* The draft Strategy goes well past "reviewing" zone boundaries, it goes for job-lot scale rezoning.

4.1.4 Draft Strategy Fails To Implement The Scheme's Land Use Vision

The draft Strategy (p8) says the planning scheme's current Land Use Vision *"continues to reflect the aspirations of the Shire's community and policy directions, and will be retained."*, but then usurps the zones, policies and plans that implement that Land Use Vision with zones, policies and plans that don't.

4.2 The Strategy Is Already Stale, And Dated

Abundant evidence within the draft Strategy points to a well out-of-touch and out-of-date document, significantly reducing its relevance. A Farming Zone review was first mooted around 2015 and much of the 2021 draft Strategy's dated thinking and references, conclusions, recommendations, and the issues it promotes (such as its resurrection of the abandoned Equine Centre and Equine Strategy, and reliance on the long-expired Agribusiness Strategy) remain tied to that era. Other examples include:

- P6 MRSPP *"The Statement of Planning Policy will be embedded into the Macedon Ranges Planning Scheme and embedded in the Planning Policy Framework."* This occurred in Amendment VC185 in May, 2021.
- p50 Other Actions, *"Delete from the planning scheme, Clause 22.01 Macedon Ranges and Surrounds..."* the State government deleted this in VC185 in May 2021.
- p58 – Animal Industries Advisory Committee – *"The Farming Zone and other rural zones..."*

- P58 Animal Industries Advisory Committee - “*State government is currently undertaking work to respond to Committee recommendation including preparation of new definitions...*” – this work was completed and all planning schemes in Victoria were subsequently amended by VC150 in September 2018.
- p58 Loddon Mallee South Regional Growth Plan [2014]: “*This review of the **Farming Zone** will need to consider and align with these strategic principles and directions...*”

4.3 Reference Documents

4.3.1 References Listed At Page 65

The list of “References” at page 65 is notable for the age of some of the documents, what’s included, and what’s not there. It confirms the lack of currency and substance if not relevance of material underpinning the draft Strategy, which, for example:

- Uses a *draft* 2017 Tourism Industry Master Plan, a 2011 Tourism Industry Strategic Plan and the expired 2013-2018 Macedon Ranges Agribusiness Strategy;
- Hasn’t caught up with VEAC since 2017 (page 61 says VEAC *will be* releasing its Central West Report in 2019, which it did in June 2019, more than 2 years ago);
- Draws its strategic basis for its retrospective promotion of Equine activities (p36) by relying on documents formally abandoned by resolution of council (i.e. the 2015 MR Equine Centre Feasibility Study and the MR Equine Strategy (2013 – 2016), and other obscure and dated (Upper Hunter Region Equine Profile 2013, Guidelines 2014)) equine-related material to help argue its case;
- Obscurely includes the Macedon Ranges Sport and Active Recreation Strategy 2018-2028 to refer to council projects for community based equestrian groups while pronouncing the Equine Strategy has expired but “*the importance of the industry to economic interests is acknowledged*”. (p60)
- Appears to use information about industries from a website for industries in the Loddon Mallee region;
- Acknowledges an undated contact with Western Water (pers. comm); no other authorities are included.

4.3.2 Missing Reference Documents

- a) The draft Strategy (p2) refers to documents relied on in Stage 1 to develop the draft Strategy. The following were not made available on Council’s website during exhibition:

Farming Zone Landholder Survey
 Farming Zone Macedon Ranges community survey
 Farming Zone Stakeholder engagement
 Rural Conservation Zone Landholder Survey
 Rural Consultation Zone Stakeholder engagement

- b) Also not available during exhibition were:

The results of Farming Zone Surveys
 The draft *In The Farming Zone* strategy
 The Macedon Ranges Statement of Planning Policy (2019)
 The Macedon Ranges’ Gazetted Declaration as a Distinctive Area and Landscape (2018)
 The Loddon Mallee South Regional Growth Plan (2014)
 The Macedon Ranges Landscape Assessment Study (2018)
 Studies or reports upon which the determination of “*Strategic Agricultural Land*” relies

4.4 Errors And Other Problems

The document doesn’t seem to have benefited from a final check and read-through, which undermines its reliability and credibility. Errors, inaccuracies, conflicts, and lack of clarity occur throughout, examples of which are provided below.

4.4.1 Typos

Typographical and editing (cut and paste) errors at times make it difficult to establish a cogent dialogue.

4.4.2 Examples - Factual Errors

a) Incorrect information:

- (p39) *“The range of uses and the permit requirements in the Farming Zone and Rural Activity Zone are identical apart from hotel, which is prohibited in the Farming Zone and requires a permit in the Rural Activity Zone.”*

Uses in these two zones are similar but *not* identical, and together with permit requirements include more variations than listed here. RAZ allows hotel (i.e. pub) and **bar**, as well as **convenience shop**, **backpackers lodge**, **sale of equestrian supplies** and **tertiary and employment training education centres** that are prohibited in the Farming Zone. Significant differences also occur in the Purposes, Subdivision provisions and Decision Guidelines of these zones.

- (p39) *“The range of uses and the permit requirements in the Rural Conservation Zone is also very similar to the Farming and Rural Activity Zones apart from place of assembly and camping and caravan parks.”*

This is simply not correct, and is not assisted by misclassification of two uses in the RCZ (see below)

- Errors in the tables comparing uses in FZ, RAZ and RCZ zones
 - Table 1 (p40) shows hotel (pub) and leisure & recreation as requiring a permit in the RCZ when both are prohibited.
 - Table 2 (p47) contains a nonsensical land use of “primary purpose”.

Note: these tables are very selective and do not show the at times substantial differences in land uses between the 3 zones.

- b) (p49) The Shire’s “north-east” Farming Zone is identified as being suited to Rural Activity Zone (which is instead proposed only in the centre and north-west of the Shire).

4.4.3 Examples – Conflicts and Lack of Clarity

- Minimum Farming Zone subdivision sizes in Figure 3 (p12) are reversed, showing 40ha where 100ha applies, and 100ha where 40ha applies.
- Further confusion is generated by the draft Strategy then saying *the* 100ha minimum lot size will be *retained* in the Farming Zone (p48) when that zone’s current minimums are 100ha *and* 40ha;
- Rezoning both to and from Rural Conservation Zone, then saying (p50) that the RCZ will be retained *where it currently applies*.
- At Figure 7 (p24) Productive Agricultural Land And Industry Clusters –
 - A dashed line is shown straddling the Shire, with another oval-shaped example near Darraweit Guim, supposedly indicating “*industry clusters*”. “*Industry Clusters*” is not defined, nor is a basis given for these clusters in these locations.
 - Policy Area names have not reproduced.
 - There is no delineation of the equine industry, despite the draft Strategy saying (p36), “*This rural land use strategy will clearly identify locations where the equine industry will be supported over other non-agricultural uses.*” While this confirms equestrian activities are a non-agricultural land use (with potential to take agricultural land out of productive use), further confusion arises from:

p20 says “*large scale [equine] businesses will therefore be largely contained to mapped areas of strategic agricultural land and protection of strategic agricultural land is important to give businesses confidence to invest for the long term.*”

At the same time (p37) the equine industry is to be supported by “*applying the Farming Zone to Policy Area 1*”, and “*applying the Rural Activity Zone to Policy Area 2*” (i.e. the entire Rural Activity Zone, most of which is not “Strategic Agricultural Land” – see also 4.6 in this submission).

4.5 Inappropriate Rezoning of Future Urban Land

Figure 11 (p52) *Proposed Rural Zone Map* shows the current Farming Zone south of Kyneton, inside the Declared Kyneton Settlement Boundary and identified for future urban use, as being rezoned by the draft Strategy to Rural Activity Zone. This ‘mixed use’ zone has potential to compromise future urban development, and its application may be contrary to State policy.

4.6 Strategic Agricultural Land

4.6.1 Lack of Clarity About What Is Strategic Agricultural Land

As mapped on Figure 7 (p24) *Productive Agricultural Land And Industry Clusters*, and Figure 8 (p25) *Strategic Agricultural Land*, Macedon Ranges’ “Strategic Agricultural Land” anomalously includes as “productive agricultural land” parts of the area that the draft Strategy rezones to Rural Activity Zone (rezoning due in part to commercial agriculture no longer being a dominant land use), as well as parts of Rural Conservation Zones in the centre of the Shire. This makes it very unclear what constitutes “Strategic Agricultural Land”, with no insight provided into why any Rural Conservation Zone is included or why any “Strategic Agricultural Land” is being rezoned to Rural Activity Zone.

4.6.2 The Basis For Determining What Constitutes “Strategic Agricultural Land” Is Not Provided

The Farming Zone Research and Investigation Report (p55) says:

“Farmland of strategic significance) was identified based on an assessment of productive agricultural land and identification of locations supporting concentrations of enterprises that are part of a locally significant industry. Farmland of strategic significance should inform refinement of zone boundaries, zone schedules and local policy.”

What studies informed this conclusion, and why weren’t they exhibited with the draft Strategy?

4.6.3 The Draft Strategy’s Strategic Agricultural Land Conflicts With the State Government’s Definition

The draft Strategy does not recognise the Planning for Melbourne’s Green Wedges and Agricultural Land [PMGWAL] project (perhaps it hasn’t caught up with it yet). It should, because PMGWAL options (which have been exhibited and submissions received) may make significant changes to rural and agricultural land operations if adopted, including changes to land uses and to the definition of strategic agricultural land. Not considering the potential for these changes makes the exhibition of the draft Strategy premature, and this alone may force a complete re-write.

The PMGWAL options paper intends to amend State policy to recognise that all agricultural land within 100km of Melbourne (which includes all of Macedon Ranges Shire) is productive agricultural land, in order to build resilience to climate change by ensuring long-term capacity for agricultural production close to metropolitan Melbourne: This appears to include at least the Farming and Rural Activity Zones.

PMGWAL Options Paper, Page 29:

“While a broad range of views were communicated during the 2019 consultations, feedback overwhelmingly highlighted the importance of protecting all agricultural land, not just land deemed to be strategically significant. The key reasons given by stakeholders were twofold:

- *protecting all agricultural land would mitigate further pressure on ‘non-strategic’ agricultural land*
- *protecting all agricultural land would ensure enough land is safeguarded for agriculture to ensure that Melbourne retains sufficient flexibility and resilience for future challenges to the city’s food production.*

“OPTION: Update the PPF to ensure that all agricultural land is protected.”

In contrast the draft Strategy's "*Strategic Agricultural Land*" includes Farming Zone but only part of the Rural Activity Zone (as well as Rural Conservation Zone land). It is this type of picking and choosing that the PMGWAL seeks to eliminate.

4.7 Significant Landscapes

Figure 5 (p21) *Rural Framework Plan* shows Significant Landscape Overlays that appear to include those recommended in the Macedon Ranges Landscape Assessment Study 2018, but which have not yet been placed in the planning scheme. This raises the following matters.

- a) The draft Strategy does not include the Landscape Assessment Study as a Reference.
- b) The legitimacy of including overlays that aren't in the planning scheme without noting these have 'proposed' status.
- c) The need in future to also include the Landscape Assessment Study's policy areas as well as overlays to fully identify significant landscapes in the Shire – overlays alone will only provide part of the picture.

5 Distinctive Area and Landscape - Responsibilities of Responsible Public Entities

The Distinctive Areas and Landscape legislation (embodied in the Planning and Environment Act at Part 3AAB) sets requirements for implementation of the Act and Statements of Planning Policy. Both must be complied with.

The draft Strategy reproduces the Statement of Planning Policy's Objectives (p6) and priorities for decision-making (p7), but its interest in and understanding of Macedon Ranges Shire's status and responsibilities as a Distinctive Area and Landscape seems to stop there. For example although around 60% of the Shire falls within Special Water Supply Catchments where the primary land use is harvesting drinking water, at page 3 the draft Strategy takes a moment to make passing reference to 4 reservoirs that are community infrastructure in the rural areas, before launching into its economic development/tourism priorities.

Sections of the Act relevant to preparation of this draft Strategy include:

- Section 46AZK Responsible public entities not to act inconsistently with Statement of Planning Policy
- Section 46AZL Principles
- Section 46AZC Amendment of declared area planning scheme

There also seems to be a perception that the "decision-making" priorities at page 17 of the Statement of Planning Policy don't apply to the draft Strategy, when they do. Decision making includes decisions about policy development and planning scheme amendments, not just planning applications. These priorities are fundamental and essential to protecting Macedon Ranges Shire consistent with the Act and SPP. They are what all else depends on.

MRSPP (p17): In decision making the highest priority is given to the significant landscapes that define the declared area as represented in the Landscape domain, the Biodiversity and environment domain, and the Water catchments and supply domain.

The draft Strategy also (notably) omits to observe or reference the Government of Victoria's August 2018 gazetted Declaration of Macedon Ranges as a Distinctive Area and Landscape, which identifies the threats to Macedon Ranges' values as follows:

5. Threats of significant land use change of the declared area

In accordance with section 46AO(2)(c), the list below identifies the threats of significant or irreversible land use change, as described in section 46AP(2), that would affect the environmental, social or economic values of the declared area.

(a) Threats to areas of significant biodiversity from weeds and pests, climate change, natural hazards such as bushfire, and urban development.

(b) Threats to natural landscapes and landforms from intensity of land use and urban development.

(c) Threats to preservation of heritage and cultural attributes from the cumulative impact of development and land use practice and increased tourism activity and recreation.

(d) Threats to natural resources, water catchments and productive land from land use conflicts (including intensify of uses) between conservation, catchment management, agricultural use, residential use and recreation activities; cumulative impacts of development; and natural hazards, including bushfire and flooding.

(e) Threats to future effectiveness of strategic infrastructure from climate change impacts and expanded tourism activity.

All of the above are the starting point and drivers for any strategic planning exercise in Macedon Ranges Shire.

6 Where To From Here?

6.1 Abandon The Draft Rural Land Use Strategy

The Association believes the draft Strategy is fatally flawed and not-fit-for purpose, particularly in a declared Distinctive Area and Landscape with a legislative priority to protect landscapes, biodiversity and water catchments before all else. Unacceptable and irredeemable factors contributing to the failure of the draft Strategy are addressed in sections 3 and 4 in this submission.

6.2 Move The Supportable Elements Forward In A Fresh 'Rural Land Strategy'

Some elements put forward in the draft Strategy are supportable and which with some adjustments (see section 2 of this submission), warrant being carried forward into a new and relevant Rural Land Strategy (not a Rural Land **Use** Strategy). Superior strategic direction and associated policies too would be critical inclusions to give crisp, strong guidance to decision-making on matters affecting the Shire's rural areas, including dwellings and subdivision in the Rural Conservation Zone.

6.3 Address Other Improvements To Support Planning In Rural Areas

6.3.1 Matters Raised In This Submission

Other opportunities exist to improve and strengthen the planning scheme's operation on matters relevant to rural areas. These are shown below, with the relevant section of this submission, and include:

- 1) 2.1 Introducing controls over the size of dwelling extensions, and outbuildings associated with dwellings, without a permit, in all rural zone schedules.
- 2) 2.1 Introducing controls to the RLZ1 zone to avoid dwellings without permits (this could also be considered for RLZ schedules with minimum subdivision sizes of 4ha and 8ha).
- 3) 2.2 Addressing minimum subdivision sizes in the Rural Conservation Zone with a view to increasing these sizes.
- 4) 2.3 Ensuring relevant policy / overlay protection is provided for any new biolinks,
- 5) 2.3 Introducing the Macedon Ranges Biodiversity Strategy's recommendations for new biolinks into the planning scheme.
- 6) 2.3 Preparing policies addressing both Dwellings and Subdivision in the Rural Conservation Zone.
- 7) 3.2 Applying the Rural Conservation Zone to the catchment upstream of the 3 major water supply reservoirs near Kyneton.
- 8) 3.4.4 Addressing the potential for "protected cropping" and generating policy to protect landscapes and soil-based agriculture.

- 
- 9) 4.6.3 Reviewing the Shire's "*Strategic Agricultural Land*" and particularly in response to changes from the *Planning for Melbourne's Green Wedges and Agricultural Land* project.
 - 10) 4.7 Introducing the Macedon Ranges Landscape Assessment Study's recommendations into the planning scheme.
 - 11) 5 Reviewing and preparing strategies and policies for rural land with a starting point of being consistent with the Distinctive Areas and Landscapes legislation, the Macedon Ranges Statement of Planning Policy and its priorities, and having full regard to the Macedon Ranges' Declaration's identified threats.

6.3.2 Additional Matters

- 12) Urgently reviewing the application of Rural Living Zone 1 (40ha minimum subdivision size) in the east of the Shire in high quality soils. RLZ is legacy zoning from the Romsey Shire planning scheme where it meant something quite different to today's RLZ. Concern has long been expressed at this anomaly but to date it has not been acted upon.
 - 13) Seeking solutions to sever the nexus between dwellings and small vacant lots, particularly in the Rural Conservation Zone.
- 

From: [REDACTED]
To: [Cr Annette Death](#); [Strategic Planning](#); [Cr Geoff Neil](#); [Cr Bill West](#); [Cr Dominic Bonanno](#); [Cr Rob Guthrie](#); annemoore@mrc.vic.gov; janderson@mrc.vic.gov; [Cr Janet Pearce](#); mary-anne.thomas@parliament.vic.gov.au; [Cr Mark Ridgeway](#)
Subject: MRSC Draft Land Use Strategy Submission
Date: Tuesday, 14 September 2021 7:49:19 AM
Attachments: [MRSC Rural Land Use Strategy submission.pdf](#)

Please find attached submission from [REDACTED]

12 September 2021

Prepared by:



Written submission in response to the Draft Rural Land Use Strategy

We offer these comments for your consideration in response to the Macedon Ranges Shire Council request for submissions on the Draft Rural Land Use Strategy. Firstly we support planning initiatives within the Strategy to prevent the fragmentation of farming land.

We have several concerns with the current strategy and the potential for unintended environmental and economic outcomes. In particular, we have serious concerns regarding the significant rezoning of farmland to conservation zones.

We have farmed within the Macedon Ranges Shire at [REDACTED]. We currently farm [REDACTED]. We have been involved in [REDACTED] since its inception and have an annual tree planting and revegetation program on our property. We are active members of the local community.

Rezoning of Rural Land to Conservation Zones

Agriculture plays a significant direct role in the local economy and supports other sectors, such as tourism. We have significant concerns regarding the process, ultimate decision and implications of rezoning rural land to conservation zones.

A primary concern for commercial farmers on land designated, under the draft strategy, into a conservation zone are the subsequent restrictions and permits which will dictate how they manage their enterprise. Farmers need the ability to change enterprises to meet changing consumer demand and adapt to climate change. In addition, farmers need to be able to integrate new revenue streams, such as renewable energy or carbon farming, into their enterprise mix and don't want their ability to be part of future opportunities stymied by another layer of requirements.

While impacting the ability of commercial farms in rezoned areas directly, we also believe that the current draft strategy will discourage farmers on rural land from revegetating and protecting natural vegetation, fearful of being rezoned in future, and directly incentivise commercial farmers to limit natural vegetation as much as possible to mitigate rezoning risk.

Key findings from the surveys of landholders in rural conservation zones noted that land was purchased for a rural lifestyle on a 'bush block', often located adjacent to farming land. Many absentee landowners in these areas purchase blocks unaware of the bigger picture responsibilities and commitments to managing their asset. Issues with wind/water erosion, soil structure decline, weed invasion, fire preparedness and the management of remnant vegetation are often disregarded. A further shift from managed farmland towards lifestyle blocks, as a result of conservation rezoning, may have perverse consequences for the natural resources in the shire.

We, and many other farmers, continually undertake planting, fencing and erosion minimisation to protect and enhance the land and support native biodiversity. The draft strategy appears to overlook this work and significant investment over many years by the farming community. In terms of conservation, farmers are already the largest contributors to revegetating within the shire – we do not need to be rezoned for this to be acknowledged.

We believe the proposed rezoning of some farming areas contradicts the following statement from the draft strategy:

In the future, commercial scale businesses will be largely contained to Strategic Agricultural Land. Protection of Strategic Agricultural Land is important to give businesses confidence to invest for the long term.

The draft strategy undermines business certainty and long-term succession plans farming families work towards to grow their enterprise, invest in the future and provide a viable income for the next generation. If farms become unviable this will create additional pressure for further subdivision and the repurposing of land away from food and fibre production.

In addition to reconsidering the rezoning of rural land to conservation zones, we urge you to further engage with farming communities to better understand the local implications of these decisions. We recognise that COVID-19 travel restrictions has made direct communication difficult and has distracted many businesses from participating fully in this process. However, these decisions will have long lasting and transformational effects on rural communities and the make-up of the shire and deserve adequate and full consideration.

We would be happy to expand on any of our comments further.

Regards,



From: [REDACTED]
To: [Strategic Planning](#)
Subject: SUBMISSION RURAL LAND USE STRATEGY
Date: Tuesday, 14 September 2021 8:44:03 AM
Attachments: [Submission 14 9 21.pdf](#)

Dear Sir/Madam

Please see attached submission.

Yours faithfully

[REDACTED]



By Email
Land Use Policy Department
Macedon Ranges Shire Council

Dear Sir/Madam

Macedon Ranges Rural Land Use Strategy – consultation response

Although I am currently living in [REDACTED] I own farming land to the [REDACTED] [REDACTED] [REDACTED] which is [REDACTED] and part of it has a Conservation Covenant. As far as I can establish this land is unfortunately classed as Area 5 (page 3, Farming Zone Review, June 2020) where farming land is described as having been purchased for retirement and the availability of infrastructure. This is deeply worrying as it disguises the reality that there remain legitimate farmers who are attempting to make a living from the land. Many of the traditional farmers have given up farming because it has become too expensive to expand - the planning system has facilitated subdivision and inflated land values, albeit easing their departure.

Australia is a large country but is highly urbanised which means many of the issues facing Europe are now relevant. Rural lifestyle seekers often purchase top quality agricultural land along river systems and creeks because it is attractive and provides stunning views. This must stop in the public interest to protect both food sources and the environment. Zoning must be rigorously enforced and more intensive development prescribed within urban areas to curtail the corrosive urban sprawl which characterises many parts of the Shire.

I strongly recommend that the current farming zone showing minimum lot size for subdivision of 100ha (I understand that the minimum lot size for subdivision of 40ha on page 12 of the consultation document is incorrect) is maintained and that the minimum area for a housing permit of 40 acres be increased to 100ha i.e. the threshold for subdivision and housing permits be the same.

Further, under no circumstances should the category Rural Activity Zone (RAZ) be introduced either, alongside the farming zone, or, as a replacement. Any such zone should be separate and confined to the outer reaches of urban conurbations while certain activities should be banned. My reasons are set out below:

- (1) Climate change will marginalise certain farming land across Australia, including Victoria. This will increase the relative importance of the high grade agricultural land in the cooler area of the Macedon Ranges Shire.
- (2) The marrying of lifestyle landowners with genuine farming enterprises has major negative consequences for farmers and the environment. Failures to control introduced noxious weeds (Gorse, Briar Rose, Bramble, Hawthorn, Pattersons Curse and Texas Needle Grass), failure to control introduced pests (foxes and rabbits), dogs worrying stock and failures to

maintain fencing. These failures undermine farmers' ability to generate a reasonable return, as well as adversely impact on the survival of native flora and fauna.

- (3) The further fragmentation of farming land will have major negative consequences for biodiversity due to habitat loss, predation by pets and higher inputs of herbicides and pesticides associated with more intensive farming.
- (4) Feed lot production under the RAZ will have a major negative impact on the environment particularly on the quality of the water through chemicals and effluent runoff (witness the US and Brazilian experiences). The Campaspe River in particular is already highly polluted because the water treatment infrastructure in Kyneton has not kept pace with development. This and other intensive farming practices will have major adverse consequences for local wildlife, the public and the leisure industry. [REDACTED] have been wiped out by the polluted water and stretches of the river cannot be used for leisure and domestic use. This is not a good basis for a tourist industry.
- (5) Feedlot livestock production is not environmentally sustainable unlike broad acre livestock farming which can be incorporated into a farming model whereby relatively low stocking rates can ensure grassland remains a carbon sink, while at the same time livestock can be used to help manage the environment (e.g. weed control). Feedlot production should be banned in this Shire.

We have a biodiversity crisis. Farmers within the farming zone should be required to enhance biodiversity on their land by working with NGOs such as Biolinks , Connecting Country (appreciate this NGO works outside the Shire) and Birdlife Australia. The Council should subsidise NGOs to produce individual farm audits of residual native vegetation in all farms across this zone. These reports and other environmental imports such as fencing to protect old growth trees could be funded by a 1% addition to stamp duty on all property transactions in the area (via the state government). Every landowner should be required to produce at least one environmental improvement and have a five year plan of execution.

Further, with regard to the Rural Conservation Zone, areas between Back Hill, Bald Hill and Mount St Mary have areas of highly significant remnant vegetation and are home to several threatened species but worryingly do not seem to have been assessed for inclusion in this zone. This needs to be addressed.

There also needs to be more rigorous enforcement by the Shire. Old growth native vegetation is from time-to-time felled unlawfully and is reported but no action taken by the Council. We have a biodiversity crisis – there should be heavy fines for people felling trees without permits.

Please give consideration to these points

Yours faithfully

[REDACTED]

From: [REDACTED]
To: [Strategic Planning](#)
Subject: [Sender Unverified] Submission on Rural Land Strategy
Date: Tuesday, 14 September 2021 11:44:34 AM
Attachments: [Macedon Ranges Rural Land Strategy 2021.docx](#)

To Strategic Planning
Macedon Ranges Shire Council

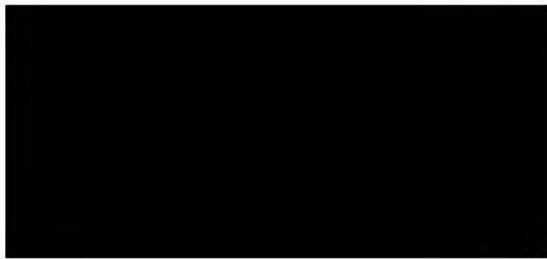
Thank you for the opportunity to comment on the Rural Land Use Strategy - Draft for Consultation September 2020. Our submission is attached to this email.

Yours faithfully,

[REDACTED]



Virus-free. www.avg.com



Strategic Planning
Macedon Ranges Shire Council

Thank you for the opportunity to comment on the Rural Land Use Strategy – Draft for Consultation September 2020.

Farming Zone

We believe that the draft plan for Rural Land Use Strategy needs further assessment with regard to some properties in the Eastern part of the Shire, which in the plan is proposed as Farm Zone.

There are areas in this farming zone that would be more appropriately defined as Rural Activity Zone, according to the definitions provided on page 49.

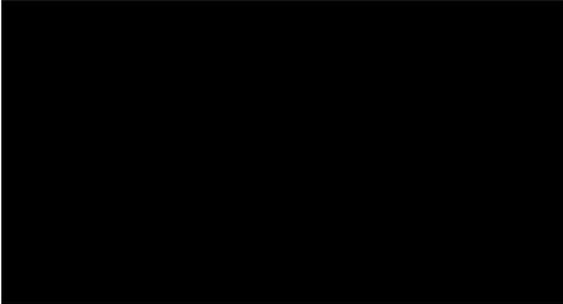
For example the Farming Zone land in our locality [REDACTED] has been subdivided for many years and is fragmented into “small scale niche agriculture and hobby farming which has largely replaced traditional broad acre farming” page 27.

Another more specific example: we own land that should be able to be granted a planning permit for a dwelling regardless of size (it is [REDACTED] for the reason that –

- A dwelling would be sited on non productive agricultural land which consists of rocky and steep escarpment topography. We have established [REDACTED] of woodlot for timber production on the flat part of this land
- This land is now surrounded by small scale niche agriculture/hobby farms
- There is already significant fragmentation of land in this locality, as the subdivisions were mostly created prior to the year [REDACTED]

[REDACTED]), and during that time we have established native woodlots, along with riparian vegetation, improving native habitat and the ecological environment.

The policy that requires a whole farm plan to be submitted should be waived in this area and in farming zones when the application for a permit clearly shows a dwelling would have no adverse affect on the productive agricultural land in the surrounding areas.

Farming Zone ... continued

Existing land titles which are rocky and steep can not be considered as farmland of strategic significance, and a planning permit should be permitted, as it would not “prejudice agricultural activities” of the surrounding farmlands.

In summary we would like further study and review with respect to areas that could be considered as rural activity zone classification, based on existing land uses and lot sizes in the farming zone in some areas of the eastern part of the shire.

This would allow the diversity proposed in the North of the shire to be equally available to residents who have invested in our area.

Rural Conservation Zone – Farming Zone

We believe that the draft plan for Rural Land Use Strategy which proposes “*rezoning from Rural Conservation Zone to Farming Zone associated with the Cobaw Biolink, should be accompanied by introduction of an Environmental Significance Overlay (ESO) to ensure development contributed to enhancement of native vegetation and biodiversity*” urgently needs further assessment.

We strongly believe that the **Cobaw Biolink should remain as a Rural Conservation Zone**. If a change in zone to Farming Zone needs to be accompanied by an ESO then it would seem that there is no need to change the classification from Rural Conservation Zone.

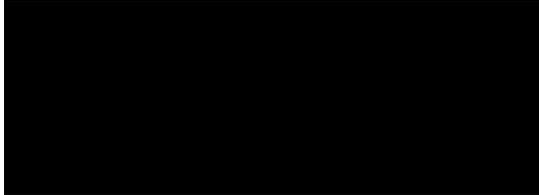
We look forward to your response and discussion with us regarding this submission.

Yours faithfully,



From: [REDACTED]
To: [Strategic Planning](#)
Subject: [REDACTED]
Date: Tuesday, 14 September 2021 11:54:37 AM

Macedon Ranges Shire Council
Rural Land Use Strategy

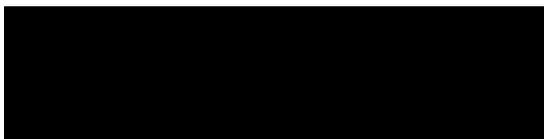


I am the [REDACTED]. The proposed rezoning of my farm to conservation zone will impact my future ability to farm. I have only recently even been made aware of this proposal with no notification from Macedon Ranges Shire.

The Rural Land Use Strategy states
The Farming Zone is primarily concerned with keeping land in agricultural production and avoiding land uses that could limit future farming or constrain agricultural activities.
In this zone: Farming is the dominant land use and all other land uses are subordinate to farming. Farming uses are encouraged to establish and expand with as little restriction as possible, subject to proper safeguards for the environment page 48.

To require a permit to alter any farming will not only be costly but have no guarantee of my application being successful.
Maintaining the existing Farm Zone will preserve the landscape not destroy it.

This is our livelihood, and this proposal will destroy our way of living. I formally object to the rezoning from Farming to Conservation of our family farm.



From: [Edwin Irvine](#)
To: [Strategic Planning](#)
Subject: [REDACTED]
Date: Monday, 20 September 2021 10:35:52 AM

Please register this as a submission

From: [REDACTED]
Sent: Monday, 20 September 2021 10:18 AM
To: Edwin Irvine <Elrvine@mrsc.vic.gov.au>
Subject: RE: [REDACTED]

CAUTION: This email originated from outside of Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Edwin thanks for getting back to me. You said that farmers were informed about the proposed rezoning but a leaflet that has no official letter addressing the farmholder is not actually informing us at all. I believe it was done in this way so farmers weren't aware and it could be pushed through without many farmers knowledge. Why should hard working farmers be forced to get permits of any kind telling us how we are allowed to farm land that we have farmed for generations with respect to conservation. This land if someone actually saw it is clearly farmland. Taking a map and drawing a line around an area without actually considering farmers and our livelihoods is showing a complete disregard or care for farmers who provide so much for our state and country.

[REDACTED]

[REDACTED]

On Wed, 15 Sep. 2021 at 3:55 pm, Edwin Irvine
<Elrvine@mrsc.vic.gov.au> wrote:

[REDACTED]

My name is Edwin Irvine, I am one of the strategic planners at Macedon Ranges Shire Council. I'm replying to your emails that you sent yesterday.

We've included your email below as a submission, but if you would like to call me to discuss anything, I can be reached on 54211422. All submissions will be presented to Councillors for their decision on what to do next with the Rural Land Use Strategy.

I have checked our records, and they show that a postcard notifying people of the draft Rural Land Use Strategy was sent to [REDACTED] July, 2021. This is the postal address that Council has for your property.

You have raised a few points in your email, so I've prepared a response and hope

that it provides some clarity.

In instances where zones are changed, there is no impact on the current lawful use of the land, as changes are not retrospective. Existing lawful use of the land has existing use rights. This is the case for all land in Victoria when zones are changed. The new zone introduced only comes into effect when the land use is changed. Clause 63 of all Victorian Planning Schemes details exactly what is entailed under existing use rights, but to summarise these, you can continue your current farming business on your land without the need for any additional permits.

Also, agriculture is still permitted in the Rural Conservation Zone (RCZ), and a permit will only be triggered if there is a change of use. As you are currently using your land for agriculture, a change of use would mean that you start doing something other than agriculture. Changing the crop, or moving from cattle to sheep, for example, is not a change in use. So no permit would be required.

But changing from grazing to feed lotting, for example, would be a change of use, and a permit would be required. Under the RCZ, the permit is not too concerned with what farming practice you propose, but rather how that farming practice impacts on the natural environment. Permits can be issued with conditions that seek to protect remnant vegetation or creeks, etc. These protections might be as simple as fencing stock out of bush areas. Many farmers do this already, and so the permit process is relatively simple.

Please call me if you would like to discuss anything further.

Yours sincerely

Edwin Irvine

From: Strategic Planning <strategicplanning@mrsc.vic.gov.au>

Sent: Tuesday, 14 September 2021 2:24 PM

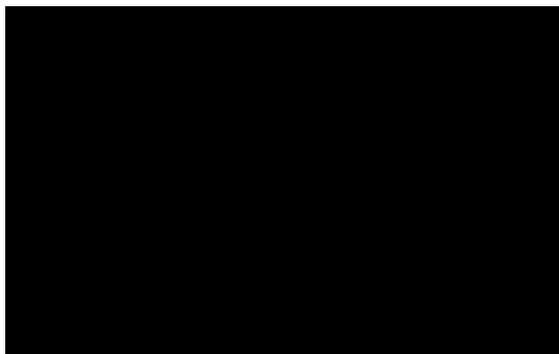
To: Edwin Irvine <Elrvine@mrsc.vic.gov.au>

Subject: FW: [REDACTED]

From: [REDACTED]
Sent: Tuesday, 14 September 2021 11:54 AM
To: Strategic Planning <strategicplanning@mrsc.vic.gov.au>
Subject: [REDACTED]

Macedon Ranges Shire Council

Rural Land Use Strategy



I am the [REDACTED]. The proposed rezoning of my farm to conservation zone will impact my future ability to farm. I have only recently even been made aware of this proposal with no notification from Macedon Ranges Shire.

The Rural Land Use Strategy states

The Farming Zone is primarily concerned with keeping land in agricultural production and avoiding land uses that could limit future farming or constrain agricultural activities.

In this zone: Farming is the dominant land use and all other land uses are subordinate to farming. Farming uses are encouraged to establish and expand with as little restriction as possible, subject to proper safeguards for the environment page 48.

To require a permit to alter any farming will not only be costly but have no guarantee of my application being successful.

Maintaining the existing Farm Zone will preserve the landscape not destroy it.

This is our livelihood, and this proposal will destroy our way of living. I formally object to the rezoning from Farming to Conservation of our family farm.

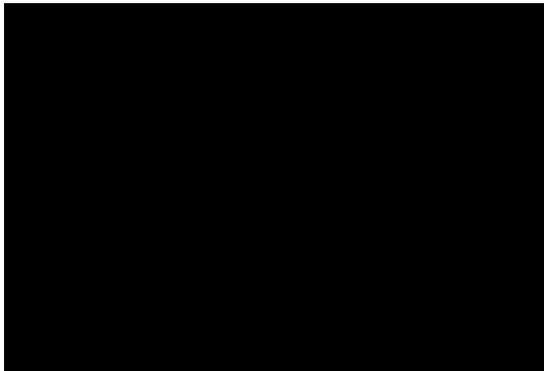


From: [REDACTED]
To: [Strategic Planning](#)
Subject: proposed rezoning of our farm to a Conservation Zone will impact my future ability to farm.
Date: Tuesday, 14 September 2021 3:23:00 PM

Sent from [Mail](#) for Windows

Macedon Ranges Shire Council

Rural Land Use Strategy



Proposal to rezone the Farming Zone to Rural Conservation



I am the sixth generation to farm in the [REDACTED].

The proposed rezoning of our farm to a Conservation Zone will impact my future ability to farm.

The Rural Conservation Zone Research and Investigation Report June 2020 states

The Stage 1 review recommended that the area shown in Figure 9, currently zoned Rural Conservation be zoned Farming. The objectives of the Farming Zone better align with the land use, attributes and land use outcomes for this area. Rezoning should be accompanied by introduction of an Environmental Significance Overlay that incorporates objectives, strategies, application requirements and decision guidelines set out in Clause 21.05-1 Biodiversity and Native Vegetation Management, to ensure development contributes to enhancement of native vegetation

and ecological connectivity. Page 31

The Rural Land Use Strategy states

“The Farming Zone is primarily concerned with keeping land in agricultural production and avoiding land uses that could limit future farming or constrain agricultural activities.

In this zone: Farming is the dominant land use and all other land uses are subordinate to farming “ page 48

The Rural Land Use Strategy and the Rural Conservation Zone Research and Investigation Report are critical significant to the Residents and Ratepayers of the Macedon Ranges Shire to provide accurate information and as such they should have been subjected to peer review.

I note with great interest that the above mentioned documents were authored and reviewed by the same person .page 64 RLUS

and page 56 of the RCZRIR

The knowledge that planning changes gives rise to land speculators and land banking .

Currently planning follows development not development following planning. There is an urgent need for certainty in planning.

The rights of land use that existed at the time of purchase of the property, should not be extinguished by rezoning. This should be confirmed at both the shire and state levels of government.

On site inspections of land with the permission of and in the presents of the landholder should be undertaken prior to any consideration of changes to zoning. This is a more equitable method rather than the current practice of drawing lines on a map in an office in Melbourne.

Land holders will look at the proposed rezoning of our property from farming to conservation and will be reluctant to plant trees,undertake

Land care projects or practice regenerative farming techniques for fear their properties will also be rezoned to conservation. This could set back conservation efforts rather than advance them.

The current landscape in the [REDACTED] exists because of farming not because of the absence of farming.

There are already several overlays covering our farm including the Bush Fire ,Significance Vegetation and the Significance Landscape .

Increasingly with climate change and land scarcity water and food security are becoming the most important issues for humanity.

I formally object to the rezoning from Farming to Conservation over half of our family farm. Only the Agricultural Zone can protect farming and the landscape.

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Draft Rural Land Use Strategy
Date: Wednesday, 15 September 2021 4:29:46 PM
Attachments: [REDACTED]

Dear Sir/Madam,

Please find attached a submission to the draft strategy in relation to the property at [REDACTED]
[REDACTED]

Yours faithfully,

[REDACTED]

Email sent using Optus Webmail

**SUBMISSION TO THE
DRAFT RURAL LAND USE STRATEGY
MACEDON RANGES SHIRE COUNCIL**

This submission is on behalf of [REDACTED]. The owner of the property at [REDACTED]. This property is located on the [REDACTED]. It is approximately [REDACTED] in area and is in two titles. The land includes a dwelling and is predominantly open grassed country. The property is traversed by electricity and water supply easements.

The subject land is zoned Rural Conservation (RCZ1) and is subject to the following overlays;

- Bushfire Management (BMO) – only the S.E. corner of the site
- ESO4 (Eppalock Proclaimed Catchment) – whole of property
- VPO1 (Black Gum Areas) – only a small section in the S.E. corner
- VPO2 (Roadside Vegetation) – along the [REDACTED]
- VPO9 (Living Forest) – whole of the property except the area included in VPO1.

[REDACTED] the land is zoned Neighbourhood Residential (NRZ5) – [REDACTED] Bush Rural Living Precinct. All other adjoining land to the [REDACTED] is zoned RCZ1 and with the exception of the adjoining property to the [REDACTED] is included in well established rural residential subdivisions containing lots of between 2 and 4 hectares. The subject site is therefore an anomaly in the established development pattern of the area.

The land is not large enough to form a viable agricultural enterprise and its location makes it difficult to be used in association with any other agricultural enterprise. The land could be developed for a rural residential subdivision, at similar density as the adjoining land to the west and north without prejudicing any of the environmental values sought to be protected by the various overlays. A rural residential development has potential to encourage the revegetation of the property and improved sustainable long term management of the land.

Council is urged to consider the long term directions for the use and development of this land which can be undertaken consistently with the environmental policies and strategies of the planning scheme.

September, 2021
[REDACTED]

From: [REDACTED]
To: [Strategic Planning](#)
Cc: [Cr Jennifer Anderson](#); [REDACTED]
Subject: Draft for Rural Land Use Strategy - Macedon Ranges
Date: Wednesday, 15 September 2021 6:23:54 PM

We would like to advise that we object to proposed Rural Land Use Strategy.

Dwelling

This proposal limits farmers to build on their property where they see fit and does not allow for succession farming whereby family members can live and manage the property.

Building on ridge lines and hill tops is at the discretion of the owner as should be enforced in accordance with bushfire planning as currently in force.

Subdivision

We support the current policy regarding rural division and oppose the proposal to increase the minimum lot for subdivision being 100ha.

Agriculture can be achieved quite successfully on smaller properties including equine, viticulture and vegetable propagation to name a few.

We oppose the Council grabbing from developers to create postage stamp properties on fine agricultural land and we are disgusted with the Council allowing developers to carve land into city size blocks and allow the Ranges to lose its rural culture.

In conclusion we oppose the proposal and suggest that money be better spent in other areas.

[REDACTED]

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Land Rezoning
Date: Wednesday, 15 September 2021 6:57:54 PM

Good morning,

I would like to raise serious concern at the plan to rezone/reclassify land that has been owned and and farmed responsibly for decades with limited or no consultation.

To reclassify land to a 'rural conservation zone' and then the owners of the land having to ask for permits seems ludicrous .

How can farmers foresee the future. They are passionate about their land. With new technologies being developed every day , if they decide to make changes to their current 'farming albeit, cows , sheep, vines, chickens they can't be guaranteed their permit will be approved.

What expertise will be used decide yes or no ? What process.. but really why do they have to ask ?

It seems the reclassification has been done without any consolation with the owners who already are extremely active with conservation on their own lands.

It seems now that some land that contains machinery sheds etc will be classified as a rural conservation zone and land that has been conserved for years will be classified as farming land.

Where in this planning were land owners consulted or their valuable knowledge sought out in the development of this plan ??

It seems to me that this will put landcare back 100 years. If I was a farmer in this council I would certainly stop practising conservation for fear of losing control of what happens on my land.

This really needs to be thought through and discussed with the people it effects not bureaucrats.

Regards

[REDACTED]

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Draft Rural Land Use Strategy query
Date: Monday, 13 September 2021 4:17:22 PM
Attachments: [REDACTED]

To whom it may concern

I have been reviewing the proposed draft rural land use strategy and it would appear on my reading that the [REDACTED] will move from Rural Conservation to Farming Zone. It would appear on the face of it that this change does not impact the ability for further subdivision or dwellings so be inference retaining the stronger requirements to maintain the current rural aesthetics and general country feel of the area which is a positive. Am I correct?

If my understanding is correct I would like to see the [REDACTED] the same change to zoning on the basis that the majority of the south side of [REDACTED] from the freeway to [REDACTED] is small farmlets that are in the main non vegetative and cannot be subdivided but should be able to enjoy the same hobby farming rights as proposed for the [REDACTED].

Thank you in advance for your consideration.

Regards

[REDACTED]

[REDACTED]

Follow us on



[REDACTED]

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Draft Rural Land Use Strategy Submission
Date: Thursday, 16 September 2021 10:03:24 AM
Attachments: [Rural Land Use Strategy submission - \[REDACTED\]](#)

Hi,

Please find a submission from [REDACTED] related to the draft strategy.

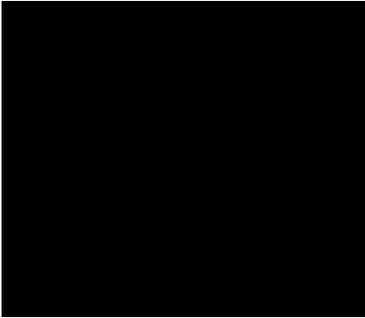
Thanks

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



September 17th, 2021

To whom it may concern,

As the [REDACTED], we feel compelled to write in strong support of the proposed 'Rural Activity Zone' designation, which has been considered as part of the excellent work conducted in the drafting of the Rural Land Use Strategy.

As the [REDACTED] speak for many operators who would like to have proposals for appropriate tourism developments considered by Council. The current zoning, while highly appropriate in many parts of the region, can be overly prohibitive in others. A balanced approach, where our sensitive environment is protected, the landscape remains beautiful, farming continues to thrive, and the economy flourishes is surely the best outcome for the Macedon Ranges.

[REDACTED] greatly respects the current processes used by Council to consider tourism development permit applications. These processes ensure that development is appropriate and sympathetic to our environment.

We believe that the position taken by some who are opposed to the introduction of this new land use zone, which is that the introduction of this zoning will lead to inappropriate development or is the 'thin edge of the wedge' that will result in ugly, large, or environmentally damaging infrastructure is both disingenuous, misleading and the antithetical to a healthy regional economy.

The introduction of a Rural Activity Zone has many benefits.

It will enable greater diversification in tourism sector, and this has many benefits. A diversified product mix is the cornerstone of a sustainable tourism strategy. There are a few reasons for this:

Firstly, diversification promotes dispersal. A range of brand-appropriate products across the region ensures that people are drawn away from 'hot spots', which can, at certain times of the year, become overcrowded.

Secondly, a broader product range encourages greater length of stay, which means tourism is high-yield, not high volume.

Thirdly, sustainable growth overnight visitors (which is fundamentally important to a healthy visitor economy and business prosperity) would be distributed across the region, meaning high levels of expenditure without the spectre of 'over tourism' having a negative impact on the community.

We, as the [REDACTED], recognise not just the importance of protection of sensitive or valuable environments, but also the importance of productive agricultural land. Indeed, quality produce is key to the tourism offering for the Shire, and there is a high level of integration and symbiosis

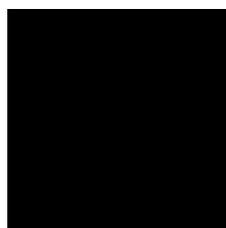
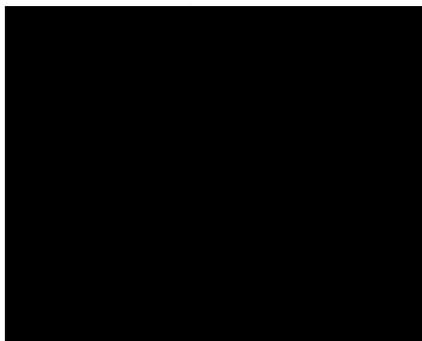
between agriculture and tourism. 'Agritourism' is no buzzword, it is key to our region and there are countless examples in Australia and around the world of successful cooperation between the sectors. Enabling farmers to diversify their income by opening small tourism products, without imposing on productive land is surely a good thing for all?

Restrictive zoning can feel like a heavy-handed, myopic, blanket approach that precludes the development of the sort of tourism product that makes our region so attractive to the 'right' kind of visitor (one that values nature, culture, scenery and quality produce). Giving smart, innovative tourism operators who value the environment and the rural feel the chance to present concepts that then go through the appropriate regulatory process doesn't just mean more sustainable tourism, it means more jobs and the opportunity for diversification in the agribusiness sector.

In summary:

- Existing Council processes are the most suitable arbiter of what is appropriate development, rather than the 'blunt instrument' of zoning
- Good planning is essential to preserve the aesthetic of the region which is the 'golden goose' for tourism
- Rural Conservation Zone is appropriate for environmentally sensitive areas
- Tourism relies on having a healthy and thriving natural environment
- Tourism and agriculture are often symbiotic, rather than competing sectors, as evidenced by global 'agritourism' success stories
- The Rural Activity Zone will encourage a more vibrant and sustainable tourism landscape
- The outcome of this will be a more robust economy and more jobs in a sector that values the environment and rural aspect

Sincerely,



From: [REDACTED]
To: [Strategic Planning](#); [REDACTED]
Subject: Draft Rural Land Strategy - Submission Response
Date: Thursday, 16 September 2021 10:24:54 AM
Attachments: [MRSCsubmission21Final.pdf](#)

Dear Sir / Madam,

Please find attached our submission to the proposed Draft Rural Land Strategy.

We would welcome the opportunity to discuss the proposed changes with a Council representative.

Yours sincerely,

[REDACTED]

16 September 2021



To: Ms. Angela Hughes
The Director of Planning and Environment
Macedon Ranges Shire Council
BY EMAIL: strategicplanning@mrsc.vic.gov.au

PROPOSED DRAFT RURAL LAND USE STRATEGY ("the Land Strategy") – SUBMISSION RESPONSE

Dear Sir/Madam,

I refer to the above-mentioned Land Strategy which has been released for public comment.

I commend the Council for undertaking a long and overdue review of the Land Strategy.

However, with all due respect, I submit that some of the recommendations contained in the Land Strategy, will cause a significant deterioration of longstanding rights which farming landowners have relied upon in order to establish and run their agricultural businesses. In my view, the proposed changes which I will address below, will have a detrimental economic impact with particular regard to estate planning and inter-generational transfer of farmland.

MY BACKGROUND

My siblings and  The ownership structure of our holding is a direct result of inheritance. Our intention is to expand our primary production operations with a view to passing the property on to our own children. In order to achieve this, it will be necessary for us, at some point in time, to undertake a subdivision as part of our estate planning.

FARM BUILD RIGHT

Currently, landowners have the right to build a dwelling on Farm Zoned land without the need for a planning permit where the property is at least 40 ha (approximately 100 acres) in size. I believe this right originated in the late 1800s so that farmers would not need to spend

time on the paperwork red tape and cost which invariably occurs when planning approval is required. Today, the private building surveyor performs the task of issuing a building permit.

Large properties by their very nature require a dwelling by default to enable the farmer to reside and oversee the running of his agricultural business on site. Today, the high cost of purchasing farm land is a capital barrier to entry. If the right to build is removed for farm land of at least 40 ha in size, the risk associated with the possibility of not being able to build a dwelling will be economically prohibitive and discourage a potential purchase.

Furthermore, it is unrealistic to assume that a farmer will be able to afford to purchase a separate dwelling elsewhere off farm given that the price of homes in regional Victoria have experienced the greatest increase in history over the past 12 months.

I submit that it is vital that the planning scheme remains unchanged regarding a landowner's right to build on farm land of at least 40 ha in size. The introduction of a 0 ha lot size for a dwelling without a permit is a unilateral arrogation of a long standing and fundamental right that farming landowners have retained for more than a century. This change will also ultimately serve to increase the concentration of ownership of agricultural land into fewer entities, which is detrimental to the competing smaller farmers and the wider community.

TWO OR MORE DWELLINGS ON A LOT

It is quite commonplace for large farming properties to be co-owned by relatives. What follows is the likely need for more than one dwelling to be built at such a property. Given the already prohibitively expensive cost of such high, quality farm land, it is reasonable to expect that relatives or business partners, as the case may be, would endeavour to pool their funds to enable a purchase. Indeed, it is reasonable to expect that each owner would wish to live in their own separate dwelling with their nuclear family. It is in these types of circumstances that Council should have the willingness to adopt a more flexible and supportive approach in their planning strategy.

I am disappointed that Council will '**strongly discourage**' second and subsequent dwellings. Furthermore, to add a **prohibitive condition** requiring a section 173 Planning and Environment Act agreement to stop the excision of a dwelling from a parent lot is very restrictive given the frequency of farm land being held by multiple owners.

I submit that Council should retain a more progressive approach and review the circumstances on a case by case basis rather than enshrine a restrictive approach regarding the building of second and subsequent dwellings, in the Land Strategy.

SUBDIVISION OF LAND RIGHT

Currently, the minimum lot size for subdivision is 40 ha to the east of the Shire. I note that the Land Strategy proposes that a **new minimum lot size for subdivision be 100 ha across ALL farm zoned land.**

The following assumption is being made by Council as detailed in the "Draft rural land use strategy – Subdivision summary":

"This lot size minimum is set, not to reflect the size of an average farm enterprise, but to BREAK the NEXUS between subdivision and dwellings and afford Council the opportunity to ensure that a new dwelling in the Farming Zone is genuinely required for an agricultural purpose".

As previously mentioned, the prohibitively high cost of purchasing good quality farmland means that few farmers will have the luxury of owning a dwelling off site in addition to their agricultural land. It is for this very reason that the pooling of financial resources occurs between family members to enable the purchase of farmland to take place. It is not unreasonable to expect to also be able to build a home onsite. In fact, there is a critical nexus between living and working on the farm which should not be broken. However, it is realistic to assume that most co-owners would only be prepared to invest if they could be assured the certainty of legal ownership by way of subdivision at a future date based on the 40 ha minimum. It is more likely in future for agribusiness to muscle out smaller farm owners by purchasing farming land, as has been seen already in recent years in the USA. These large businesses are profit driven, have much more effective lobbying at the state and federal level, and are not particularly interested in the local communities in which they operate.

Furthermore, if a developer is looking to subdivide and build dwellings for re-sale, this is sufficiently covered in the separate residential zoning guidelines which already exist and achieves the break in the nexus.

Let's consider how useful the proposed measures are, at preventing land use from changing. The average Australian house is 235 square metres (from 2016 census data). The proposed minimum lot size is 100 Ha, which is equivalent to 1,000,000 square metres. If we build a house on 100 Ha of land, we've consumed 235 square meters out of 1,000,000. In other words, this is 0.0235% of the land area. If we consider a minimum lot size of 40 Ha, then the percentage becomes 0.0588%. Looking at these numbers, it seems that preventing houses being built on agricultural land of these large lot sizes is insignificant and irrelevant to preserving agricultural land, especially when considered against the loss of value and amenity to the farm owners. And this assumes that every landowner with a large lot would seek to build a home upon their land (many would not for their own reasons).

Let's consider instead a farm where beef cattle are raised. There may be 40 head of cattle on 100 ha of unimproved land. Let's consider all 40 are all cows which calve every year, and let's consider that a farmer living on site is able to check his cows in season frequently enough to avoid losing one calf (due to birthing difficulties, predation, etc) every year. That one calf represents very roughly 1/40th of the production of that herd for every year, which is 2.5%.

The proposed bill would compare the benefit of saving 0.0588% of agricultural land against an example loss of 2.5% of a herd. That means 40 times more productivity is lost through following the proposed strategy. That is a counter-productive strategy.

I submit that an exception should be expressly created and stated in the Land Strategy for larger farmland properties where there are several co-owners. The minimum lot size of 40 ha should be retained in these circumstances. Typically, the nature of the legal ownership of a property makes it easy to identify whether the intention is to develop the land for subdivision purposes rather than subdivide the land to enable better land resource allocation and management to primary production. Proper consideration should be given to inter-generational family-owned farms by preserving the 40 ha minimum subdivision rule.

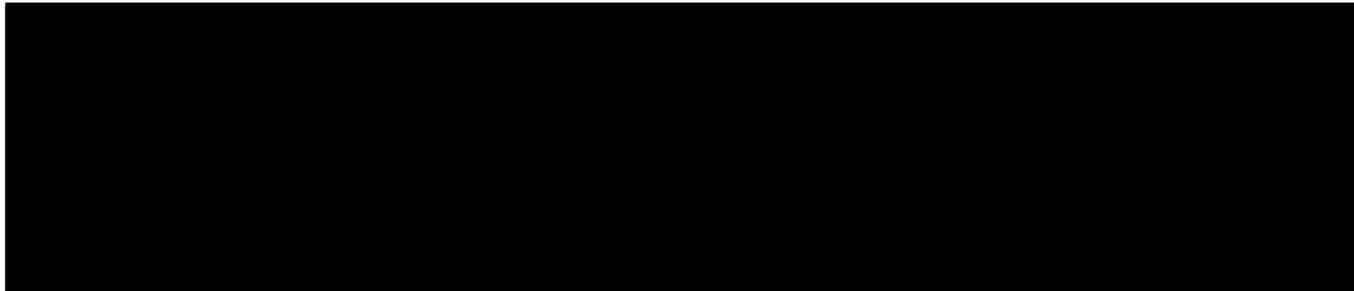
CONCLUSION

Overall, as the proposals outlined in the Land Strategy intend to severely impact various longstanding rights of farmers, many of whom have owned their land over many generations, I submit that further and more individualised consultation should be undertaken by Council with landowners who will be negatively impacted by these changes especially given the dubious benefits.

Furthermore, not enough weight is given to the multiple use of a dwelling on a farm. There is a critical nexus between living on a farm and running the business side of the farm typically from the same dwelling. With all due respect, the Council has failed to fully appreciate this triangular connection between the farming activities, the business side of running the farm and the necessity of living on the farm to maximise capital inputs at a time when farmland has never been more expensive.

Thank-you for your consideration.

Yours sincerely,



From: [North Central Catchment Management Authority](#)
To: [Strategic Planning](#)
Subject: North Central CMA Response
Date: Thursday, 16 September 2021 1:43:31 PM
Attachments: [NCCMA-F-2021-01061.pdf](#)

Please find attached North Central CMA's response to your recent request.

If you require any additional information please contact North Central CMA on the contact details shown below.

Regards,

Floodplain Management & Statutory Functions

P: (03) 5440 1896

E: floodplain@nccma.vic.gov.au

W: www.nccma.vic.gov.au

PO Box 18, Huntly Vic 3551



I acknowledge the Traditional Owners of the land, their rich cultural connection to Country, and pay my respects to the Elders past, present and emerging.

Think green and read on the screen.

If you receive this message in error, please notify the North Central Catchment Management Authority immediately. The information contained in this message is legally privileged and confidential. Unauthorised use, dissemination, distribution or reproduction of this message is prohibited.



NCCMA Ref: NCCMA-F-2021-01061
 Document No: 1
 Date: 16 September 2021

Strategic Planning
 Macedon Ranges Shire Council
 Po Box 151,
 Kyneton Vic 3444

Dear Sir/Madam,

Regarding: Draft Macedon Ranges Rural Land Use Strategy 2020

Thank you for your invitation to review and provide a submission regarding the draft Macedon Ranges Rural Land Use Strategy 2020 which seeks to update the policy direction for rural land to account for the changing nature of rural land use, and the changes that have occurred to government regulation made since the previous 2002 Macedon Ranges Rural Land Use Strategy (the Strategy).

For context, North Central Catchment Management Authority (CMA) was established under the Catchment and Land Protection Act 1994 and also has powers and functions under the Water Act 1989. North Central CMA is the lead natural resource management agency in north central Victoria which covers the northern portion of the Macedon Ranges Shire Council. One of its core functions is the development and delivery of the Regional Catchment Strategy. North Central CMA is also the relevant Floodplain Management Authority under the Planning and Environment Act 1987.

North Central CMA supports the Strategy intent in seeking to:

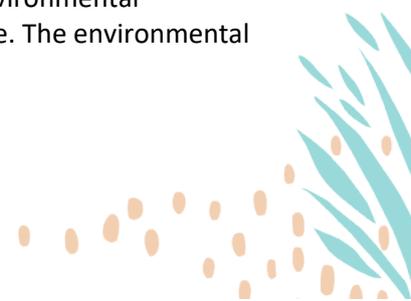
- develop a vision for land currently in the Farming Zone and Rural Conservation Zone.
- identify important values and features of rural land to be protected and enhanced.
- respond to changes in land use that have occurred over the last 20 years.
- identify mechanisms to foster best practice land management.
- make recommendations for changes to the Macedon Ranges Planning Scheme that implement the points above.

Natural Resource Management

The North Central CMA in partnership with Coliban Water have been delivering the A Healthy Coliban Catchment (AHCC) program that aims to achieve integrated natural resource management outcomes for the Catchments above Malmsbury Reservoir. This project sets out a long term vision and investment strategy to protect the catchment and commenced in 2018. Additional information can be found at <http://www.nccma.vic.gov.au/projects/rivers-and-wetlands/healthy-coliban-catchment>

The AHCC program was developed in conjunction with Macedon Ranges Shire Council, landholders, local Landcare groups, local and Victorian government agencies and Goulburn Murray Water.

A component of the AHCC is completion of a planning amendment to update Environmental Significance Overlay, Schedule 4 (ESO4) of the Macedon Ranges Planning Scheme. The environmental



objective of the proposed ESO4 is to ensure development protects, restores and enhances natural resources and environmental systems and minimises detrimental impacts on the quality and quantity of water in the catchment.

Although the proposed amendment is highlighted on page 32 of the Strategy, the North Central CMA believes the proposed amendment could be better identified and supported in Section 3 (Implementation).

Rural Activity Zone

Rural Activity Zone (RAZ) has been identified in the Strategy as being applied across the eastern half of the Upper Coliban Catchment area, with a western portion of catchment being Rural Conservation Zone (RCZ). Our understanding of the RAZ being applied to this landscape is to support diverse agricultural activities in areas that have been significantly fragmented and provide an opportunity to leverage other strengths of the rural environment.

North Central CMA supports Coliban Water's preference for RCZ being applied within the catchment area of their storages, and for RAZ to be applied to the existing Farm Zone area between the Upper Coliban catchment and the township of Kyneton. We acknowledge the benefits the RAZ will provide to the rural communities over the RCZ; however, it is recommended that any change be strongly linked to the implementation of an improved ESO4.

Domestic Wastewater Management

North Central CMA acknowledge that domestic wastewater management presents a significant risk to achieving catchment management objectives. Consequently, it is recommended that the Strategy acknowledge the importance of implementing a satisfactory monitoring and enforcement component of Council's Domestic Wastewater Management Plan.

Regional Catchment Strategy

The North Central CMA is currently leading the renewal of the Regional Catchment Strategy (RCS) for 2021-27 for the North Central CMA region. The RCS is the overarching strategy for land, water and biodiversity management and its implementation is the responsibility of all agencies and government organisations in the region. It is an important planning document that defines a long-term vision, identifies priority directions and places to direct investment. It is noted that the 2021-27 RCS is currently awaiting Minister approval; however, given its relevance, it is recommended that the Strategy make reference to the RCS. Please refer to <https://northcentral.rcs.vic.gov.au/> for further information. North Central CMA would welcome further consultation with Macedon Ranges Shire Council in respect to incorporating the RCS into the Strategy.

Should you have any queries, please do not hesitate to contact me on [REDACTED]
To assist the CMA in handling any enquiries and the supply of further information, please ensure you quote [REDACTED] in your correspondence.





From: [REDACTED]
To: [Strategic Planning](#)
Subject: Rural conservation rezoning
Date: Thursday, 16 September 2021 3:06:19 PM

Strategic planning MRSC

16/08/2021

I'm a primary producer in [REDACTED], one of the areas designated for rezoning into a Rural Conservation Zone designated in the latest Draft Rural Land Use Strategy.

I was unaware about the impacts of the rezoning until recently a neighbour brought to my attention the intended changes. With the planned information sessions cancelled due to covid, the public consultation has not been forthcoming.

Agricultural enterprises run in these areas have been run by farmers who over many years of experience and using latest technologies understand what these properties are capable of. These farms must be well cared for as farmers have to make a living and not degrade the land as the farm must produce repeatable results year after year.

I would like to see the council have either a one on one meeting, or a group meeting with other concerned farmers in the area to clarify what these changes, to explain how these changes are in the best interest of the farming in the area.

Your sincerely

[REDACTED]

From: [REDACTED]
To: [Strategic Planning](#)
Cc: [REDACTED]
Subject: Rural Land Use Strategy submission
Date: Thursday, 16 September 2021 3:06:34 PM
Attachments: [RLUS MRSC submission.pdf](#)

Good afternoon,
Please find herewith our submission in response to the Macedon Ranges Shire Council Rural Land Use Strategy.

Many thanks,

[REDACTED]

Response to the proposed Rural Land Use Strategy

We are [REDACTED] [REDACTED] farmers on our property at [REDACTED] [REDACTED] now comprising of some [REDACTED] acres. In the late [REDACTED]'s my father purchased a property which was predominantly farmed for sheep and hay production. The neighbouring farmer was so impressed at my father's farming practices and improvements that he offered his property for sale a few years later, as he wished to retire. At that point we were one of the [REDACTED] [REDACTED] in the [REDACTED]. Over the decades the property has farmed stud cattle, sheep, cereal and oilseed crops, hay production, agro-forestry, rock-crushing and composting. Furthermore, it was certified organic in the [REDACTED] [REDACTED]'s.

Weed management and good fire management practices, including clearing of vegetation for access on fire tracks have always been a priority. Gorse, blackberry and thistle would be our largest weed issue with ongoing pressure and re-infestation coming from our neighbouring land, which is partly why the property is no longer organic. More recently, our farming practices have also had to include vermin control with such pests including foxes, rabbits, wild pigs, an explosion of numbers of kangaroos and more recently wild deer.

Like my father before me, a neighbour has been so impressed by our farming practices and land management that he asked us to lease his land to manage it "properly" alongside our own.

As the decades have progressed, the neighbouring land use has altered significantly with smaller lifestyle or hobby farms and their dwellings allowed. These landowners have not always accepted historical farming practices; be it noise, traffic or odours. The neighbouring properties, overall, do not maintain fire tracks, fences, weed management, vermin control or proactive fire prevention measures. [REDACTED] [REDACTED] says he prefers his property to be "natural". It is infested with gorse and blackberry and poses a very real fire risk being so fuel-loaded with trees, weeds and grasses along with almost non-existent or useless fencing, all of which makes our land management more difficult.

If the new proposed zoning isn't going to require existing landowners to improve their land management for fire prevention, vermin control and weed management, thus actually conserving the land, and is just to enforce ruling for future land uses, then there is no point in changing the zoning to Rural Conservation.

Whilst our farm has long-standing land usage history and rights, my greatest concern with the Councils proposal to change from Farming Zone to Rural Conservation Zone is that our right to farm our property in the future may be questioned by surrounding landholders, especially if the demographic of the community alters. This may include vermin control, equipment noise, pasture management practices, stocking rates, necessary clearing and maintenance of fire tracks, herd management practices, firewood collection, etc.

During the Councils own Q&A session it was asked how the Council would monitor or police the proposed zoning regulations and it was acknowledged that the information would have to come from neighbouring landowners reporting to Council.

A further concern, following the proposed changes to the Cobaw Biolink, is that in the future we could also be put under a Vegetation Protection Overlay and/or an Environmental Significance Overlay further hampering our ability to farm as we now know it.

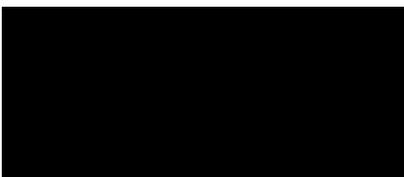
Also, considering the area that is proposed to be changed to Rural Conservation Zone is on the very edge of the Macedon Ranges Shire and the Hepburn Shire Farming Zone boundaries, it would appear discordant to alter the zoning. Adding to this, the proposed haphazard rezoning of the opposite side of our road to Rural Activity Zone unnecessarily divides and complicates our local and wider farming communities.

In summary:

- We are very concerned that we will need to prove existing usage rights regarding raising livestock, hay production, cropping and pasture improvements. Councils' opinion that 'we must demonstrate how a proposed farming practice is to enhance the conservation, biodiversity, cultural or rural landscape values of the area' is heavy-handed and strangling our right to farm our land as required.
- Land conservation means different things to different landowners and authorities. For a farmer, fencing off or locking up land is neglect not conservation.
- We do not believe that enough consideration is being given regarding the control of vermin and whether we will now require a Council permit for this as well. During our one-on-one meeting, the Council representatives recognised they had not considered those requirements.
- Any future overlays will strongly inhibit the ability to farm the land and exacerbate issues with fire prevention, weed management and vermin control.
- The Rural Land Use Strategy is effectively giving Council a sledgehammer to control landowners instead of promoting beneficial investment in farming.

Finally, we would like to extend an invitation to any of the Strategic Planning team who would be interested to meet with us on our property to better and visually understand our current land management and farming practices and ongoing concerns.

Regards,



From: [REDACTED]
To: [Strategic Planning](#)
Subject: [REDACTED] use strategy submission
Date: Thursday, 16 September 2021 3:36:25 PM



I am a [REDACTED] to farm in the [REDACTED] District. The proposed rezoning of my farm to conservation zone will impact my future ability to farm. I have only recently been informed of this proposal with no notification from the Macedon Ranges Shire.

The Rural Land Use Strategy states The Farming Zone is primarily concerned with keeping land in agricultural production and avoiding land uses that could limit future farming or constrain agricultural activities.

In this zone. Farming is predominantly land use and all other land uses are subordinate to farming.

Farming uses are encouraged to establish and expand with as little restriction as possible, subject to proper safeguards for the environment page 48.

To require a permit to alter any farming will not only be costly but have no guarantee of my application being successful.

Maintaining the existing Farm Zone will preserve the landscape not destroy it.

This is our livelihood, and this proposal will destroy the way we live our lives. I formally object to the rezoning from Farming to Conservation of our family farm



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From: [REDACTED]
To: [Strategic Planning](#)
Subject: Feedback regarding proposed Draft Rural Land Use Strategy
Date: Thursday, 16 September 2021 6:32:52 PM
Attachments: [Submission to MRSC- Draft Rural Land Use Stratgey.docx](#)

September 9, 2021

To the Councillors of the Macedon Ranges Shire and Strategic Planning Team,

I write as a conservationist with great interest in the creation and preservation of bio-links and habitat refuge for Australia's crucial, and rapidly disappearing biodiversity. My [REDACTED] tirelessly to find marginalised land to protect through our [REDACTED] [REDACTED] toward this end. We are also traditional farmers and landholders in [REDACTED] [REDACTED] [REDACTED] for the rest of the family) who understand the pressures upon both farmers and the Shire as Melbourne and Bendigo grow with shifting demographics, new residents, and challenges of climate change requiring a very strategic response from Council. These various interests lead me now to send feedback at the Shires request regarding the changes to current RCZ areas that currently provide a vital biolink between the Cobaw State Forest and Macedon. Could you explain how the "new" proposed agricultural zone (really a return to its history as the bread belt or horticultural hub of the region) will be encouraged to maintain and strengthen the conservation gains it has made and crucial bio link via private conservation and planting?

I must also voice some concern over the proposal to rezone areas of productive agriculture in the [REDACTED] of the Shire to Rural Conservation Zone ...ignoring the opportunity to create a more strategic new bio-link elsewhere, hindering livelihoods, and underestimating the incredible conservation that has been privately implemented and managed on these properties for many years.

You have heard from me recently in regard to planning proposals near [REDACTED] along the [REDACTED] [REDACTED] an area ranked of high indigenous significance. I appealed to you at that time as a [REDACTED] [REDACTED] in honour of the deeper values of this community to journey with greater respect with First Nations peoples. (This is a [REDACTED] upon [REDACTED], in the absence of notice otherwise, although our [REDACTED] to be in [REDACTED] the adoption of the MRSC first RAP 😊) I was thrilled to see Council almost unanimously commit to a more sensitive plan for the development of the [REDACTED] site in keeping with the character and values of our region and further consultation with the Taungurung. Thank you.

Today, however, I wish to represent the [REDACTED] itself....a group that is just as essential to the stated goals of the Shire and State toward: meaningful reconciliation, the preservation of agricultural viability, conservation, as well as protection of cultural heritage (ancient and post-colonial). This is the [REDACTED] the RAP table to [REDACTED] [REDACTED] vision and increasing heart for reconciliation with the traditional owners whose land they care for and with whom they now share an understanding of "custodianship", but also to learn how this could be done diplomatically; what were the workable safe pathways; and crucially, if they would forcibly lose land if venturing into the space of trying to craft a shared future together. The fact that they were willing to risk this should speak volumes. And, the irony, also, does not escape them. There were plans to soon introduce community information sessions where they could ask Aboriginal Heritage their questions around what mutual protections are in place for bringing forward cultural heritage....which is a part of both communities. It would be a pity to see this historic opportunity squandered.

So today, it is also on behalf of neighbours and landowners most effected by the proposed changes in the Draft Rural Land Use Strategy within the [REDACTED] agricultural region that I advocate as a RAP [REDACTED]. At the moment, this community is feeling not only under threat, but under siege as some face a sudden unforeseen risk to livelihood and thus continuation on the land... without full consultation. I beg the Councils patience as I attempt to explain the delicate diplomatic situation before us.

The [REDACTED] in the [REDACTED] [REDACTED] of the Shire is predominantly made up of remnant early selections and titles which were carved by the British government from land owned by the Taungurung. These have remained intact as large family run traditional farms since the 1840s. They predate even the towns of our region and local oral history recalls settler memories of visiting Melbourne while still a tent city. The area contains dark rumour of frontier warfare as well as tales of redemption.....and though not easy, this is a community that no longer looks away.

Early titles were small in hope of a productive landscape but the reality was rugged. It is far from fragmented now as consolidation of land title within families to a workable size for this habitat has been discovered, maximising production from its dry granitic soils (which require a larger area to sustain agriculture than the more fertile areas of the Shire.) This challenging landscape has been met with unflagging ingenuity and creativity to discover unique economically viable solutions. Here you will find the true "battlers" whose blood sweat and tears helped build the Australia we know. It is one of the few areas left within the Macedon Ranges where a self-sustainable primary income from the land has been created in spite of climate change/drought, various economic downturn, and the encroachment of suburbia. The main use of this agricultural land is livestock grazing for beef, lamb and wool as well as hay making, a few broad acre crops, and viticulture. Due to its wide sweeping views and open countryside, it has also become a much-loved part of the Shire for scenic driving, biking, winery visiting, and B & B farm stays... a valuable natural and cultural State asset which exists entirely because of its resident farmers.

(Note: This aspect....the development of further tourism.... warrants future discussion between our regional sector and Council but for now I will stick to the topic at hand.)

Support for Rural Conservation Zones when protecting existent bush or significant feature has been strong among these families, and many have also self-initiated and funded conservation projects on their own land. There are multiple protective overlays existent on these farms. However, the rezoning of traditional and still productive farmland from Agriculture to RCZ in this area just north of the Cobaws may be ill advised. RM Consulting are a group my [REDACTED] with ourselves. This proposal, however, does feel a bit of a wild "stab in the dark" (perhaps due to the pandemic and inability to assess the rezoning implications personally and fully?)

The titles currently under consideration to become RCZ happen to include the working farms of a demographic remarkably unchanged since the foundation of Victoria. In particular, the land held by [REDACTED] are among the earliest continuous in the State. Escaping unrest in Scotland, Ireland, and Prussia... or second sons of England, they migrated to the new colony in search of a new home, following immediately on the heels of Major Mitchell and the original squatter barons to become among the very first immigrant freeholders to purchase land from the Crown in Victoria. When the handful of notorious squatters gave up in an unpredictable environment these families remained and along with the rest of [REDACTED] (who share this history) have created a home and community who together hold intact a vast historical cultural asset of memory/story/song/and artefact in unbroken continuum from Victoria's foundation (and pre-history) to the present day.

This community represents over 170 years of nuanced collective knowledge, through trial and error, concerning survival within and care for this unique landscape; a delicate balance which has included a return (or continuation among our indigenous farmer descendants) to much of the wisdom of its traditional owners, the Taungurung. With this has developed a healthy and humble respect for nature, a commitment to conservation and the preservation of Australia's ancient cultural heritage as well as some of its most valuable future biodiversity refuge and agricultural assets. These things are not compartmentalized but understood as essentially interdependent to assist the wider Macedon Ranges community to navigate an uncertain climate future. The farmers of [REDACTED] have great hearts, indomitable spirit, and multi-generational commitments that value the balance of agriculture, conservation, and societal needs. Together they offer a long positive contribution to the towns and wider Shire with strategic vision toward the common good beyond their own livelihoods.

For example:

- Various [REDACTED] [REDACTED] have volunteered time in the community or served in local and State government since [REDACTED] [REDACTED] peace....a [REDACTED] laboured in....right down to the present day as Bernie O Sullivan ([REDACTED] serves as MRSC CEO.

[REDACTED]

- The [REDACTED] " have almost singlehandedly ensured the continuation of the [REDACTED] and that it has remained true to its core purpose, resulting in one of the Shires larger economy boosting tourist events.

In honour of story and historic culture they also donated an amazing structure in its entirety to the [REDACTED] which can be seen from [REDACTED] grounds)

- Involvement in the creation of the Horticultural Society and Daffodil Festival
- The quarrying and building oversight of [REDACTED] heritage bluestone buildings ([REDACTED] [REDACTED])
- [REDACTED] residents have taken part in the establishment of various nature reserves such as Bald Hill, Black Hill, and Hanging Rock near Kyneton/Woodend and the earliest botanical categorization of Australia's wildlife. (Descendants of first ornithologist John Gould's assistant J. S. Miller remain present in the community along with several glass cases of Victoria's flora and fauna as it was first discovered and preserved.)
- [REDACTED] uniquely represent an early equine focus through its participation in the founding of the local [REDACTED], and the direct supply of its horses, training, and farrier care. [REDACTED] is also the home of a rare dry stone wall stallion stockyard (over two

metres in height in almost perfect preservation) and was also the location of one of the few significant rural horse racing tracks on private land (.....hosting a race of Ned Kelly fame....when the outlaw stole the winning horse off the breeder and host J.B. Thomson of “Balkebah” while everyone celebrated in the station tavern)

- Many have served in Australia’s defence force and some of [REDACTED] sons are written on the wall memorial in the Town Hall.
- Establishment and building of various town churches (in particular the Bluestone Catholic and Uniting -originally a Gaelic speaking Presbyterian congregation- in [REDACTED] as well as quite a few non-religious community services.
- There is an ongoing interest and mentor support network currently developing between our established farmers and those new to the Shire who are launching smaller scale regenerative farming in the Rural Mixed Use Zones. Local projects such as “This Farm Needs A Farmer” have been active to connect; and the [REDACTED] farmers are offering vision and practical support around how to educate, equip and support them to ensure food security for Melbourne and the Macedon Ranges into the future.
- In fact, it should be noted that in the early days of the current pandemic (2020) the livestock farmers (including the [REDACTED] were quietly standing by to supply emergency meat products to our local towns at sacrifice of some of their own breeding flocks if normal delivery/supply had become insufficient.
- There has been interest in what creative support local farmers might offer to the new Autumn Harvest Festival, recently launched by the Shire to attract tourists and locals to enjoy the regions natural features and it’s still intact agricultural heritage....in which so many visitors show interest.
- And, once again, there is a many generational work toward reconciliation out here where it gets real, with a lived understanding of what has truly happened, and willingness to reach out and journey with First Nations beyond the tokenism and fluctuation of politics. Quite a few of our local families have gone ahead and done what they could since the 1840s in this space...toward protection and building of relationship that not only reconciles but crafts a shared future Australia together. There is so much more scope for this going forward. But the window of opportunity for sharing of cultural information, artefact, and registration of significant site still intact across a region which has been held in only a few hands since first contact must be honoured or else it will be lost. A lot of this is oral history/collective memory from firsthand source passed down. It will only happen if the traditional farmers are allowed to remain as an Australian community with their own cultural significance, if they can maintain trust in the State and local governments upcoming treaty process, and if we get organized together. If the Shire Council is truly honest in its stated goals toward Makarrata it would do well to go above and beyond to communicate this effectively; acting to protect and support the process currently underway without unnecessary, accidental, or unintentional actions that might undermine.

As for the Draft, although some of the areas of land under consideration for rezoning are appropriate, I hope you will understand that where it intrudes upon a traditional, historic, and still viable farm enterprise such as those described it is perceived as quite detrimental for the following reasons:

- It is untenable to expect a farm to “continue exactly as it is”. The [REDACTED] landscape demands that farmers pivot regularly and rapidly to seasonal and climatic change. These agricultural enterprises must flexibly diversify their products and pursuits year to year to sustain an income. Having to seek permits for every change could quickly exhaust finance and spirit as well as introduce unworkable delays. Some of this land represents open native grassland as well as grassy dry forest which thrives best under light grazing and sensitive bush management (which has included sustainable firewood harvesting), just as has been practiced there for over a century. The loss to income could be fatal to the farm and deny future generations a return upon their investment, hard work, and sacrifice.

The direct prohibitions within an RCZ are also problematic on a working farm. For example: inability to camp or caravan could impede the employment of seasonal workers in such a remote agricultural area.

- Land management: We can all appreciate the Shires goal to prevent further inappropriate acquisition for land banking; unmitigated development that indiscriminately fragments the landscape with subdivision of too many structures; or a destruction of areas of natural and cultural significance. We would, however, hope you will recognize and be inspired by the long-term private collective commitment to heal salinity and erosion issues as well as the self-funded donation, fencing and planting of large areas of farms across the [REDACTED] region to provide refuge for biodiversity and to link significant bushland. Conservation has absolutely defined the resident community...whose survival has depended on it. There is a creative third solution being experimented with locally, sparking interest globally, which carefully patterns conservation in and around agriculture in ways that serve both. The fact that native grasslands and waterway remain in good health and abundance from earliest settlement should assure Council that these family farms are unlikely to ever break into unviable fragments or degrade the landscape through damaging clearance. They will, instead, if left to themselves, work generationally to improve its condition etc.
- Bushfire Response: The areas under consideration represent the closest potential safe “north” zone to the Cobaw State Forest. The open grazed grassland, even within the dry forest on the land in question has created an effective fire barrier and stopped the spread of several local fires. If this area changes zones and even hands without a proper mentored handover it will rapidly lose the balance that protects life and may result in disaster on a large scale.

Also, concerning the RCZ prohibition of place of assembly: this prohibition on a farm would impede the community’s ability to respond to increasingly frequent bushfires and could imperil life unnecessarily. CFA, farmers, and local volunteer support teams need to have the flexibility to gather in groups larger than 50 and serve food in an emergency. The current agricultural zone farms stand ready to serve in this capacity every fire season.

I strongly suggest, therefore, that the Draft Rural Land Use Strategy proposal before Council may fall short of the big picture of what we all love most about the Macedon Ranges Shire and, even more

importantly, what we been given the opportunity to create together. Please understand, the aim here is not to be unduly obstructionist to either development or change in our region, but to deepen the Councillors understanding of the multifaceted assets and the enormous potential within the Macedon Ranges toward collaborative support of its already stated aims. Also, to support this community as it faces transition and ensure that strategic zones and development remain informed and consistently beneficial to all.

I recommend a more transparent and thorough communication with this historic and agricultural region going forward before the introduction of sweeping change which directly affects its residents lives and culture. Rather than a little post card easily missed (and engendering of suspicion that Council were trying to slip a planning change under the radar) a proper explanatory letter from Council and one or two good old fashioned community meetings, face to face would probably suffice. Its remote out here, and without good wifi there are several who will be directly impacted whom we suspect continue completely unaware of the rezoning proposal and attempts are being made to contact them in time to submit their feedback.

Please let me know if I may be of assistance to coordinate an actual meeting between Councillors and the farmers of [REDACTED] to alleviate concerns, better understand implications, respect context, and discover potential allied strategic goals. There is plenty of fresh air and space to hold an outdoor meeting at the [REDACTED] a tour of the potentially impacted farms has already been invited and could easily be arranged.

Sincerely,

[REDACTED]

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Rural Land Use Strategy Submission
Date: Thursday, 16 September 2021 6:35:14 PM
Attachments: [image001.png](#)

Dear MRSC,

As a local [REDACTED], I wish to make a formal submission in relation to the Rural Land Use Strategy.

I strongly object to Council's proposal to rezone the land from Rural Conservation Zone to Farming Zone in the area between the Macedon and Cobaw ranges.

This area is critical to conservation and biodiversity in the shire and has been identified as a highly significant link between the Macedon and Cobaw ranges – the Cobaw Biolink. In a rapidly changing climate, areas such as the Macedon and Cobaw ranges will provide refuge to threatened species, and the viability of these refuges is dependent on maintaining an interconnection with relatively continuous native vegetation and minimal development.

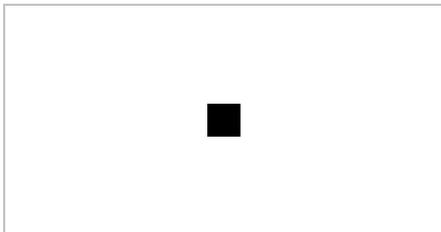
In addition, the proposed rezoning will threaten the qualities that makes Hanging Rock and its surrounding landscape such an important tourist attraction, and thereby threaten the significant economic activity that it brings to the area.

Please do not allow this rezoning to proceed.

Kind Regards,

[REDACTED]

[REDACTED]



From: [REDACTED]
To: [Strategic Planning](#)
Subject: RLU S Objection
Date: Thursday, 16 September 2021 7:14:31 PM

The proposed rezoning of 3 areas in Macedon Ranges from Farming (FZ) to Rural Conservation (RCZ) has many loose ends that have not been satisfactorily considered in this lengthy period of discussions and interaction with public.

Undoubtedly the processes and resultant informations has been either lost in time or misinterpreted at this point.

The most significant issue outstanding is the effect of the properties value and we see nothing in the plans to compensate those affected either now or in the future. It is totally unreasonable to expect those property owners to carry the costs and losses of land values due to restricted and modified usages.

The consultants report attempts to define the new usage rules in the tables but we see several that are not workable or even compatible with other elements and statements in the report. This leaves them open to miss interpretation by those administering any engineering, health or planning issues. Quite a potential mess.

It is obvious that this whole rezoning looks like a text book approach attempted by those with almost zero understanding of its implementation and effects. Simply bulldoze it through (at any cost) so it can be ticked off the list in order to satisfy the State Government.

Any councillor or officer that signs off on the proposal as it stands is not representing the best interests of the public (land holders) and should not be in office.

A Rural Conservation Zone can work but not as currently proposed as it falls short of many needed elements including ongoing management and maintenance. (land owners cost?).

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [Strategic Planning](#)
Cc: [REDACTED]
Subject: Submission to the Draft Rural Land Use Strategy - [REDACTED]
Date: Thursday, 16 September 2021 7:39:27 PM
Attachments: [image001.png](#)
[image002.jpg](#)
[image003.png](#)
[image004.png](#)
[REDACTED]

Good evening

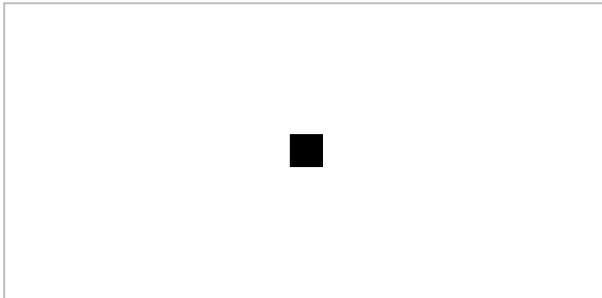
Please find attached our submission against Council's Draft Rural Land Use Strategy on behalf of our client, Minsmere Pty Ltd.

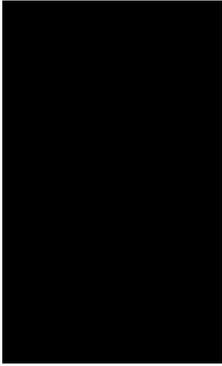
If you have any queries in relation to the submission please do not hesitate to contact me via email or [REDACTED]

Kind regards

[REDACTED]

[REDACTED]





To whom it may concern,

16 September 2021

Submission to the Draft Rural Land Use Strategy

Strategic Planning
Macedon Ranges Shire Council
PO Box 151
KYNETON VIC 3444

We advise that we act on behalf of [REDACTED] who own a number of properties in Macedon Ranges which will be affected by Council’s proposed Draft Rural Land Use Strategy.

Our client wishes to lodge a submission raising concerns with the proposed strategy as set out below.

*Sent via email to
strategicplanning@mrsc.vic.gov.au*

The properties owned by our client affected by this proposal [REDACTED] [REDACTED]. Each [REDACTED] separately titled allotments with areas ranging between [REDACTED]. The addresses of these properties are at [REDACTED]

These are substantial landholdings, and our client therefore has a strong interest in the proposed strategies for the area.

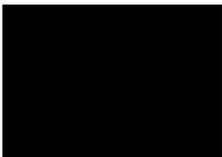
Strategically Significant/Productive Agricultural Land

All of our client’s land is currently used for farming. These practices are considered to represent meaningful / productive agricultural land uses.

We note that as part of Stage 1 of this study Council has identified farm land within the Rural Conservation and Farming Zones which is of strategic agricultural importance, based on the findings of consultation undertaken by DELWP for its ‘Planning for Melbourne’s Green Wedges and Agricultural Land’ project. This information is also based on historical and recent studies undertaken by Council around local soil quality, irrigation and access to water and climate. This is depicted in Figure 7 on page 27 of the draft RLUS.

Based on Figure 7, there are some sections within each of the [REDACTED] owned by our client which are identified as being of strategic agricultural significance and other sections which are not.

Of those sections that were not deemed as being of strategic agricultural significance, the majority of this land comprises of individually titled lots with allotment area of less than 100ha. Many of these lots have already been ‘fragmented’, they have direct road access and are of a size and shape that they



could reasonably be used for a range of uses that are rural in nature, but not allowed in the Farming Zone.

We submit that there is an opportunity here to apply planning controls such as the Rural Activity Zone that enable land such as this, which has been deemed not as productive as other nearby land, to be used more flexibly.

This would be a more sensible approach to achieving Council's stated aims of protecting agriculturally productive land from further fragmentation whilst also supporting and promoting other uses and industries (such as equine and rural tourism) in locations that have already been identified as fragmented and of less productive value.

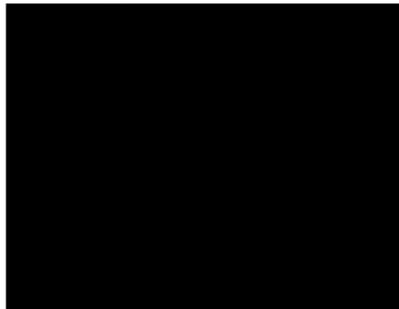
Subdivision and Dwellings

As established above, our client owns several properties within the municipality currently in the Farming Zone which are partially of strategic farming and agricultural significance. In the interest of productive efficiency, the client may intend to sell these properties in the future to excise sections of the land holdings which may no longer be beneficial for farming/agricultural purposes.

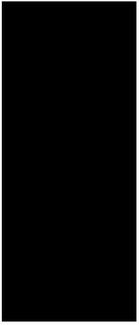
The proposal to reduce the minimum lot size for a dwelling without a permit requirement to Oha in this zone (down from 40ha) will, in our view, unreasonably burden future purchasers of said land which is deemed not viable for farming/agricultural purposes. We consider this aspect of the strategy should be reviewed to recognise land that no longer serves its useful purpose with respect to agriculture or other commercial pursuits.

Should you have any queries relating to this matter, please do not hesitate to contact the undersigned on 

Yours sincerely,



Property Addresses



From: [REDACTED]
To: [Strategic Planning](#)
Subject: RLUS SUBMISSION
Date: Thursday, 16 September 2021 8:17:40 PM
Attachments: [RLUS.docx](#)
[ATT00001.txt](#)

Strategic Planning
Macedon Ranges Shire Council

Submission Draft Rural land Use Strategy

What this strategy seeks to achieve is an undermining of the ecological and conservation values of an area recognised in legislation to be protected from overdevelopment.

Hardly consistent with this legislation is the plan to rezone the pristine RCZ from Macedon, around Hanging Rock to the Cobaws - through a biolink involving 15 years of community participation.

This is not a rural strategy which places the environment first but an economic plan where rezoning financially benefits a few, is detrimental to the landscape and ignores the values of the local community. Laying concrete and building reception venues and conference centres, to name just two of the uses allowed under the Farming Zone, is totally contrary to the aim of The Distinctive Areas Legislation.

The recommendation to rezone a vast area between Woodend and Malmsbury is similarly disastrous. Woodend and Kyneton have legislated town boundaries the purpose of which is to contain development within. Zoning this area Rural Activity would allow developments which would effectively join up these towns and would threaten our open potable water catchments - essential to supply with the uncertainty of climate change ahead.

Macedon Ranges Shire Council can do much better than this strategy recommends. Retaining, respecting and enhancing rural landscapes in the Ranges, for generations to come, and abandoning this strategy would be a good start.

████████████████████

2:48 pm Mon 13 Sep mary-anne-thomas.com.au 64%

MARY-ANNE THOMAS
LABOR MEMBER FOR MACEDON

ABOUT CAMPAIGNS MEDIA ACHIEVEMENTS HERE TO HELP GET INVOLVED

MEDIA RELEASE

MACEDON RANGES OFFICIALLY DECLARED A DISTINCTIVE AREA

AUGUST 29, 2016

The stunning and historic Macedon Ranges will be protected for years to come, with strengthened planning controls to protect this iconic region from over-development.

Minister for Planning Richard Wynne declared the region a distinctive area under the *Planning and Environment Amendment (Distinctive Areas and Landscapes) Act 2018* on 16 August 2016, fulfilling an Andrews Labor Government election promise.

The highest level of planning controls are now available to protect the rich diversity of environment and cultural treasures in our region including the iconic Hanging Rock, Mt Macedon, the Wombat State Forest and Mt William and the Stone Axe Quarry.

Settlement boundaries around townships in the area, including Gisborne, Kyneton, Romsey, Riddells Creek, Lancefield and Woodend are being finalized and will ensure urban development doesn't encroach on valued natural landscapes.

Once established these boundaries will be subject to the same rigorous protections of Melbourne's permanent Urban Growth Boundary – and can only be altered with the approval of both houses of the Victorian Parliament.

Minister Wynne also released the findings of the Consultation Report on the draft Macedon Ranges Localised Planning Statement, including 207 written submissions and 134 online survey responses.

Over 140 people attended community sessions as part of the consultation process. The Department of Environment, Land, Water and Planning in consultation with the Macedon Ranges Shire is now finalising the Statement of Planning Policy.

A new Statement of Planning Policy will incorporate feedback, including:

Quotes attributable to Minister for Planning Richard Wynne

“The rich landscape of the Macedon Ranges includes some of Victoria’s most historic townships and beautiful areas and will now be protected by the highest level of planning protection.

“We’re delighted to be protecting areas beloved by all Victorians, including the Wombat State Forest, Lerderderg State Park and Hanging Rock.”

Quotes attributable to Member for Macedon Mary-Anne Thomas

“We’re protecting the charm and beauty of the Macedon Ranges from over-development for generations to come.”

“Local residents know and understand this unique area better than anyone and they’ve been at the forefront of shaping the final planning statement.”

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Submission: Vision and Council Plan
Date: Wednesday, 22 September 2021 8:34:59 PM
Attachments: [Blank 3.docx](#)
[ATT00001.txt](#)

Strategic Planning
MRSC

Vision and Council Plan

Submission

The myopic 'Vision' approved by a Community Vision Assembly of 24 anonymous people does not represent our views, nor those of the Macedon Ranges community who have chosen to live in a much valued rural environment.

Prioritised by this 'Vision' is the Economic Development Plan and the flawed Rural Land Use Strategy which proposes rezoning a large portion of the Shire to facilitate development, financially benefiting a few whilst degrading the landscape and environment, and being contrary to State Distinctive Areas legislation.

One presumes these documents were prepared by external consultants, at considerable cost to ratepayers, for how else could an omission of this magnitude (ignorance of The Distinctive Areas legislation) be explained.

In a time of uncertainty, with climate change and threatened extinction of wildlife species, the Council Plan for a rural Shire must prioritise the natural environment with the Distinctive Areas legislation and Statement of Planning Policy as the 'guiding light' - not economic growth which is more appropriate to the aspirations of an urban council.



From: [REDACTED]
 To: [Strategic Planning](#)
 Subject: comment on draft rural land strategy
 Date: Thursday, 16 September 2021 9:16:36 PM

Submission to : MRSC Draft Rural Land Strategy

From: [REDACTED]

Location: [REDACTED]

Date: 16/9/2021

Introduction

I write to comment from a background of living in [REDACTED]. In addition, my comments are influenced by being raised in a farming area on the edge of [REDACTED] and my qualifications in planning ([REDACTED]). My comments are based primarily on the [REDACTED] of the Shire – at times they may be relevant to other regions.

Soil quality in MRSC

A decade ago, I had the opportunity to study in detail the Baxter, Boyle and Jones report “*Land Capability Study of the Shire of Romsey*” (1994) when I had access to detailed maps. Further to this I was fortunate to have comments from previous residents who had moved elsewhere, with substantiating documents ie. “Our farm won best dairy farm in Victoria in the 1950’s; and, for instance, that the [REDACTED] could tell without being told, when beef came from land north of the then [REDACTED] “because of the marbling”.

In short, anecdotes supported the detail of the Baxter et al study findings, that soil immediately [REDACTED] stretching to [REDACTED], is so good, it could well rank among the best in Australia.

This is supported by my experience gardening around [REDACTED] the soil literally grows anything, with no effort.

I would recommend that these areas remain Farming Zone, and that other less fertile areas be used for ‘Rural Tourism and Rural Activity’.

Rural Activity Zone, the Cobaw Bio-Link and Rural Tourism

I am reluctant to support this as it vague and not precise. Rural activity, over time, can be interpreted so very widely.

I do not believe we have substantial evidence yet, on what tourism activity will NOT damage the vegetation and landscape that is the ‘added value’ in MRSC. This concerns me as I believe we are inevitably, and commercially, a tourist location, and therefore need to incorporate attractive but sympathetic activity.

Environmental credentials are hard won, Whilst we may have the natural rock formations and vegetation of Mount Macedon National Park, I have been seriously impressed by the work undertaken by those involved in the Cobaw BioLink, in the last 20 years. This is now proving to be a phenomenal link with added value to agriculture, to the native flora and fauna, and for education of all the many city-escapees now MRSC residents,

I have seen that an environment, once damaged, becomes neglected by tourists. They just move

on to another 'fix'. Such damage, historically, is rarely repaired, but the area becomes more mundane. We are a tourist location and must have useful strategies to manage the increasing influx of tourists seeking a change from the built up 'city' surrounds.

Recommendation: I would change the name for this zone, to something much more specific to tourism, have a 5 year probationary period, and have strict guidelines and mandatory reporting for the first 5 years of the impact of approved projects, to inform forward planning in this area. I also consider setting a minimum size for such properties.

Population Growth in MRSC and Impact on Rural Areas

Ever since, in mid-2000's, when Victorian State Planning renamed "semi-rural" shires (ie. Mitchell, Macedon Ranges, Golden Plains) to "peri-urban" shires, I have been aware that they were seeing these areas as potential to absorb the future growth of the Melbourne metropolis. Romsey is but one town where we have seen this steady constant expansion of housing estate after housing estate, with the concomitant changes in resident expectations, increasing and changed main street activity, changes in housing expectations, and pressures on key infrastructure (schools, public transport, health etc).

Having seen the transformation in Greenvale, from early 1980 to current day (whew!), I am not at all surprised. I currently expect over the next decade, increasing growth in housing density and volume of housing, in and around MRSC towns. I believe this is absolutely inevitable – but I have two reservations –

- I hope this will occur on our poorest soils, and that townships will be able to incorporate gradually increasing densities.
(The alternative, as has now happened around ██████████ is that valuable rich vegetable growing soils, are covered with sprawling houses).
- I question the up until now "rural lifestyle" (as called) of properties in rural areas, that are rural retreats with some land around them, but not productive rural enterprises. Australia, up until now, and probably still around rural towns further from Melbourne, has encouraged and allowed this. In some ways, it has been one part of the Australian dream of the last 4 decades ie. 1970's onward.
I suggest that we must raise discussion to consider the effects of this on good farming land. I would hope eventually that we severely curtail and redirect this type of residence, except in extremely poor soils.

Removing As of Right Provision for Second Dwellings on Properties over 100ha

I, with some sadness for old farmers, support this provision being removed. I note the following:

- Farming must be the priority for these soils, especially considering the extremely high quality soils in the east (and I believe in other areas of MRSC?). Good farming is moving at a fast pace to larger machines, bulk production and larger farms. This is seen so clearly in the changed profile of gatherings such as the Elmore Field Day (where one is now surrounded by literally huge machinery, internet measurement of quality eg. computerised monitoring over huge distances, internet recording of soil changes) and in specialist publications such as *The Weekly Times*. The profiles of younger agricultural managers in *The Weekly Times* are enlightening ... sons (or daughters) don't just settle on 'the family farm'. They commence an agriculture-related

qualification (or speciality in biology/water/genetics etc) and then become assistant managers on other large agricultural entities, before returning to manage the 'family farm enterprise'.

I am impressed by the application and knowledge of the younger generation of serious agricultural managers, using technology and animal welfare knowledge, to revitalise our agricultural sector. I hope we can attract such competency to manage these rich soils within MRSC. My primary contacts are of a small number of older farmers, several now retired. I write to encourage MRSC to maintain our larger agricultural farms and support their technological progress.

Smaller farm lots with a house on them are not affordable for farms needing to expand, and affordable for those just wishing to experiment in being a farmer – not always successfully. I do not believe we should just encourage this; allow for it, celebrate the proven success ... but always remain cautious that only a few succeed.

The Equine Fraternity

I have become aware that MRSC is now formally aware of the number of equine establishments in the Shire. I include amongst these :

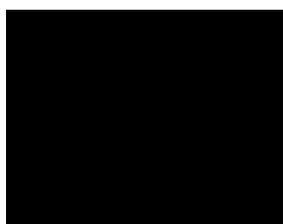
- Breeders (whether TB, Arab, SB, ponies or other breeds)
- Horse Trainers and Spelling Establishments,
- Riding Education and Riding Clubs
- A large range of support industries eg. feed, equine care (veterinarians, farriers etc), equestrian riding facilities

As a [REDACTED] of those with a working knowledge of horses, and having some years past experience with a leading horse welfare network, I am glad to see this recognition.

It is an industry with many specialists, but also many aspiring to success, others with a strong drive to financial success - and a knowledge base that still has a huge variability across it, especially as it has grown in recent years. I note, in light of my earlier comments, that my view is that the equine industry has the least need of many industries, for high quality soils horses by and large are fed by their owners or carers. The industry faces many challenges from too rich fodder intake by the unwary or newcomer to the scene.

I hope that MRSC helps to support recreation activity in the equine area. It is effective, regenerative and reliable for human health and exercise.

Thankyou for the opportunity to contribute to the formation of the Rural Land Strategy



From: [REDACTED]
To: [Strategic Planning](#)
Subject: Submission from [REDACTED]
Date: Thursday, 16 September 2021 9:30:00 PM

Dear Sir/ Madam

Thank you for the opportunity to provide a response to the The Rural Land Use Strategy.

I own two properties in [REDACTED] currently in the Farming Zone. One on [REDACTED] and one where I reside at [REDACTED] and where I also keep [REDACTED] horses and [REDACTED] head of cattle. Together with my [REDACTED] we ran a very well-established [REDACTED] and [REDACTED] business in Melbourne, however unfortunately due to Covid-19 we have to temporary close the business.

My submission is in relation to the property on [REDACTED] [REDACTED] (marked in [REDACTED] below). Your strategy states the Farming Zone is the main zone for agricultural areas and aims to encourage retention of productive agricultural land and discourage uses that may have adverse impacts on agriculture

I submit that the [REDACTED] the objects of this Statement and should be considered for rezoning for the following reasons:

- The [REDACTED] acres we own on [REDACTED] does not alone enable a sustainable living. For example we were offered [REDACTED] to lease the farm
- There are houses in close proximity nearby and therefore already limits intensive farming ventures where say frost fans are required
- There are water limitations - farm relies on mains water and hence limits use.
- The region can benefit from more families living in country lifestyle – this country affiliation cements, not reduces, local rural culture and awareness. Township fringe housing is not the answer.
- If equine farming activities are undertaken on the land, there is a need for on-farm accommodation for animal welfare benefits
- Buildings do not change the landscape given a typical house and sheds is less than 300 sqm in a say 100,000 sqm (10 ha block) so less than 0.3% of a farming block. What is allowed to be built can manage the landscape.
- There is already limited pasture native vegetation in the 10km proximities of townships. Trees can still be protected.
- It is incorrect assumption that all large farms in a region all meet the qualifications in the Statement - weed and biodiversity management.

I request as part of your Strategy Planning the area indicated in red be rezoned to rural living.

If not, at the very least I should be able to put a house on this [REDACTED] acre block.

Thank you for your time and opportunity to make this submission.

Kind Regards,

[REDACTED]



[Redacted]

From: [Redacted]
Sent: Friday, 17 September 2021 8:22 PM
To: Strategic Planning
Subject: Map: Submission from [Redacted]

Dear Sir/ Madam

I have attached the map to support my earlier submission that I have submitted on 16th September 2021

Kind Regards,

[Redacted]

[Redacted]

From: [REDACTED]
To: [Strategic Planning](#)
Cc: [REDACTED]
Subject: RLUS submission
Date: Thursday, 16 September 2021 9:47:38 PM
Attachments: [REDACTED]

Please find attached a PDF versions of my submission to the RLUS.

Please confirm receipt of this submission.

Kind Regards

[REDACTED]

I would like to submit my response to the Macedon Ranges Rural Land Use Strategy (RLUS) Draft for Consultation September 2020.

I submit this as a family member who's family farm [REDACTED] plus acres in [REDACTED]. My family have been farmers around Melbourne since the [REDACTED]'s. [REDACTED] market gardeners, orchardists, dairy farmers, wool, lamb, cattle producers, farmers of oats, barley, and wheat, and producers of hay and silage. [REDACTED] have experienced the pressures of urban growth and fragmentation of surrounding agricultural land we understand the pressures farmers face in shires adjacent to Melbourne. We have lived in communities based in these agricultural areas, they have consisted of communities of farmers and their families, farm managers, and farm workers all living and working locally in these agricultural areas something sadly this RLUS appears to want to limit by limiting dwellings in the FZ. We are experienced farmers.

Interestingly my family and our neighbours we not informed of the RLUS or its consultation period. Rather we were informed by friends who lived on the other side of the shire. I find it concerning that all rate payers in the affected areas were not advised of the publication and consultation period as related to the RLUS. The shire maintains a database to rate all land holders, yet this wasn't used to all of those potentially affected. Even after requesting (directly to Shire Planners) the notification sent to land holders be provided to my family, it was not received.

I have identified several errors in the RLUS, offer further comment on the engagement and its biased referencing in the RLUS, and identified that several strategic objectives as outlined in the RLUS cannot be achieved by the implementation of the RLUS in its current form. More importantly I have suggested ways in which this document might be further consulted on to make it fit for purpose and meet its stated objectives.

Errors in the RLUS:

P12 – states minimum lot size of subdivision 100ha in the area South East of Romsey, and Minimum subdivision of 40ha in the areas North East of Kyneton. The reverse is in fact correct as outlined on P8 of the RLUS.

P45- in providing advice on second dwellings required for caretakers, farm managers the following is stated :

In assessing an application for a second or subsequent dwelling on a lot in addition to the requirements above it is policy that:

Second and subsequent dwellings on lots less than the minimum lot size will be strongly discouraged.

The RLUS states that there **is no minimum lot size** for consideration in regard to a dwelling, yet in this section of the document it advises that one exists and is a condition of approval.

P47 Table 2: Comparison of Rural Zone Permit Requirements – A careful reading of this table **indicates that a permit is required for grazing livestock** in the FZ - Animal production#
Land use to keep or breed farm animals for the production of livestock, eggs, fibre, meat, milk or other animal products – **includes grazing animal production** and intensive animal production.

Fundamentally this is not a requirement of the state governments guidelines. All farmers in the district breed farm animals for animal products, this a fundamental part of their regular agricultural activities. Most of this is done on grazing land.

From the RLUS states on p48 - This Strategy recommends that the Farming Zone be applied to Strategic Agricultural Land. Planning will seek to ensure that commercial scale agriculture, **including livestock grazing** and cropping, horticulture and the equine industry are encouraged and supported.

In direct contradiction of the RLUS this fundamental activity of farming, Animal Production in the FZ will now require a permit. This is a gross overstep in control of agriculture in the shire. I have raised this with the town planner (Ms Khan) I was advised this was an error and would only relate to animals which require intensive animal production or when more than 50% of animal feed would be brought into the property to feed the animals. This stipulation could still have a huge impact on the normal activities of farmers during drought years, when fodder and grain are used as a primary food source to keep animals alive.

The details relating to a permit requirement related to animal production needs very careful consideration and further consultation as it will result in huge burden to farmers and unnecessary bureaucracy for the shire.

I believe this potential future requirement or possible error points to a wider concern as demonstrated by this document. This document does not understand how agricultural activities are undertaken by farmers. This document and the guidance it will subsequently

provide does not support farmers as per it's stated aims rather it seeks to control and impede their agricultural activities with restrictions and burdensome permit requirements. I believe the only way to rectify this is for the shire to make a commitment to real communications with a broad range of farmers who are directly impacted by this RLUS.

I think this is further demonstrated in the requirements of permits on farms which are now within the Rural Conservation Zone. Farmers in the shire have always undertaken, grazing, and cropping. If the authors of this document understood the time critical decisions made by farmers on what would be done season to season in different parts of their farms. A single rainstorm or system prediction can determine if a crop is planted, or a paddock is left for pasture. The inability of these farmers to pivot in production often based on decision made within hours now requires a permit because of a change in land use. These additional permit requirements will make this impossible, and reflects the authors of the RLUS lack of understanding of farming in Victoria. Pointing once again to the shire undertaking further consultation with farmers affected by the RLUS from across the shire.

P56 Figure 13 Overlays – Environmental Significance 2 – Monageetta Piggery overlay has been removed.

Comment on the RLUS:

Engagement:

P3 – The key findings of the surveys of landholders in the farming zone as outlined in the RLUS has been selective and biased. It appears that the majority of responses from the majority of landholders in the farm zone have not been considered or outlined in the RLUS, rather selective supporting agreement with the current RLUS have been quoted from large land holders in the northern part of the shire.

Important points not outlined from the 2017 Farming Zone Survey

In the comments section 118 Support development (majority allow a dwelling on FZ properties), and 56 Oppose Development (a mixed range comments opposed to development across a number of different types of development)

86.5 % of working farms are family farms.

Of working farms 90% undertook Weed control, and 84.1% undertook Fire preparedness.

Only large land holders in Zone 1 had slightly agreed with not allowing dwelling on agricultural land unless it is specifically related to farming. The remaining land holders disagreed with this proposal.

What was outlined and ignored from the Farming Zone survey –

Land was purchased for rural lifestyle; this includes agricultural pursuits.

Most owners of vacant land intend to build a dwelling in the future. Building a dwelling will often result in an increase in tree coverage, better weed control, and overall property management. While the RLUS states that new residents to an area don't understand fire or weed management, this may be the case for a small number of residents. Input from the wider community, CFA, council does result in improvement to otherwise vacant blocks, which often have weed and pest infestation and often represent a large fire risk. While council can mandate fire breaks around the edge of properties, this often not enough to reduce overall fire risk. Rather this this be achieved by having owners of properties living on the land and farming it even as part time or hobby farmers.

Recent bush fires in the shire have been significantly diverted and reduced because of activity undertaken by on site farmers and land holders. Farmers who have managed farms to reduce fire risk, or actively created fire breaks to protect communities during the fires. Vacant land holders can do the bare minimum if required to do so by the shire to reduce fire risk and they are not present during fires, and do not have primary residence or business to protect.

One of the impediments to further farm expansion was high land values, this was only a concern by farmers in zone 1 who represented only the largest of land holders in the shire.

Future business plans opportunities include produce sales and accommodation as stated in the Farming Zone Survey. This RLUS does not impede the opportunity for produce sales. This RLUS does impede the ability to offer accommodation on farm by adding significant

burden and cost to build a dwelling on farm which can double as a required farmhouse and as a bed and breakfast in offering accommodation.

Interestingly the 2017 Farming Zone Survey only appeared to quote references from the largest of land holders in the Northern part of the shire as their opinions reflected those of the authors of the RLUS. One of the additional concerns farmers who were looking to leave the shire stated as a reason for leaving was because of the unnecessary bureaucracy burden imposed upon them by the shire. I would expect that the majority of submissions from farmers around the shire reflect a similar concern in regards to the current draft RLUS.

From the RLUS p20:

STRATEGIC OBJECTIVE 1 – AGRICULTURE

Support and promote agriculture and protect productive agricultural land

Agriculture is a comparatively small, locally important economic sector that plays a significant role in the landscape and identity of Macedon Ranges and its attraction as a tourism destination. The industry comprises a mix of commercial scale business and small scale, niche agriculture and hobby farming. In the future, commercial scale businesses will be largely contained to mapped areas of strategic agricultural land that are least constrained by fragmentation. Protection of strategic agricultural land is important to give businesses confidence to invest for the long term. Elsewhere, agriculture will be more diverse both in scale and type as farm businesses adapt to the challenges, particularly land use conflict and farm viability, of operating in a fragmented landscape. Policy will be tailored to respond to the diversity of agricultural uses and protect strategic agricultural land.

The shire has for almost two decades prevented dwellings on FZ land of less than 40 /100 hectares depending on part of shire. This has not resulted in either land values falling on these lots or their purchase by larger surrounding farming enterprises. Most of these lots without a dwelling have significant weed and pest issues and represent a significant fire risk to their neighbours because of large fuel loads. The shire now wants to implement a similar policy on preventing dwellings on all FZ properties without the additional burden and cost of a planning permit and all the requirements outlined in the RLUS.

Interestingly in response to a question during a recent information evening a council representative stated that owners would not face additional costs in applying for a permit because they would already have to have a business plan for their bank when they purchased the property, this is not the case for properties in the FZ which are already owned outright. For those which have a mortgage against them, the value of the FZ land would include the ability to build a dwelling without planning approval. This adds significant value to the property as a dwelling could be built in the future. The unstated aim of the RLUS is to limit as many new dwellings in the FZ as possible, unless exceedingly high hurdles and additional costs can be met in proving to council that the dwelling is directly related to the FZ enterprise. These hurdles are a significant impediment to future dwelling development on these properties and will significantly affect their future value.

The proposed change to prevent dwelling construction without a planning permit in the FZ will adversely affect 419 property owners. Significantly affected the future values of their properties. This document fails to recognise the financial burden the shire has already put on land holdings of less than 40 hectare in the FZ by not allowing a dwelling to be constructed without a planning permit. This is evident by the fact that the council has approved less than 11 dwellings in the FZ on these smaller lots between 2011 and 2016.

As outlined in the RLUS the Northern part of the shire continues to have large agricultural enterprises which already are facing impediments to the expansion because of high land values. As per the RLUS p3 - "traditional large-scale farming has contracted to the northern and north-eastern areas of the shire. Elsewhere, land use is a mix of viticulture, high-value

niche agricultural enterprises, hobby farming, rural lifestyle and agri-tourism". This northern part of the shire is the furthest from Melbourne whose proximity has the biggest impact on FZ land values. This part of the shire is also the least burdened from the FZ perspective by small allotments. This contrast greatly to the southern part of the shire where FZ land is of higher value due to proximity to Melbourne, and a large number of small vacant allotments whose development is restricted by an inability to construct a dwelling resulting in further weed, pest and fire risk burden. I believe that the southern part of the shire should be treated differently to the Northern part of the shire because of the very different circumstances farming in this area face. In the same way the shire has recognised that the areas identified as Rural Activity Zone face unique implications so too does the southern FZ. This was previously reflected in the subdivision and dwelling size allotments of 40hectares vs 100 hectares (for the eastern vs western part of the shire). The current RLUS does not recognise the significant differences.

The high value smaller farm sizes, in the southern part of the shire face the economic challenges unique to this southern part of the shire, and are more likely to require farming families have diversified income streams including possible produce sales and accommodation options. These smaller farms often must be more innovative and more diversified in income streams, agricultural contracting, shearing, hay making, other off farm work and services. This often requires that the families farming this land lives on it. Adding the addition burden of permit application and hurdles for a dwelling impede these families.

The reality facing most agricultural families in Victoria is that at least one member of a family works off farm – healthcare, education, government etc. This is primarily because different members of farming families have the right to work, this should not be seen as a negative. It is also often essential to have diversified incomes as agriculture is dependent on widely variable weather conditions which can result in huge variations in income from year to year, negative in drought years.

In response to a recent community consultation the shire representative stated that land values are not affected by the RLUS but rather reflect what a purchaser is willing to pay a vendor. Rather a purchaser should only base the amount paid on the amount of income which could be generated by FZ land. When the shire changes the rules on what can be done with a property in the FZ it does affect the amount of income that could be generated by the FZ land as it removes the opportunity to live on the property as your primary residence or at a future point lease the property with the inclusion of a residence.

In summary I wonder what the response would be of residential land holders if the shire was to change a residential property owners' ability to build a particular type of house on their residential land but limit their ability to put in a driveway and a garage, even if when they purchased the land this was allowed? This would significantly affect the value of a house lot in a regional area where cars are required by most people to conduct their normal affairs.

My initial concern regarding the RLUS is the lack of direct contact made with land holders affected by these changes and therefore their inability to have input into it as demonstrated by the lack of direct communication by the shire.

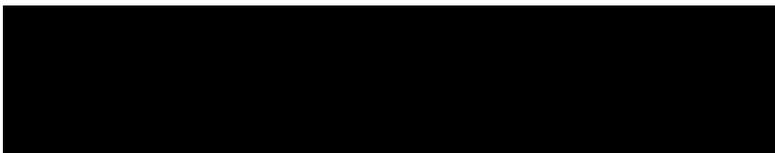
The RLUS failed to accurately reflect the community engagement that was undertaken by the shire rather selective and biased quoting was used.

The RLUS has failed to understand how agriculture is undertaken in Victoria and Shire, as demonstrated by the fact that the RLUS requires a permit be sort for animal production on grazing land when this is one of the two primary industry activities (the other being cropping) which are undertaken in the shire.

The RLUS should recognise the differences in the very real pressures faced by farmers in the southern part of the shire compared to those in the north.

I believe the shire should seek undertake further unbiased consultation with farmers across the shire to understand the impact of the RLUS on them. The documents aim of protecting agricultural land will not achieve its stated aims if they continue to put unnecessary burden of permit requirements and restrictions on the farmers activities.

Kind Regards



From: [REDACTED]
To: [Strategic Planning](#)
Subject: Response to the MRSC RLUS - [REDACTED]
Date: Thursday, 16 September 2021 10:14:54 PM
Attachments: [MRSC Rural Land Use Strategy Response 16092021.pdf](#)



RESPONSE TO THE MRSC RURAL LAND USE STRATEGY

16 September, 2021

To whom it may concern,

This document raises more questions than it provides answers.

- Who are RMCG?
- There are no definitions and there is no summary of abbreviations
- There is no mention of the 'right to farm' or of 'existing use rights'
- The references are quite old
- There is very little 'strategy' in this document
- There is no evidence of how the parcels of land considered strategic were determined.
- There is no indication that the people living in the proposed rezoned areas have been informed of the potential for change and for those in the proposed rezoning to RCZ those changes are significant and potentially financially debilitating!
- **How many more layers of regulation and associated costs will have to be suffered by landowners as a result of this review?**
- **Why is there no explanation as to how the proposed Rezoning's were determined?**
- **How will all the different council policies align to allow arable farming land to operate?**
- **What changes to agribusiness policy should we expect in the coming years?**
- **Why is Equine given special consideration and not other forms of Agriculture?**
- The risks and limitations of protecting current use may not result in a sustainable agriculture sector. If you protect the land in a way that cements current use this may not be useful in the future. **How is it proposed to tailor policy to respond to the diversity of agricultural uses and protect strategic agricultural land?**
- **Why is there no reference to the MRSC Jobs for the Future Blueprint – Technical Report – Land Suitability Analysis 2018?** This was a definitive document in relation to the opportunities for Agriculture and the jobs that could be created as a result.
- In the Reference List, References 10 and 11 refer to the DSE 2008 Climate Change in the North Central Region and DSE 2008 Climate Change in the Port Philp and Westernport Region. **Why are these references used when they are THIRTEEN YEARS OLD?** *Climate Change Science has moved forward significantly since 2008. Climate and climate change projections are fundamental to all four areas covered in the report (agriculture, environment, equine and tourism). As such, the topic deserves a little more than a passing reference to outdated government reports.*

- Page 3 Paragraph 3 – “The importance of agriculture to the Shires economy has diminished and provided 5% of employment and 5% of output in 2016”. According to Agriculture Victoria’s ‘Strategic agricultural land and development in Victoria Appendix C: Total agriculture land use change by LGA Table 13: Total agriculture land use change over the period 2006-7 to 2016-17 (page 55) **the total area of agricultural land in the MR has increased by 7%.**
- Traditional agricultural practices have included cropping, the management of pasture for livestock, and market gardening. These practices are evolving to embrace new technologies, operational innovation, different crops and new purposes such as energy and carbon sequestration. **Why were technology, innovation, different crops and new purposes not considered in this document?**
- Page 23 - **What is meant by the comment ‘lack of an agribusinesses sector that supports their needs’?**
- Page 26 - The document states: Local land use conflicts are caused by differences in the expectations and aspirations of landholders, lack of understanding of agricultural practices and poor standards of land management. It goes on to say Council needs to consider non-policy response to manage land use conflict including Education and capacity building of rural landholders. **Why is no reference is made to the MRSC New Farmers Information Kit developed by the Macedon Ranges Agribusiness Forum and available on the MRSC website?**
- Page 26 - By the 2050’s the climate of the greater Melbourne region could be more like the current climate of Wangaratta – according to the reference (Ref no 6) provided by RMCG this observation came from the MRSC Sports and Active Recreation Strategy 2018-2028. I could find no reference to Wangaratta or its climate in this document. **Why is there no reference to the Work done by Deakin University? Why is there no reference to the North Central CMA Climate Change Adaptation and Mitigation Plan?**
- The document implies that small scale, niche agriculture is uncommercial – **please explain?** Specialist growers such as garlic, saffron, flowers, orchardists, cattle studs **DO NOT** require vast tracts of land to undertake their business.
- Poor pest and weed control have been a major cause of frustration and environmental damage in the MRSC. Poor land management was identified as a particular issue amongst properties managed by absentee landholders, some equine businesses and new residents that lack land management skills. **If owners of land are not allowed to build on their land and remain “absentee landholders” how can they manage the land appropriately?**
- The report suggests that agriculture will struggle with issues such as continued land fragmentation and land use conflict, yet it offers no recommendations to deal with these issues. **Why not?**
- Rural Tourism - Whilst the Rural Conservation Zone may be wholly appropriate for environmentally sensitive areas – **why should these area be locked up and not be able to be enjoyed by the general public in a considered and measured way?** The document makes it

quite clear that Place of Assembly Permits are under the remit of the State Government but why is the MRSC apparently so implacably opposed to lobbying the Government to look at making some changes would enhance the visitor experience, the educational experience and the employment opportunities in Rural Conservation Zones?

- My [REDACTED] Zone. It is also described in the RLUS as valuable farming land. Why should an apparently arbitrary zoning decision (the other side of the road is zoned rural living), deny us the opportunity to look at considered tourism opportunities that might further enhance the viability of the property.
- Agriculture (in all its forms) can work, and should work with conservation values. Best practice dictates that this is the very best outcome. **Why does this document not address this outcome?**

It is my understanding there is currently no state-wide method or criteria for assessing the value of agricultural land and guiding the strategic approach to agricultural land use.

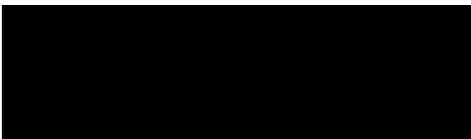
The objective should not be to prevent or discourage other land uses, but rather through good planning ensure that land resources are planned for and allocated to maximise benefits and outcomes.

Why should we be subjected to yet more layers of costly, time consuming and conflicting regulation in the Macedon Ranges?

Why not take the opportunity to develop a truly integrated strategic plan for Macedon with agriculture, the environment and agri/eco-tourism as the focus? This would protect and grow agriculture, could utilise green economy principles, and preserve biodiversity. It could create local jobs and make region more resilient to climate change.

Why not be ambitious and follow best practice?

The RMCG Draft Rural Land Use Strategy is a clumsy, poorly considered, badly referenced document that does not take a best practice approach.



PS. The final point I would like to make is that it is all very well for consultants and council officers, and councillors for that matter, to sit and look at their computers and make assumptions from what they see in two dimensional photographs and maps and plans. There is a real need for those making recommendations and decisions to get out and about; to look at the landscapes, and the environment; to the look at individual sites and situations, the circumstances and the surroundings and understand the impact of their recommendations and decisions.

From: [REDACTED]
To: [Strategic Planning](#); [REDACTED]
Subject: Att: Strategic Planning - draft Rural Land Use Strategy
Date: Thursday, 16 September 2021 11:23:31 PM

Hello,

I wish to make the following submission to the Macedon Ranges draft Rural Land Use Strategy.

1. The land between the Cobaw State Forest and the Macedon Regional Park/Wombat State Forest should not be rezoned. It should remain in the Rural Conservation Zone as it clearly provides a biolink between these natural significant areas. Macedon Ranges Statement of Planning Policy provides in its 10 Objectives which support this land not being rezoned:
 1. Ensure the declared area's natural and cultural landscapes are conserved and enhanced.
 2. Ensure the significant biodiversity, ecological and environmental values of the declared area are conserved and enhanced.
 3. Prioritise the conservation and use of the declared area's water catchments to ensure a sustainable local, regional and state water supply, and healthy environment.
 4. Recognise, protect, conserve and enhance the declared area's Aboriginal cultural and spiritual heritage values and work in partnership with Traditional Owners in caring for Country.
 5. Recognise, conserve and enhance the declared area's significant post-contact cultural heritage values.
 6. Support and encourage agricultural land uses that strengthen the declared area's economy and contribute to the rural landscape.
 7. Provide for a diverse and sustainable visitor economy compatible with the natural and cultural values of the area.
 8. Plan and manage growth of settlements in the declared area consistent with protection of the area's significant landscapes, protection of catchments, biodiversity, ecological and environmental values, and consistent with the unique character, role and function of each settlement.
 9. Manage the provision of infrastructure consistent with protection of the area's significant landscapes and protection of environmental values to support the social and economic needs of communities and increase resilience to climate change effects.
 10. Respond to the challenges and threats of climate change and natural hazards with careful planning and mitigation strategies.
2. The ramifications of a lot of the land surrounding Kyneton township from Farming Zone to Farming Activity Zone needs careful consideration and I do not support this change of Zone without the appropriate community consultation about it's potential impacts on our town - I live in [REDACTED] and love the country feel of the area and I am concerned that such a dramatic change is Zone will adversely impact the country feel of our town. I am yet to feel comfortable that this change in Zone is appropriate nor necessary and I implore the council to abandon it.
3. I ask that every land holder directly impacted by this Strategy be contacted and taken through the nuances of what they want from this Strategy - this work MUST be undertaken to get the necessary support from the community and the future success of our farming.
4. Consultation needs to have more informative and educational workshops so the community knows what is proposed in this Strategy.
5. I cannot support endorsing this Strategy in its current form.



[she/her](#)

I acknowledge that I live, work, and play on Taungurung land. This land has never been ceded, so it always was and always is Taungurung land.

From: [REDACTED]
To: [Strategic Planning](#)
Subject: FW: Draft Rural Land Use Strategy
Date: Friday, 17 September 2021 6:50:32 AM

16/09/2021

I am writing to you as I am concerned about changes from farm to Rural Conservation zoning in proposed Rural Draft Land use Strategy document.

I was recently made aware of these intended changes. I was disappointed about the lack of public consultation as these changes have the potential to effect farming in my area.

The cut off date at the end of the week is not enough time for people to be adequately informed of how these potential changes will effect them due to cancellation of information sessions due to COVID.

I feel that there should be public information session for landholders concerned and how this could effect future farming.

Yours sincerely

[REDACTED]

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Submission on Draft Rural Land Strategy
Date: Friday, 17 September 2021 8:02:34 AM
Attachments: [RuralLandUse_Submission](#) [REDACTED]

Please find attached [REDACTED] submission on the draft Rural Land Strategy.

We look forward to further discussion of what we put forward here.



MRSC Rural Land Use Strategy draft 2021

Submission



16/09/2021

Introduction

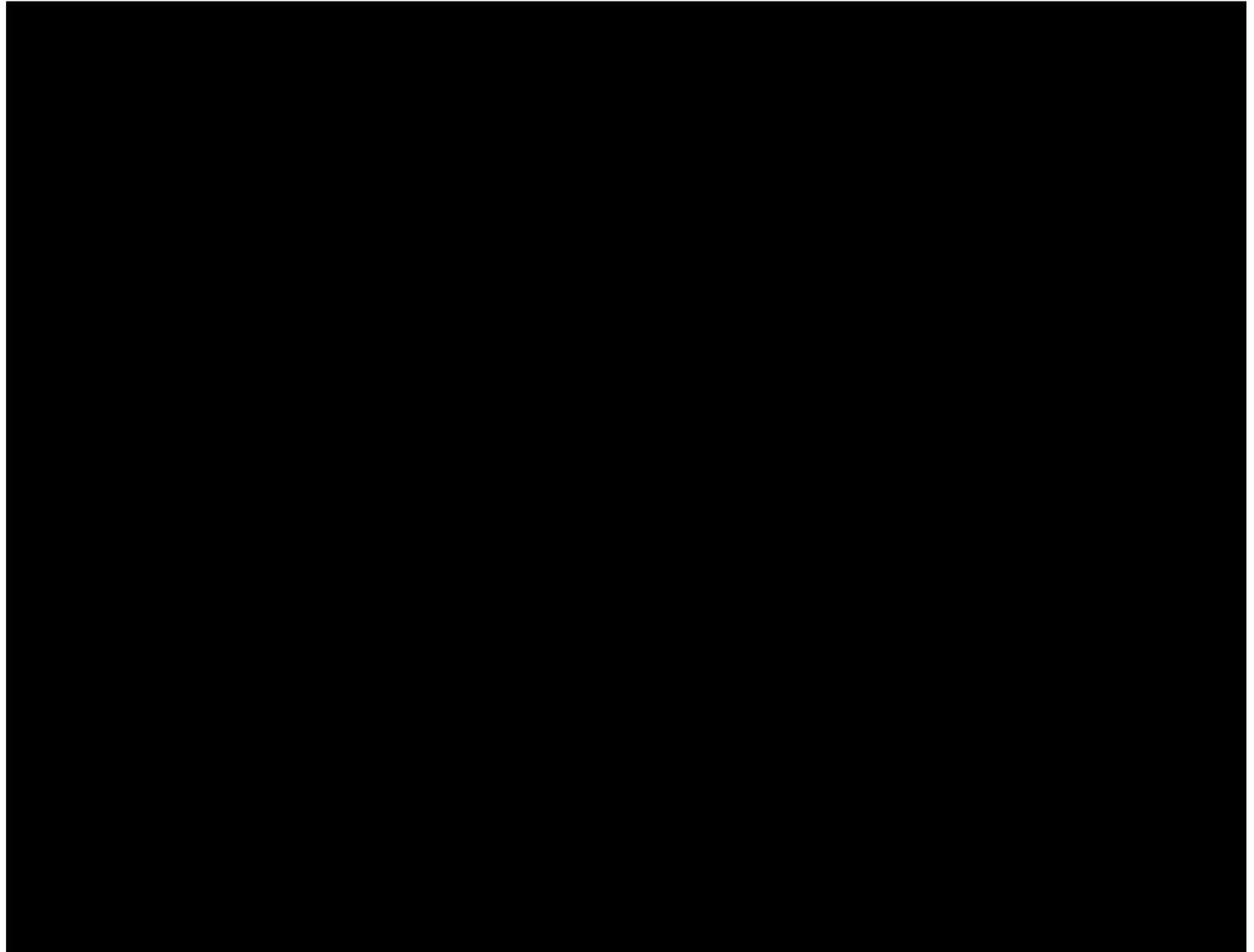
- 
- Thanks Council for the opportunity to comment on the draft Rural Land Use Strategy 2021
 - Does not believe the RLUS should be supported by Council in its current form
 - Does not support the removal of the Rural Conservation Zone as proposed
 - Does support the creation of new Rural Conservation Zones where these can be justified by detailed assessment of ecological values
 - Does not see evidence that ecological, heritage, social and economic factors have been adequately investigated to justify changes to the MRSC planning scheme. No new assessment of these factors is presented in the Research. Investigation Reports rely on existing documents as justification of planning scheme changes
 - Would like to collaborate with Council to foster improved management of our unique ecology and sustainable agriculture

What has changed in RCZ 2 to justify a conversion to the Farming Zone?

- The draft RLUS does not present any evidence that the ecological values have diminished in the existing RCZ proposed to be removed
- The area covered by the RCZ proposed to be removed still retain relatively large areas of native vegetation which is categorised by Department of Environment, Land Water and Planning EVC mapping as Endangered or Vulnerable native vegetation
- The condition of this vegetation is relatively good and often has not seen impacts, such as impacts from weed invasion or cultivation or blanket herbicide application
- Figure 1 shows aerial imagery of the region in 2021, tree cover clearly shows the large extent of native vegetation in the area

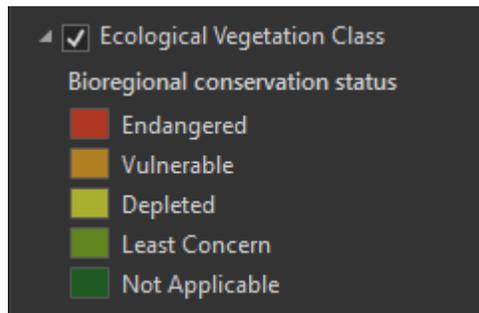
Figure 1 Native vegetation clearly visible over large areas – grassy native vegetation extent remains unknown. (Grassy native vegetation is protected by state and federal legislation)

- Accurate mapping of native vegetation, agricultural land use and soil type / quality is vital before changes to the planning scheme proceed
- Available data is absent or dated and requires urgent updating
- A detailed independent shire wide heritage and ecological assessment is required
- Little is known about fungi, mosses and lichens



Endangered, Vulnerable or Depleted native vegetation cover significant areas of RCZ

- Is there evidence that an environmental significance overlay will protect these significant areas of native vegetation, or that MRSC will implement enforcement powers.



Is the land in the RCZ 2 suitable for agriculture?

- The area supports existing diverse agricultural uses, but this must be managed to prevent loss of biodiversity or land degradation.
- Soil mapping of the area shows areas of sedimentary soils which are ancient and have poor characteristics for agriculture (source VicMap Geomorphology mapping)
- Much of the area is not suitable for expanded or more intensive agriculture
- The draft RLUS has presented little evidence regarding land capability to justify a change in planning scheme zone.
- Where native vegetation is retained on private land in Victoria it is usually an indicator of poor soil quality for agriculture, otherwise it would have been cleared and cultivated prior to the existence of planning schemes and land use controls. This is why the remnants we have are so precious

Underlying geology

- Sedimentary soils cover much of the RCZ area
- Sedimentary soils are prone to gully erosion, tunnel erosion and often salinity.
- Sedimentary soils are not suitable for intensive agriculture.

▲ Geomorphology (GMU250)

Underlying geology

Basalt

Granite

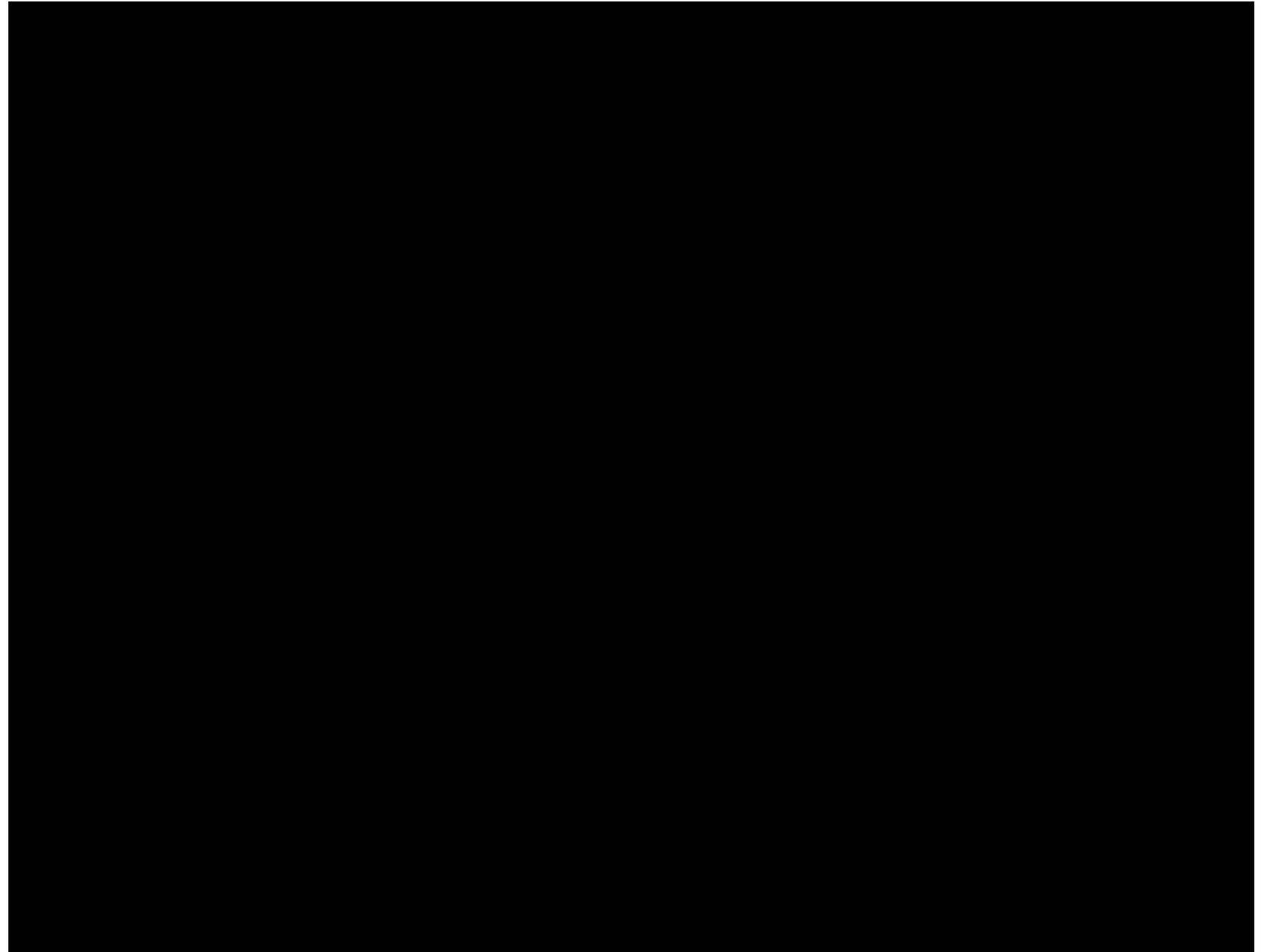
Sedimentary

Susceptibility to gully erosion

▾ Geomorphology (GMU250)

Suceptibility to gully erosion

- Very High
- High
- Moderate
- Low
- Very Low
-



Cultural heritage

- Aboriginal culture in the area is significant
- There is no clear expression of Traditional Owner interests in the strategy
- Aboriginal Victoria's areas of cultural heritage sensitivity mapping likely significantly understates the archaeological potential and cultural significant values of specific areas and the whole landscape
- Settler or invader heritage is also significant and its values under appreciated in the RLUS
- What will be the impact on all cultural heritage values?

Cultural heritage

- Heritage overlay
- Areas of Aboriginal Cultural heritage sensitivity (Excludes registered sites and many other sites)
- Lies within the immediate context of Hanging Rock and Mt William

█ comments

- Due to the high ecological values and their endangered or vulnerable status within the RCZ it is reasonable to expect planning permits be obtained for changes in land use or where existing uses are terminated when land changes ownership.
- Due to the lower land capability of soils in the RCZ it is reasonable to ensure land use changes do not result in land degradation by applying appropriate planning controls.
- So from this the RLUS should not be supported in its current form
- A change to Farming Zone is likely to lead to more intensive land uses that may result in unacceptable biodiversity losses, loss of heritage or land degradation

It is not clear that Council is meeting its responsibilities to regulate land use change in the farming zone, where changes in extent of endangered or vulnerable native vegetation can be observed.

- [REDACTED] has collaborated with Environmental Justice Australia and the Victorian National Parks Association to monitor and evaluate land use change in the Macedon Ranges Shire
- Aerial imagery from the years 2010 -2021 has been compiled and notable land use changes have been mapped.
- The results of the aerial image comparison and interpretation were analysed against available ecological, heritage, property title and planning spatial data.
- A summary of interpreted land use change by area is provided at table 1
- The full details of this study will be communicated to Council and other responsible authorities
- An objective of the project is to support the interests of landowners who may not be aware of their responsibilities under legislation, due to the absence of communication or engagement from responsible authorities.

Land use change summary – post 2010

- Table 1

Total area of land use change:	794.64 ha
Area of Ecological Vegetation Class Changed (EVC) changed:	103.03 ha
NVR 2017 Location 2 or 3	236.7
Strategic Biodiversity Score > 50:	388.46
Area of Golden Sun Moth modelled habitat changed:	224.46 ha
Area of Growling Grass Frog modelled habitat changed:	1.21 ha
Area of Matted Flax Lily modelled habitat changed:	316.39 ha
Area of Striped Legless Lizard modelled habitat changed:	13.89 ha

Key regulation

- Planning and Environment Act (Local government) – planning permits
- EPBC Act
- Catchment and land protection act

█ notes that

- Where Native Vegetation Regulation 2017 Location 2 and 3 areas have changed or where native vegetation has been removed there should be evidence of an approvals process which can be investigated and Council's capabilities assessed.
- Similarly for the federal department responsible for implementing the EPBC act.
- Before Council follows through with any rezoning, Council needs to provide evidence of its commitment and capacity to protect ecological and other values; so the community can trust it to implement an effective Environmental Significance Overlay.

Opportunities

- Sustainable agriculture – Regenerative agriculture, local scale market economy, regional scale food production
- Direct engagement and information sharing with all land owners the available regulation, ecology and other data as it applies to their land custodianship
- Foster partnerships with traditional owners
- Value of sustainable landscapes for individual and community well being
- Value of land as offsets for urban development
- Value of emerging natural resource management economy (as modelled by Melbourne Water Stream Frontage Management Program and others)
- Regional education collaboration (public and private schools)
- Climate change mitigation and adaptation

Acknowledgements

- Prepared for [REDACTED] (Employed as a GIS consultant for a heritage and ecological consulting business).
- Report reviewed by [REDACTED]
- Imagery taken from ArcGIS base map images, under license
- All spatial data is available from the Victorian State Government, except land use change summary
- Contact [REDACTED]

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Have Your Say - 2021
Date: Friday, 17 September 2021 8:07:40 AM

Dear Planning Team,

My name is [REDACTED]. I have been residing in [REDACTED]. My property is currently zoned as Farming.

My previous place of residence was a much larger property and after [REDACTED] years I decided to downsize. It took [REDACTED] of visiting various towns in Victoria but I found that I was always drawn back to the natural beauty of the Macedon Ranges.

At my previous property, I had enlisted an ecological consulting group, [REDACTED] to provide a comprehensive report with recommendations for the planting of indigenous plants and a guide in land management. This was important to ensure the success and survival of certain species of flora and the importance of creating a natural habitat to encourage wildlife into the area.

At my current property in [REDACTED] I was very surprised at the diversity of wildlife. In addition to the regular bird life, kangaroos, wallabies, echidna and amphibians, I was surprised and felt quite privileged to have also seen the following:

- a species of burrowing frog (year 2018)
- Brown Falcon
- Black Falcon (rare single sighting)
- Tawny Frogmouth
- Barking Owl
- Honey Eaters
- At least two species of possum
- At least two species of bat - one of which is microbat.

With the plan to change current zoning from Farming to Rural Living, I feel there would be good opportunities for artisan style businesses that would provide important economic growth to the region. At the same time, we need to ensure our wildlife aren't threatened.

Our wildlife play a very integral role in maintaining the fragile balance that ensures the wellness of the Macedon Ranges. Each species functions with a specific role and in this way ecological balance is preserved. Preservation is very important for the region and for our future generations.

In some instances, the following may be of concern with certain establishing businesses, etc:

- Rezoning allowing for future subdivision of smaller parcels of land;
- Toxic, chemical pesticides that may contaminate air, water, soil, etc;
- Level of noise and air pollution.
- If applicable to the business, what type of bird control method would be permitted.

I am planning to reside here in the Macedon Ranges for the long term and I hope to be able to continue to enjoy the beautiful things this Region has to offer.

Thank you so much for giving me the opportunity to have my say.

Kindest regards,

[REDACTED]



Sent from my Galaxy

From: [REDACTED]
To: [Strategic Planning](#)
Cc: [Cr Jennifer Anderson](#); [Cr Mark Ridgeway](#); [Cr Janet Pearce](#); [Cr Annette Death](#); [Cr Geoff Neil](#); [Cr Bill West](#); [Cr Dominic Bonanno](#); [Cr Rob Guthrie](#); [Cr Anne Moore](#)
Subject: Rural Land Use Strategy submission
Date: Friday, 17 September 2021 9:08:31 AM

Submission on Rural Land Use Strategy

Dear Councillors

My [REDACTED], and already love it very much.

I want to thank you for the hard work evident in this Strategy, and for your thoughtful care about the future of the region.

I am very grateful for the care taken by Edwin Irvine, in providing me with additional information to assist me in making this submission.

I wish to confine my submission to one matter. Having carefully considered the documents available about the proposed changes, I remain at a loss to understand what possible agricultural purpose there could be to change the area surrounding Hanging Rock from RCZ to FZ.

Surely that area is a very unlikely candidate for large-scale commercial farming. And surely the number of small holdings in that area would make purchasing it for a genuine commercial agricultural enterprise prohibitive.

As I understand the planning history of this area, it has been the subject of environmental controls of one kind or another for a long time, in recognition of its ecological and environmental significance.

Having reviewed the purposes of the two zones, one is unfortunately left with the impression that this area may be slated for rezoning to take advantage of features of the FZ other than commercial agriculture.

I would urge you to not rezone to FZ any areas that are not actually likely to change use to large commercial agriculture, of a kind that cannot be already effectively done within RCZ.

Note: I have just re-read the submission page, and perhaps you meant that the cut-off time was 12:00am at the start of today, rather than at the end. If so, please grant me an extension of time, as I had seen that the deadline was 17 September and naturally concluded this meant I had to provide it by today.

Thank you again for all your work for the Shire, and I trust you will consider this submission and the area to which it relates carefully.

Kind regards

[REDACTED]



From: [REDACTED]
To: [Strategic Planning](#)
Cc: [Jack Wiltshire](#)
Subject: RE: Macedon Ranges Shire Council - Draft Rural Land Use Strategy (RLUS) open for consultation.
Date: Friday, 17 September 2021 9:43:54 AM
Attachments: [REDACTED] - [MRSC Rural Land Use Strategy.pdf](#)

Good morning.

Thank you for the opportunity to contribute to the Macedon Ranges Shire Council - Draft Rural Land Use Strategy (RLUS).

Please see attached a submission from Coliban Water.

Kind regards

[REDACTED]

[REDACTED]

From: Jack Wiltshire <jwiltshire@mrsc.vic.gov.au>
Sent: Tuesday, 20 July 2021 2:23 PM
To: Coliban Water <coliban@coliban.com.au>
Subject: Macedon Ranges Shire Council - Draft Rural Land Use Strategy (RLUS) open for consultation.

Dear Coliban Water,

Council has prepared the draft Rural Land Use Strategy (the strategy) to guide rural land use planning in the Macedon Ranges Shire. The draft strategy seeks to update the policy direction for rural land to account for the changing nature of rural land use, and the changes that have occurred to government regulation made since the previous 2002 Macedon Ranges Rural Land Use Strategy.

The strategy seeks to:

- develop a vision for land currently in the Farming Zone and Rural Conservation Zone.
- identify important values and features of rural land to be protected and enhanced.
- respond to changes in land use that have occurred over the last 20 years.
- identify mechanisms to foster best practice land management.
- make recommendations for changes to the Macedon Ranges Planning Scheme that implement the points above.

Council wants to hear from residents, landowners, businesses, and all other interested stakeholders. Your expertise and knowledge of the shire's rural areas will help us ensure that the strategy is an up to date and contemporary document to guide the future use and development of land.

Visit mrsc.vic.gov.au/yoursay for all the details on the project, how to get involved and how to make a submission.

Submissions close Monday 30 August 2021.

Feedback can be provided via the following:

- Website: www.mrsc.vic.gov.au/yoursay
- Email: strategicplanning@mrsc.vic.gov.au
- Mail: PO Box 151 Kyneton Victoria 3444

We look forward to hearing from you.

Strategic Planning
 Macedon Ranges Shire Council
 T 03 5422 0333 | E strategicplanning@mrsc.vic.gov.au | W www.mrsc.vic.gov.au

Your Ref: MRSC draft RLU

Our Ref: CPP 21720

Contact: [REDACTED]

17 September 2021

Macedon Ranges Shire Council
District Manager
P.O. Box 151
Kyneton Vic 3444

Dear Sir/Madam,

MACEDON RANGES Rural Land Use Strategy

I refer to your correspondence to Coliban Water, dated 20 July 2021, and the prior opportunity that you provided to Coliban Water to comment on the draft Rural Land Use Strategy (the Strategy), dated September 2020.

Coliban Water provides drinking water and wastewater services to central and northern Victorian communities. We maintain and operate over 39 reservoirs and water storage basins, and associated infrastructure, to deliver raw water for drinking water supplies, and to provide water to customers for irrigation, commercial and domestic and stock purposes. This infrastructure services approximately 162,000 customers across 16,500sq km of Victoria.

As one of Victoria's 16 non-metropolitan urban water corporations, Coliban Water is principally concerned with the protection of public health. Our three major Coliban River storages, Malmsbury, Lauriston and Upper Coliban Reservoirs provide a critical raw water supply source for safe drinking water to the towns of Kyneton, Bendigo and Castlemaine. The use and management of Crown land within the catchment areas and adjoining our Coliban River storages are essential to protecting raw water quality for a range of uses; both from the point of view of reducing the amount of treatment required to produce water of a drinking water standard, but also by carrying high quality raw water for domestic and stock, and commercial purposes throughout our region.

As outlined by Council, the strategy aims to guide rural land use planning in the Macedon Ranges Shire and to update the policy direction for rural land to account for the changing nature of rural land use.

Coliban Water supports the strategy intent, as outlined in council's correspondence, in seeking to:

- develop a vision for land currently in the Farming Zone and Rural Conservation Zone.
- identify important values and features of rural land to be protected and enhanced.
- respond to changes in land use that have occurred over the last 20 years.
- identify mechanisms to foster best practice land management.
- make recommendations for changes to the Macedon Ranges Planning Scheme that implement the points above.

Natural Resource Management

The A Healthy Coliban Catchment (AHCC) program is a partnership program between Coliban Water and North Central Catchment Management Authority (CMA), providing vital investment for the *enhancement and restoration* of catchments. AHCC is the implementation of the Upper Coliban Catchment Integrated Catchment Management Plan (ICMP), a plan which sets a 20-year investment horizon. The AHCC commenced in 2018.

The ICMP that underpins AHCC was developed in response to the threats facing the catchment, which Coliban Water and the North Central CMA, with active participation of Macedon Ranges Shire representatives, and other stakeholders (landholders, local Landcare groups, local and Victorian government agencies and Goulburn Murray Water), identified off the back of a comprehensive analysis of the benefits and costs of protecting and enhancing the Upper Coliban Catchment.

A component of the ICMP is completion of a planning amendment to update the Environmental Significance Overlay, Schedule 4 (ESO4) of the Macedon Ranges planning scheme. The Environmental objective of the proposed ESO4 is: *To ensure development protects, restores and enhances natural resources and environmental systems and minimises detrimental impacts on the quality and quantity of water in the catchment.*

The intention of the proposed amendment is highlighted in the Strategy, on page 32; however, we believe the proposed amendment should be better identified and supported by the Strategy.

Coliban Water would like to suggest that under *Section 3 - Implementation, Overlays* – the strategy supports the proposed ESO 4 amendment as a key advancement the will assist in the implementation of the Strategy.

Rural Activity Zone

Rural Activity Zone (RAZ) has been identified in the Strategy as being applied across the eastern half of the Upper Coliban Catchment area, with a western portion of catchment being Rural Conservation Zone (RCZ). Our understanding of the RAZ being applied to this landscape is to support diverse agricultural activities in areas that have been significantly fragmented and provide an opportunity to leverage other strengths of the rural environment.

As emphasised in the Strategy, the RAZ is not to be considered a *quasi-rural residential zone*. Enabling Council to assess all dwellings against relevant overlays to ensure that the impacts of dwellings in areas of environmental significance, such as Special Water Supply Catchments (SWSC) *can be minimised and / or mitigated*, must recognise the reliance on officer recommendations that acknowledge that risks to catchment and waterway health is held by water corporations and catchment management authorities.

Coliban Water's preference would be for RCZ being applied within catchment area of Coliban Water's storages, and for RAZ to be applied to existing FZ area, between the Upper Coliban catchment and the township of Kyneton. We acknowledge the benefits the RAZ will provide to the rural communities over the RCZ and therefore suggest that any change to the zoning must be strongly linked to the implementation of an improved ESO4.

Domestic Wastewater Management

Coliban Water continues to be concerned with a perceived lack of urgency with respect to domestic wastewater management, not just with Macedon Ranges Shire, but across the region. Domestic wastewater management considerations must be incorporated into the Strategy, and highlighted as a risk requiring considerable support and financial commitment in order to facilitate sustainable rural development.

The primary issues relating to domestic wastewater is the identification of existing systems, and ensuring that they are appropriately permitted, and the ongoing monitoring and enforcement of septic tank permit conditions.

The implementation of a satisfactory monitoring and enforcement component of Council's Domestic Wastewater Management Plan must be acknowledged within the Strategy.

Codes for sustainable animal industries

The Strategy has identified areas of RCZ within the Eppalock SWSC, which are proposed to be rezoned FZ to better reflect the landscape and the need to support the agricultural sector for Macedon Ranges Shire Council.

It is acknowledged that the ability of the agricultural sector to continue to evolve and operate is an important aspect of the Strategy. Coliban Water supports the diversification of agricultural industries, and also recognises the conflicting challenges in intensive animal production located within the SWSC. Some uses already identified in zones, such as cattle feed lots, must not be located within these SWSC areas.

We consider the key to sustainable intensive animal production is based upon adequate regulation of industry activity. Coliban Water understands that Agriculture Victoria has been developing codes to improve the management of intensive animal industries in the Victorian planning system. We consider that the opportunity for Coliban Water and Council to provide a common position to ensure these activities do not adversely impact catchment and waterway health exists via the recognition of the need to protect the environment within the codes themselves, and also within appropriate permit application review and condition enforcement.

Regional Catchment Strategy

The North Central Regional Catchment Strategy (RCS) is required to be prepared by Catchment Management Authorities under the *Catchment and Land Protection Act 1994* (CaLP Act). The existing 2013-19 North Central RCS has been reviewed and a new RSC prepared for the relevant Minister's approval. Importantly, the RCS, while prepared by CMAs, is for the region, and its implementation is the responsibility all agencies and government organisations within the North Central region.

Coliban Water suggests that Council consults closely with North Central CMA and seeks opportunities with respect to how the implementation of the North Central RCS can be incorporated into the Strategy.

As always, Coliban Water is committed to assisting Macedon Ranges Shire Council in the implementation of its planning processes and we look forward to future opportunities to assist Council to meet its objectives.

If you have any questions regarding this matter, please contact our case manager, [REDACTED]

From: [REDACTED]
To: [Strategic Planning](#)
Cc: [Cr Jennifer Anderson](#); [Cr Janet Pearce](#); [Cr Mark Ridgeway](#)
Subject: Rural Land Use Strategy
Date: Friday, 17 September 2021 10:01:19 AM

Dear Planners,

I write regarding draft Rural Land Use Strategy in particular the proposal to change some areas which are currently designated Farming Zone to Rural Conservation Zone and conversely some areas designated Rural Conservation Zone to Farming Zone.

Referring to Figure 9: AREAS PROPOSED FOR REZONING it can be easily seen that the contiguous area proposed to be changed from Rural Conservation Zones to Farming Zone splits the the area of Rural Conservation Zone in two leaving a very significant gap between the remaining areas.

This is hardly offset by the areas proposed to be rezoned from Farming Zone to Rural Conservation Zone as the three areas are not contiguous.

This is a backward step as is at odds with the stated aim of maintaining environmentally connected areas.

Also the rezoning of areas containing working farms to Rural Conservation Zones places unnecessary and unreasonable burdens on hard working people who do in fact know the land and are very environmentally conscious. The, perhaps belated, proposal to remove the overlay pertaining to the Monegetta Piggery shows how regulation can be unnecessarily and unreasonably burdensome.

[REDACTED]

[REDACTED]

CC:
Cr Jennifer Anderson
Cr Janet Pearce
Cr Mark Wrideway

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Submission by [REDACTED] - Rural Land Use Strategy
Date: Friday, 17 September 2021 10:11:21 AM

Dear Macedon Ranges Shire Council.
Thankyou for the oppotunity to make a submission for the RLUS.
Our property address is [REDACTED]

I have read through the Q & A session summary & looked at maps & other references provided. I certainly don't envy your position in covering all the bases of the needs of Macedon Ranges residents – a mammoth task which I feel you are attempting with professionalism.

We are in the “Farming Zone” which won't be affected by this RLUS from what I can ascertain.

My submission is based around our [REDACTED] being able to continue for generations to come. It was my wife's, fathers, mothers, fathers, father [REDACTED], with my wife [REDACTED] [REDACTED] on the same land originally settled. (The Shire has a photo of [REDACTED])
Our [REDACTED] has started to work with us also, to hopefully become the 6th generation.

The disproportionate increase in land value to production has been of great concern to [REDACTED] & myself.

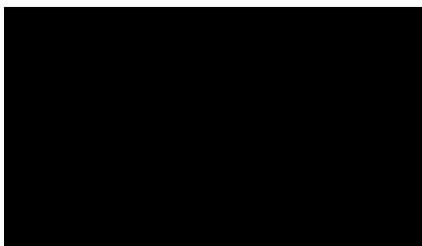
The question comes of how can our son afford to buy out his siblings to keep on the farm?

As such I would like to see the minimum subdivision lot size for a building permit be made to be at least 100 hectares & preferably more.

This should have the effect of bringing land values down (ironic that I'm proposing to have a decrease in land value) to a sustainable value for farming to be continued on a generational basis & not become the folly of the financially elite.

From what I can see of your plans you seem to be aiming to restrict the open slather of land being carved up, which I support.

I applaud the Shire for taking the step of controlling the “Urban Spread” and wish you all well in this endeavour.



[REDACTED]

From: [REDACTED]
Sent: Friday, 17 September 2021 10:44 AM
To: Strategic Planning
Subject: Draft Land Use Strategy - Submission
Attachments: MRSC DLUP Submission [REDACTED].pdf

Dear Sir/Madam,

Please see attached letter.

Kind regards,

[REDACTED]



17 September 2021

Macedon Ranges Shire Council
Strategic Planning Department

By email: strategicplanning@mrsc.vic.gov.au

Dear Sir/ Madam,

██████████ – Response to Draft Rural Land Use Strategy

I am the owner of █ properties in the █ of the Shire, which is proposed to be rezoned from Farming Zone to Rural Conservation Zone. I write to oppose the rezoning on the grounds set out below.

My █ properties are highlighted in yellow on the attached plan. My mother-in-law owns an adjacent property, hatched in blue on the attached plan. Together, our properties comprise “██████████”. There are in total about █ hectares or (█ acres the old, familiar measure) including 4 dwellings. For the last 30 years or so, my late father-in-law, then us together and now me only, have conducted a beef cattle enterprise on █. I now run some sheep there too.

██████████ is a very attractive part of the Shire. It has a mix of pasture and wooded areas, attracting a range of native animals. They are kangaroos mainly but also the occasional koala, wombat, and echidna. We also have our share of pests such as rabbits and foxes. Kangaroo numbers have multiplied since the Millennium Drought ended in 2011 and these animals are now present in almost plague proportions, requiring culling in accordance with permits to control wildlife issued to my neighbours and me. I have only observed this on a few occasions, but kangaroo population density is such that a small number of kangaroos appear to have acquired a neurological disease known as “black brain”, This is a sign that substantial, coordinated culling is now needed. The destructive power of a large group or ‘mob’ of 100 or more kangaroos on slow growing pasture seriously affects stocking capacity. The number of dead kangaroos beside the road and damage to the front of vehicles also demonstrates their prevalence.

The natural attractions of [REDACTED] are a direct result of its historical use, including the current zoning and land use. I do not see any utility or need for rezoning. Until fairly recently subdivisions were permitted down to 40 acres, it is now 100 acres. Despite subdivision and development in the last 30 years or so there has been no substantial land clearing or overcrowding, with neighbours getting in each other's way. The very attractions referred to above are reasons why people have moved into the district, and they are keen to preserve its attractions. From my own experience, although cattle and sheep prices are now at record levels, over the years farming is marginally profitable. In dry years or at times of low prices for stock and high prices for fodder farming runs at a loss. This is particularly so if the operations are conducted by contractors or paid labour. If farmed by the owner, then the "opportunity cost" of that labour need to be factored in.

The only substantial farming enterprises [REDACTED] of [REDACTED] in the neighbourhood are conducted by about 4 farmers, including me. One of them conducts a traditional farming enterprise he has inherited. Another farmer has substantial holdings elsewhere in Victoria, and he moves his stock around. The third farmer has properties in northern Victoria and southern New South Wales. The area is quite elevated, so cold and the Spring growing season starts rather late. While you can cut some hay, fodder needs to be purchased or brought in from elsewhere. In terms of entrepreneurial farming there is [REDACTED], which the visionary [REDACTED] built in the 1970s. Down [REDACTED] a neighbour has recently planted vines and, before Covid hit, built luxury farm stay accommodation with a cooking school. Another has built an artists' studio with a very attractive outlook and conducts art retreats and classes there. In [REDACTED] the owners use their farm to agist livestock for movie sets and conducts horse trail riding, which enterprise makes good use of the natural and man-made attractions of the area.

The economics of traditional farming are starkly illustrated by the current rental returns for pasture, which are in the order of \$70 per acre. It is considerably more economic for me to let out the farmhouses and cottages on the land than is to let out the acreage. I have consistently had a small queue of tenants wanting to rent these properties. They are a mix of young people, young families and older persons. Until Covid hit and decimated tourism in regional Victoria, one property was let out on "AirBnB" which was a bit more labor-intensive, providing work for the host to greet the guests and the cleaner after the guests left and before the next lot of guests. Both personally and economically my wife and I found the AirBnB enterprise quite rewarding. Due to Covid that dwelling is now let out long-term to a household of young people, who study and work locally.

There is no shortage of demand for long-term accommodation and, when tourism is permitted, short term. In my submission the market is the best guide of what the "highest and best use" of land at [REDACTED] should be. Traditional farming can hardly be considered the "highest and best use" of the

land. The vast majority of properties in the area are “lifestyle properties” purchased and maintained by persons who have deliberately chosen the area for its various attractions.

It is not possible, whether it is a matter of law or economics, for the Shire to now seek to turn the clock back and create profitable farming operations. The history of [REDACTED] is that it was a small, unirrigated dairy farm, which died out in the district 20 years or more ago. Whilst such landholdings might have supported a family farm in the past, it cannot in the future.

In these circumstances it is submitted that the Shire introducing additional planning controls associated with a change from Farming Zone to Rural Conservation Zone is neither necessary nor helpful to the future agricultural use of the land. The Zone change will introduce permit requirements for changes in agricultural uses and prohibit some uses now allowable in the Farming Zone, such as Places of Assembly. This restriction on new uses would prevent or curtail some future uses that may assist in maintaining or supporting the agricultural use. The permit requirement for changes in agricultural use will, at best, introduce a lack of certainty and additional paperwork and at worst could prevent new or emerging agricultural ventures, such as sales “at the farm gate” of value-added goods using the agricultural produce. This would impinge on the right to farm I currently enjoy.

Further [REDACTED] is the Shire boundary with Hepburn Shire Council. From [REDACTED], across [REDACTED] [REDACTED]. For the last 20 years or so a number of dwellings on [REDACTED] has grown substantially, from about 2 that can be seen from [REDACTED] about half a dozen. One of the properties, [REDACTED] was developed by well-known Victorian landscape gardener and features prominently in local “open garden” schemes. This kind of thing is very good for the amenity of the area. It is particularly telling that the two large adjacent hills, in different shires are attracting quite different land use strategies. There has been no diminution in the amenity or conservation value to [REDACTED] [REDACTED]

In terms of wildlife, the koalas, echidnas and birds, and a controlled population of kangaroos, definitely adds to the amenity of the area. Tourists love seeing them, as our ‘guest book’ the Airbnb records. A change to Rural Conservation Zone would necessarily require a management plan for kangaroos.

Another factor mentioned on the website is protection of water catchment areas. I have not received or heard of any complaints from water authorities about water quality affected by existing land use. If there have been such problems, these can be addressed by run-off management. The blunt instrument of rezoning, with no doubt unintended consequences, would need to be carefully evaluated in this context

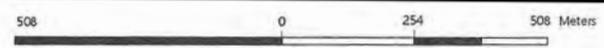
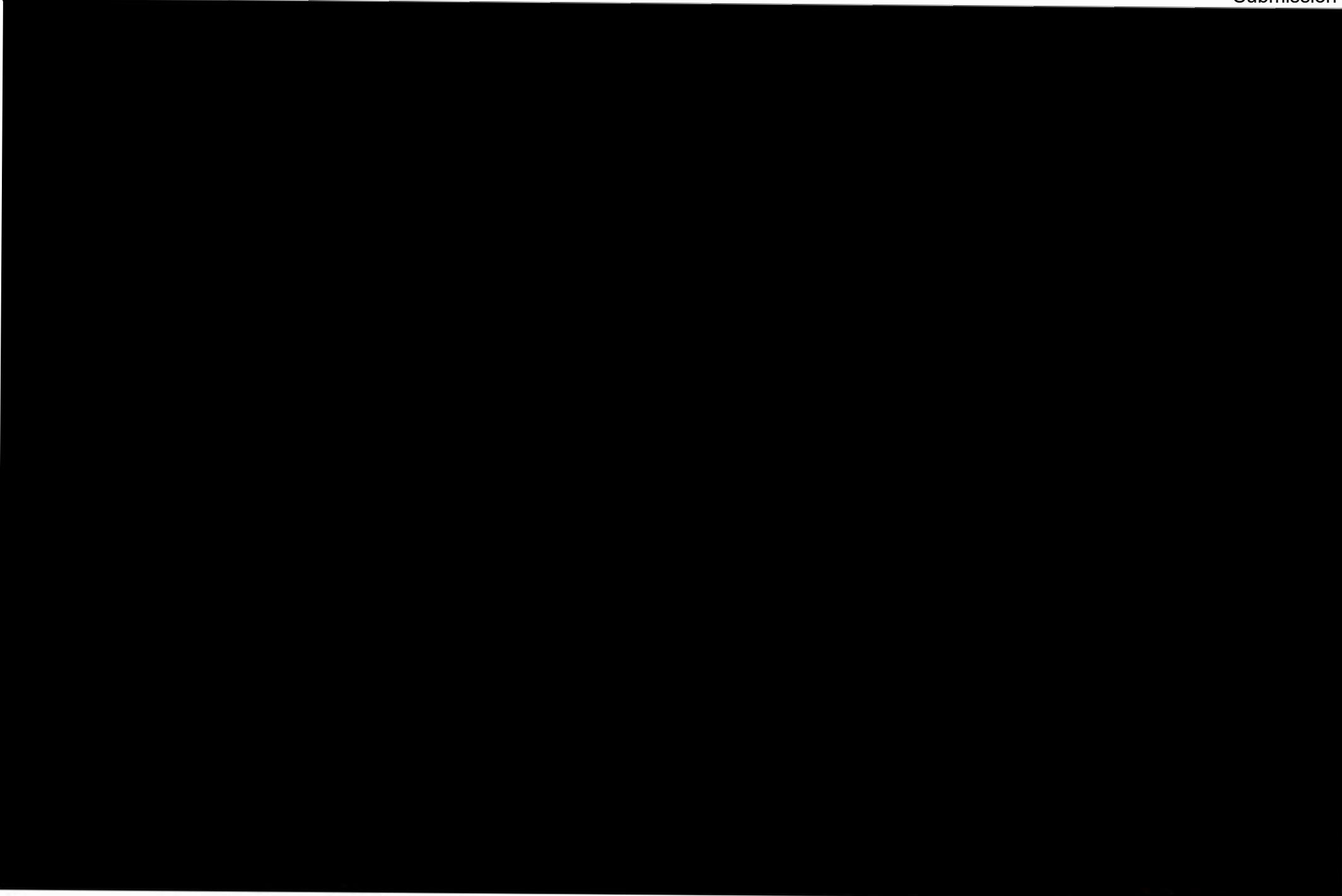
Whilst I have no present plans of subdividing and/or constructing further dwellings on [REDACTED], it may well be an attractive option for me in the future and I am very concerned that the proposed rezoning will prevent this. I am particularly concerned that it may threaten my ability to add in due

course dwellings for my children (and, one day, I hope grandchildren). My adult children love coming up or down here and helping care for their grandmother, who lives alone. Occasionally, they even assist me with farming jobs and maintenance tasks. As they grow up, they and their partners want, and will want, their own living areas.

I would be pleased to answer any questions you may have on the above submission and ask that you contact me by email or telephone at the address or on the number supplied.

Yours faithfully,

██████████.



GDA_1994_VICGRID94
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Disclaimer: This map is a snapshot from Victorian Government data. This material may be of assistance to you but the State of Victoria does not guarantee is without flaw of any kind or is wholly appropriate for your particular purpose and therefore disclaims all liability for error, loss or damage which may arise from reliance upon it. All persons accessing this information should make the appropriate enquiries to access the currency of data.

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Submission to the Draft Rural Land Use Strategy
Date: Friday, 17 September 2021 11:57:33 AM
Attachments: [Draft Rural Land Use Strategy.pdf](#)
[ATT00001.htm](#)

Attached you will find a submission on behalf of [REDACTED]





17 September 2021

Response to the Draft Rural Land Use Strategy

Since 2004, ) has existed to encourage the development of tourism product, develop operator expertise and act as a voice for the sector. Its current members are drawn from a number of segments of the Visitor Economy - accommodation providers, vigneron, distillers and fermenters, Business and Tourism Associations (BATA), along with connections to the restaurant sector.

At the outset  understands and supports the need to protect our natural environment across the shire. However, there is a delicate balance between NO change to the current activity and planning structures, and allowing development / activity, based on evolving technology, best practice agricultural land use and the now well recognised impact of climate change.

 applauds the recognition in the Draft Strategy of the inclusion of Rural Tourism as a Strategic Objective.

 supports the inclusion of Rural Activity Zone as part of the Macedon Ranges Planning Scheme. The recognition of the Rural Activity Zone as providing more appropriate conditions to better allow for Tourism activity is welcomed by the sector. The only concern would be any drift to greater urbanisation as a result of such a change.

It is unfortunate that the Rural Conservation Zone is so restrictive in areas where a small change would allow farm gate sales, onsite tourism and agritourism, weddings and open gardens, with very minimal impact on the natural environment.

Tourism within the broader Visitor Economy sector is a substantial contributor the Shire's GDP and considerably more than the \$273 stated in the document, when indirect expenditure is included – some \$430m and considerably more, now, in a non-COVID environment.

Yours sincerely,



From: [REDACTED]
To: [Strategic Planning](#)
Subject: Draft Rural Land Use Strategy
Date: Friday, 17 September 2021 12:23:42 PM

To Strategic Planning Officer

I have been trying to speak with someone in your office regarding the above Strategy but have not managed to as yet.

So here is my small submission:

I have been living in this area now for nearly [REDACTED] years and grew up on a farm in [REDACTED] went to secondary school in the area have brought up my family in the area and now have grandchildren who live in the area.

I love this area and value its ruralness. People live in this area because of its ruralness. People moved to this area because of our ruralness.

I abhor the subdivisions that are happening in the Macedon Ranges and ardently object to any further subdivisions in the Macedon Ranges. We need to keep our ruralness.

We need to stop the subdivision of productive agricultural land diminishing the long-term productive capacity of the land; and give priority to the re-structure of inappropriate subdivisions where they exist on productive agricultural land. THERE SHOULD BE NO SUBDIVISIONS ON AGRICULTURAL LAND.

Please accept my submission – I only wish I had more time to speak with someone in your office or have had a face to face meeting.

I feel you should delay this Strategy due to the current situation with being in and out of lockdowns to give people more chance to have their say.

Yours sincerely

[REDACTED]

[REDACTED]

Sent from [Mail](#) for Windows

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Rural Land Use Strategy
Date: Friday, 17 September 2021 1:12:36 PM

To Whom It May Concern,

I am writing this submission in rejection of the proposed Rural Land Use Strategy. My family, neighbours and many local land users request council vote against accepting the Draft Rural Land Use Strategy to rezone "farming" to "rural conservation". This proposal is unjust, and questions the expertise of local farmers, some 4th and 5th generations. Further permits and red tape will only further destroy the local agriculture sector. Much to your surprise, you would find that most local farmers already care for and improve their land, not only for the prosperity of their agricultural passion, but to maintain and care for the land with high standards of care for land management. Our family farm as have many others around the district have at our own expense, fenced off water catchment areas and planted 5,500 native tree's to improve biodiversity and look after the local water catchment. For farming zone to be changed to conservation and effectively be told how to use our land is demoralising, financially crushing and will have some grave impacts on a lot of local families. Consultation with long-term fulltime farmers is advised before going forward with any part of the Rural Land Use Strategy, instead of stakeholders that clearly haven't the faintest idea of how some of these policy changes will impact the real agricultural sectors of the district. Please note the petition circulating signed by many locals that was started by local family farmer [REDACTED] and further consultation should be sort from identities such as this.

Kind Regards

[REDACTED]

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Strategic plan
Date: Friday, 17 September 2021 1:28:40 PM

Hi, I'm a local farmer. The shire want to save farm land and then make it that hard to farm it's not funny. I do not support the changes that want to be made!

The deadline needs to be extended because hiding behind covid is a rubbish excuse amd we want an on-site meeting.

Sent from my iPhone

From: [REDACTED]
To: [Strategic Planning](#)
Subject: objection to conservation rezoning of farm land.
Date: Friday, 17 September 2021 1:45:01 PM

To who it May concern,

As a 6th generational farmer and the potential of rezoning my farm land is very detrimental to the way my farm operations are done. I would like to put to you that you must stop this ridiculous notion on rezoning perfectly good farm land that is in operation for conservation use and having a so called permit system that you as a shire have stated that will be required for me as a farmer to diversify my land this is just like getting told that you as a shire is going to tell me how to run my farming operations and what I can and cant do with the land I have . Many farmers like me have worked this land with blood sweat and tears to get it up and running the way things should and then to be told that Macedon Ranges Shire Council are going to take my right of working this farm off me ? its not going to happen, with all due respect I have the experience to manage and operate a farm probably a million times better then what you as a shire could . On my farm I already have a conservation area that is used for wildlife and so on and therefore if making another conservation area on my farm and having to get some sort of approval from Macedon Ranges Shire Council to run my land is not an option . My Grandfather was [REDACTED] he was [REDACTED] for a number of terms and he also was a generational farmer, he helped where he could in the community and right now I bet he would be disgusted in the Macedon Ranges Shire Council for great lack of support towards us as farmers and the fact that there has not been any thought put into this rezoning of farmland. There are numerous other areas that would be quite suited for this conservation rezoning other than farm land with in the Macedon Ranges.

I thank you for your time .

[REDACTED]

Sent from [Mail](#) for Windows 10

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Strategic plan
Date: Friday, 17 September 2021 1:46:07 PM

Hi.

I do not support the proposed changes to farming land.

Thanks

[REDACTED]

Sent from my iPhone

From: [REDACTED]
To: [Strategic Planning](#)
Cc: mary-anne.thomas@parliament.vic.gov.au
Subject: Response Rural Living Strategy
Date: Friday, 17 September 2021 3:34:40 PM
Attachments: [REDACTED]

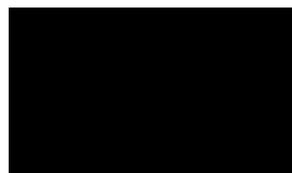
Good Afternoon,

Please find attached my response to the council's Rural Living Strategy.

Regards,

[REDACTED]

[Sent from Yahoo7 Mail on Android](#)



17 September 2021

RE: Draft Rural Land Use Strategy Submission

strategicplanning@mrsc.vic.gov.au

cc. Jennifer Anderson
Janet Pearce
Mark Ridgeway
Dominic Bonanno
Rob Guthrie
Anne Moore
Annette Death
Geoff Neil
Bill West
Bernie O'Sullivan
Mary-Anne Thomas

Dear Sir/ Madam,

I write to you regarding the proposed Macedon Ranges Rural Land Use Strategy.

I strongly object to any re-zoning in the Macedon Ranges Shire Council (MRSC) from the Farming Zone to any other classification that undermines the farming nature of this part of the MRSC and the rights of farmers to farm. The Draft Rural Land Use Strategy does not define the motivation to change zoning in the Malmsbury, Rosewall and Greenhill areas and I do not understand why this needs to occur. These areas have been farmed, uninterrupted, since European settlement, outside of the town boundaries. There has been no fragmentation of the land other than inevitable title changes when the Malmsbury Calder Freeway Bypass was constructed.

The land in Malmsbury, Rosewall and Greenhill areas are prime farming land for mixed farming activities, particularly wool, beef, lamb and fodder cropping. These areas fall within the identified strategic farming zone in the Draft Rural Land Use Strategy. I do not understand why MRSC would wish to change the zoning in these areas and not support the continuation of farming. The proposed changes will undermine the agriculture industry.

Farming land is a finite resource, especially as close to markets and populations which depend on its produce for food security, as this area of the MRSC. If the MRSC proceed with policy and strategy that does not support agriculture on the most valued farming lands, then it will move against the Victorian State Governments identified areas of protection of farming.

The Draft Rural Land Use Strategy shows the MRSC are clearly choosing to favour other industry over farming, irrespective of the value it provides to the shire both economically and philosophically.

Agriculture represents the fifth largest industry sector in MRSC. Tourism is tenth largest industry sector, yet the Draft Strategy proposed strongly supports tourism and non-farming pursuits above all other industries. The local circular economy is very dependent on the agriculture industry and this Draft Strategy will have long term disruptive impacts to the local economy.

MRSC does not wish to become a satellite suburb of Melbourne. The proposed strategy does not support agriculture and has not put in place sufficient protections to avoid further fragmentation of the land. This will inevitably erode the beautiful rural landscapes which will all pride ourselves on and hope to bring tourism to the area, yet not considered the consequences.

We strongly object the any areas in MRSC to be re-zoned from Farming Zone to Rural Activity zone. This will not add any value to farming enterprises and will erode the ability of existing farms to farm.

The establishment and operation of competing businesses and tourism activities, which MRSC seeks to enhance through this draft proposal, is at odds with the continuation of farming. Land values will increase significantly, beyond that which can be sustained by farming activities, and the conflict between farmers carrying on farming operations and non-traditional farming land owners will be exacerbated.

I would like to see a strengthening of the Draft Strategy stance in regards to seeking to stop further fragmentation of the land. I would like the Draft Strategy to strengthen the inability to provide permissions of dwellings on productive rural land.

My family have a significant landholding within the MRSC Farm Zone, covering a number of titles. I am appalled at the lack of basic communication to the Shire residents directly impacted by these significant proposed changes. I do not think the MRSC has sufficiently consulted with residents regarding the proposed changes and would strong recommend this draft be communicated to each landowner this Draft Strategy will impact.

The Draft Rural Land Use Strategy new zone of Rural Activity zone, does not allude the reader as to the rating which will be applied to this new zone. Any increase in rates due to re-zoning directly impacts profitability of existing farms, further eroding their ability to sustainably farm.

I am strongly opposed to the re-zoning from the farming zone to the Rural activity zone. I would like to see MRSC show greater support and policy direction to support agriculture in this Shire.

Before proceeding with any rezoning, MRSC need to first decide what the shire wants to be. Is it a rural agricultural shire, a tourism shire, or an equine shire? Importantly, tourism and equine industries can in no way be considered agricultural, yet rely on agriculture to be successful.

Yours sincerely



From: [REDACTED]
To: [Strategic Planning](#)
Subject: draft Rural Land Use Strategy Have your Say.docx
Date: Friday, 17 September 2021 3:34:59 PM
Attachments: [draft Rural Land Use Strategy Have your Say.docx](#)

“Have your say”

Macedon Ranges Shire Council

Gisborne, 3437

Victoria

Come on Council, what about visioning big for our Rural Zones? In particular, what will the Hanging Rock area between Mt Macedon & the Cobaw ranges, Lancefield and Woodend be like in 20-40 years? For those residents like myself saddened by looming global challenges here is a golden opportunity to take direct action right here, right now. We could showcase a healthy natural world meshing 1) productivity, 2) ecosystem integrity and 3) landscapes of spiritual connection which would generate pride, draw visitors and be the envy of the state. We only have to look at successful examples in New Zealand and Tasmania.

As a 5th generation resident and farmer in the [REDACTED] [REDACTED] area described above, I am a fierce champion of its values now and into the future. To my mind this ‘Hanging Rock Ranges’ area is the Uluru of Victoria and, as such, should be treated with special reverence and careful consideration before any irreversible development decisions are made. I know MRSC is subject to so many development applications in this area and especially since Covid-19. But just as First Nations People teach us how to 1) harvest from country sustainably 2) honour natural ecosystems and with 3) deep spiritual connection (“triple star” values), so too this ‘Hanging Rock Ranges’ area presents us with the opportunity to live in this country sustainably. Let us think of this ‘Hanging Rock Ranges’ area in a bigger context, beyond short-term development or marketing opportunities, to what is possible in 2040, 2060 and beyond. Here are some possibilities of what I vision for the future here;

- Market ‘Hanging Rock Ranges’ area produce with a “triple star” accreditation and logo which highlight the values of; 1) sustainable farming practices, 2) demonstrable biodiversity protection activities, and, 3) articulation of spiritual connection with this landscape. Imagine the local pride and visitor thrill about such farm produce.
- Maintain current Cobaw Biolink and Farming Zones until a master vision (with input from ‘Hanging Rock Ranges’ residents) is crafted for this extraordinary area.
- Conduct GIS modelling of soil, topography, water, biodiversity and farming conditions under different climate change and bushfire scenarios. This will help us understand how the ‘Hanging Rock Ranges’ area could change over time and how we, as custodians, can plan and care for it.
- Work closely with CFA so they understand Biolink locations and property access so as to manage future wildfires effectively.
- Conduct research into regions throughout the world that champion these “triple star” landscape practices and how this attracts visitors and nourishes spirits, bodies & minds.
- Support current grazing practices whilst providing incentives for farmers to gain income from carbon sequestration through regenerative farming practices. It is important that generational farming families can stay in this area if they want to as they carry inherited knowledge and traditions that are important for us all. If necessary, subsidize these land managers to maintain open pastures for heart lifting vistas as well as bushfire management into the future.

- Champion the concept of ‘Hanging Rock Ranges’ as a self-sustaining landscape that, if needed, can support the local community if we experience a catastrophe which affects our ability to access food, fuel and other resources from outside this region. This self-sustaining landscape concept could be a model that visitors can access to imagine what is possible if we need to live locally and “from the land”.
- Investigate non-ownership farming practices to promote innovation and experimentation in the ‘Hanging Rock Ranges’ area. For example, I would like [REDACTED] properties (which I am already doing), perhaps with co-operative ownership or a “modern-day shepherd internship” which utilizes the labour of people wishing to connect with “triple star” land values, moving sheep daily in a regenerative grazing model. The following video exhibits where this is done successfully in Sweden
<https://www.youtube.com/watch?v=BU20MCo3QQE>

The recent draft Rural Land Use Strategy is a hodge-podge response to development requests rather than a response to our soils, water, climate, biodiversity and the livelihoods of communities which rest upon them.

We can do better than offer a passive response to ad hoc demands. We can be agents of a bright future.

Yours,

[REDACTED]

16th September, 2021

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Draft RLUS Submission
Date: Friday, 17 September 2021 4:14:53 PM
Attachments: [MRSC Rural Landuse Strategy](#) [REDACTED]

Pls find attached my submission on the Draft Rural Land Use Strategy

Yours sincerely,

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Macedon Ranges Shire Council

17-9-2021

To whom it may concern

RE: Draft Rural Land Use Strategy

I see the Rural Landuse Strategy as a highly important document. With predicted population growth in this area intensifying the pressure on the rural character, agricultural potential, and biodiversity of the region and an urgent need for forward planning that comprehensively takes into account the inter-related challenges of climate change, food security and the biodiversity crisis – the document comes at a critical juncture.

I live on a property on the edge of the Farming Zone about [REDACTED]. My family moved to [REDACTED] from Melbourne, drawn to the distinctive village feel of [REDACTED] and its beautiful rural setting. In the [REDACTED] years I have lived on [REDACTED] have been built on Rural Living and Farm Zone lands. The landscape has changed significantly. The view from my house is no long as rural – I look out to a new house that has been erected on a hilltop on [REDACTED]. The house lights up in a blaze like the giant cruise ship every night. The naturalness of the landscape is changing and changing quickly. Remnant natural vegetation (Large Old Trees) is in decline and new homes are bringing in their European/suburban gardens. Our property was called [REDACTED] when we bought it. We discovered it was likely so named as every winter in the first years we were here, a Scarlet Robin would visit. We have not seen the Robin for about 4 years.

I would like to make the following comments on the Draft:

Natural values – proposed changes to RCZs

The natural environment/biodiversity is not strongly enough represented, the document has a strong farming and tourism focus. While the Strategy states that the region’s natural values are very important and central to why most people chose to live here or visit here, they are not giving due consideration. The Strategy should much more closely link with the Councils 2018 Biodiversity Strategy but does not appear to reference it greatly or support its objectives in its strategies.

Recommendation: The Draft RLUS be assessed as to how zoning changes will impact on the all the objectives of the MRSC 2018 Biodiversity Strategy and substantially demonstrate how it offers greater protection to the regions natural assets.

The proposed rezoning of the Cobaw Biolink from Rural Conservation Zone (RCZ) to Farm Zone is a retrograde step in regard to biodiversity conservation. It will impact one of the most important regionally significant biolinks in the region, connecting the Cobaw Ranges to the Macedon Ranges – an important North South and altitudinal connection required for species to adapt to climate change. While the draft strategy says the Cobaw Biolink will be protected using a special significance overlay, this will afford lesser protection, in that it is very hard to control how people manage their

lands in farm zones. It will allow other uses on the land, that cannot currently be undertaken, for example warehouses, caravan parks are permitted in FZ.

Recommendation: The Strategy retain the Cobaw Biolink in the RCZ.

I strongly support the proposed rezoning of the AZ land around Lauriston Bush reserve towards Wombat Forest through the Spring Hill area to RCZ. The natural values of this area are extremely high with the area containing significant populations of threatened animals (for example Greater Gliders on Kangaroo Creek) and plants and provides additional buffering to important habitat/populations in the Wombat Forest.

The rationale for rezoning two other proposed rezoned from Agricultural Zone to Rural Conservation Zone is not made entirely obvious in the plan (A small area on the western tip of the Cobaws extending towards Kyneton and the area North of the Cobaws). They do not appear to be priority conservation areas for Biolinks in MRSC Biodiversity Strategy. This is not to say they should not be rezoned, but the plan should make clear why them if not other MRSC Biodiversity Strategy priority areas.

Rezoning of Agriculture Zone land between Woodend and Malmsbury from Farm Zone to Rural Activity Zone.

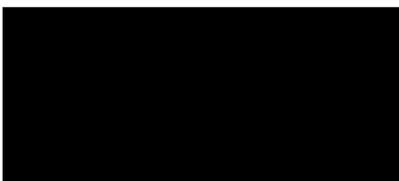
I have strong concerns about the proposed Rural Activity Zones. It is hard to see how the newly classed RAZ won't in effect result in a quasi-Rural Living Zone, by enabling a proliferation of houses which would be highly detrimental to the lands future potential for agriculture and the conservation of its natural values. While the areas under discussion for reclassification as RAZ have in areas become unviable for larger-scale traditional farming ventures, that is not to say the fertile soils they encompass would not be suitable for new models of food production. Instead, the RAZ has a very strong and singular focus on tourism business development that would result in further built infrastructure, introduced species and further pressure on the lands natural values. The document is vague about what will and won't be allowed in this RAZ. It does not define criteria for allowing dwellings, only saying all dwellings will require a planning permit which will be assessed by Council. It notes that a 'local policy will guide assessment of planning permits for dwellings and discretionary uses', which gives Council a very high degree of discretion. It could potentially be open slather for houses that are argued to be needed to develop a tourism business and then potentially later put to private use.

Recommendation: If this new category RAZ, is to be applied it should only be in discrete areas close to townships and explicit guidelines as to the types of development acceptable must be developed.

Equine

It is unclear why the equine industry has its own central pillar in the plan. The Council no longer has an equine strategy, so it is unclear why it is brought to such high prominence in this strategy.

Yours sincerely,



From: [REDACTED]
To: [Strategic Planning](#)
Cc: [REDACTED]
Subject: Draft Rural Land Use Strategy Feedback Submission
Date: Friday, 17 September 2021 4:15:25 PM

To the strategic planning team

Our names are [REDACTED]

We are the owners and residents of [REDACTED]—an area that is earmarked to be rezoned from farming to rural conservation.

We are opposed to the rezoning of the area for the following reasons:

1. It took us many years to find this property and we invested our lives savings and future funds to purchase a life-long property that gives us privacy, no noise, little traffic and views of the country-side that we admire and appreciate every day. This has helped us immensely during these COVID lock-down times.
2. We purchased the property specifically in a farming zone, however we were unaware that our property was going to be affected during the buying process.
3. The property is utilized for [REDACTED] as well as our place of residence.
4. We are concerned at the recent subdivision of land in [REDACTED] lot, but is now [REDACTED].
5. We are extremely concerned about changes that would allow houses to be built on small allotments affecting the natural environment, catchment and the safety of road users especially cyclists/tourists.
6. We believe land sizes should be kept as large as possible in and around the [REDACTED].
7. We are concerned that our current use of the property will be affected by the proposed rezoning, it is unclear as to how we will be affected.
8. We are unsure if any/all agricultural pursuits will require planning permits in the future.
9. We work in consultation with Coliban Water to ensure that our farming activities on the property do not detrimentally affect the waterways that are immediately adjacent to our property.
10. The access to information and clarity around how what this means to existing landholders is unclear.

Further, we have grave concerns about the level of communication and engagement from council regarding the proposed changes and suggest that council review its approach to ensure all people who may be affected by the proposed changes have been contacted, understand the

potential implications of the changes and have the opportunity to share their views in an informed way.

It is also suggested that all of the questions/comments and Councils responses from this "Have your say" are collated, redacted to remove any personal information and issued to all affected property owners. This communication and any further information should also be sent by a variety of methods which could include: addressed letter drop to affected property owners and/or platforms such as Engage Victoria etc.

If you could please respond as indication that this submission has been received.

Regards,

A solid black rectangular redaction box covering the signature of the sender.

From: [REDACTED]
To: [Strategic Planning](#)
Cc: [REDACTED]
Subject: Response to the MRSC Rural Land Use Strategy
Date: Friday, 17 September 2021 4:24:14 PM
Attachments: [Response to the MRSC Rural Land Use Strategy.pdf](#)

Hi,

Please see attached response to the MRSC Rural Land Use Strategy.

All the Best.



17/9/2021

Strategy Planning
Macedon Ranges Shire Council
PO Box 151
Kyneton VIC 3444

Response to the MRSC Rural Land Use Strategy

This submission is prepared on behalf of [REDACTED] in [REDACTED]. We are a family run [REDACTED] that has operated in the [REDACTED] area since the mid [REDACTED]'s. We currently farm [REDACTED] of owned and leased land in this area across Mt Alexander, Hepburn and Macedon Ranges Shires, we additionally conduct agricultural contracting within these shires. We have a [REDACTED] ranging from [REDACTED] – an accredited supplier of the [REDACTED] – a program that seeks to certify and promote premium quality natural grass-fed beef. We have supplied a number of [REDACTED] as well as the [REDACTED] to [REDACTED]. We are conventional farmers [REDACTED], we are a participant in the [REDACTED] and we believe we are engaged in the best practices to ensure a sustainable and productive agricultural business. While the land we own and lease in the Macedon Ranges is zoned [REDACTED] and not FZ the land is commercially farmed, likewise our operations presence in [REDACTED] means we are heavily invested in the long-term viability of farmland in the Macedon Ranges [REDACTED].

Farming in this region has changed greatly over the past 20 years with common challenges being in the form of:

- Requirement to grow businesses such that increasing fixed costs can be overcome and the business made viable.
- Increased growth and affluence of townships that now cover a larger area than before. Unfortunately, this has led to a number of trespass events and activism by people wholly against [REDACTED]. Conversely, we have had a number of positive interactions with residents whom are supportive and eager to understand farming.
- A decrease in vacant farmland that has now been either leased/purchased by commercial farmers or purchased by hobby farmers.
- An increase in the value of farmland such that the value of the land now exceeds what a commercial farming operation can afford to pay, the effect of this has largely been mitigated by ability to lease land at rates that reflect the agricultural returns.
- The millennium drought that forced farming businesses to adopt practices that mitigate the effects of low rainfall events.

In above points reflect the requirement of farming businesses to become more agile if they wish to survive in the region. The result of which is that farming businesses are going to become larger, using the core farm and equipment to sustain breeding and fattening operations but are going to be expanded via smaller properties which are leased to produce fodder and run dry stock. This appears to be in contrast to how council sees the future of farming in MRSC being played out, but is the present strategy being used by farmers in our area today. The Rural Land use strategy may not be about making the smaller FZ lots viable via high end agricultural uses but the leasing of these lots to farmers whom have scale and are knowledgeable and efficient.

In review of the draft MRSC Rural Land Use Strategy we would make the following recommendations:

1. In the Farming Zone (FZ) decrease the lot size for which a permit is required for a dwelling while no decrease in minimum sub-dividable area. There is a number of properties in the area between [REDACTED] that are sub-sized in the FZ, these lots are priced as residential lots yet are completely unviable as farmland. For instance, one is priced at [REDACTED] with no permit or ability to obtain a permit for a dwelling, yet at [REDACTED] completely unviable as farmland. Properties like these are beyond farming and it would be more beneficial for them to be sold, built upon and hobby farmed – no council policy will de-value this land such that it becomes viable to be purchased by farmers. Alternative consider re-zoning of this land such that it can be built upon but FZ land cannot be further sub-divided.
2. In reference to climate change we also need to acknowledge that at least for our area, warmer and drier winters can be more productive as we have less waterlogging of soil and higher soil temperatures, also increase summer rainfall provides the opportunity for summer cropping. This is offset with the requirement to run a more defensive business model that involves production of and long-term storage of hay (and/or grain). We have long (15+ years) incorporated the effects of climate change into our operations and business model, this is equally the case for neighbouring commercial operations.
3. We strongly reject the proposal to convert FZ to RCZ in the Lauriston and Springhill area. We feel there is enough environmental controls to protect wildlife and native vegetation in this corridor, however the re-zoning of any productive farmland into the RCZ greatly limits and diminishes the ability of commercial farmers in the [REDACTED] to [REDACTED] to expand and continue their operations. We cannot have a policy that seeks to protect the conversion of undersized lots zoned FZ into residential areas but which also re-zones large areas of FZ into RCZ. There is a need to consider that FZ is land set aside for food production, whereas state and national parks is land set aside for conservation of wildlife and natural beauty, it would appear to be the ideology of some of the panel member and council that it is ok to take farmland and turn it into forrest. This does not support agriculture and its requirement to 'feed the world'.
4. Council removes the policy of education and capacity building of rural landholders as this process is often mis-used for those that have ideological agricultural principals rather than those based on science. A better policy is to develop a set of agricultural leasing principals and encourage landholders unable to farm to lease the land in a way that is mutually beneficial.
5. Council removes the policy of incentives to encourage optimal and productive land management as farmers are already financially incentivised in these regards. While we may stand to benefit from this policy, it does not represent fair use of ratepayer's money.
6. In general, supportive of the Rural Tourism summary as a means to develop and utilize undersize lots (Point 1) in a manner that positively contributes to agriculture and regional communities.

7. Council needs to make reference to the importance of the [REDACTED] in underpinning many agricultural businesses in the area. The [REDACTED] need to be completed to support local agricultural businesses. Likewise, the support of [REDACTED] needs from council needs to be unwavering, the loss of a processing facility in the Macedon Ranges would be significant.
8. Review of the use of the Rural Living Zone (RLZ), in particular council's preferential use of this zone over the Low-Density Residential Zone (LDRZ) has the potential for increase in township areas which threatens FZ adjoining townships, the use of the LDRZ increases the density of the township zone, reduces housing costs and slows the conversion of FZ into housing. In particular we are concerned that the increasing rate of development greatly reduces the number of years of remaining lots which in turn leads to an even greater number of lots needing to be created via re-zoning. While outside of the scope of this review there needs to be more consideration in densifying township zones to limit their growth into FZ.

The future of agriculture in the MRSC is in the protection of FZ from conversion to RCZ, allowing undersize FZ lots to be built upon and supporting commercial agricultural operations in growing.

Regards,

[REDACTED]

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Feedback on Draft RLUS
Date: Friday, 17 September 2021 4:48:50 PM
Attachments: [Feedback on Draft Rural Land Use Strategy.pdf](#)

Please find feedback attached.

Thanks and Regards

[REDACTED]

Sent with [ProtonMail](#) Secure Email.

Response to Draft Rural Land Use Strategy for the Macedon Ranges Shire

(Strategy Report Prepared by RMCG Consultants and dated September 2020, published for comment September 2021)

Response prepared by [REDACTED] on 17 September 2021.

Engagement

I appreciate the opportunity to comment upon the draft and the range of engagements attempted with community members.

The documentation is lengthy and complex and not especially conducive to gaining community engagement. There is much repetition within the documents, and a high degree of linkage which necessitates reference between them. For the future, consideration should be given to presenting the information in a more succinct manner, possibly even using websites and diagrammatic representation to make linkages between the various documents clearer.

Providing feedback on the strategy necessitates a significant commitment of time from community members. The changing demographics of the area suggest an increased level of busyness which makes it less likely that residents will engage and contribute. Consideration could be given to incentivising engagement: perhaps a scheme of reduced rates for property owners who provide their time to understand and comment on proposals.

I didn't realise until 4pm on Friday 17th September that engagement was scheduled to close at midnight. I had expected close of business. I sincerely hope – after the commitment and energy expended – my feedback will still be received and considered.

In view of the complexity of the documentation I have focused my feedback on the proposed rezoning of a significant part of [REDACTED]

Trust

The documents ought to communicate transparently. Drawing legends “overwritten” or partly obscured (in both the subject document and the documents it references) implies there is something to hide. Maps should clearly identify (perhaps via identification of major roads) which land is affected by the proposals. If necessary, refer readers to a website where higher-resolution images can be accessed.

As a member of the [REDACTED] I'm concerned that the work the [REDACTED] has done on the Cobaw Biolink be maintained, supported and extended. Council's record, from a planning perspective, is not good (recommendations in the 2002 Rural Land Review and the 2004 Planning Panel report not undertaken). I would request that the Shire detail its intended actions (in a consultative manner) before progressing with rezoning: the proposed Environmental Significance Overlay, its objectives, strategies, application requirements and decision guidelines, and what it will do to enhance the biolink.

Land for Agriculture

I support the principle of retaining land within the Shire for agriculture.

I challenge the notion that the land needs to be in large parcels:

I note that the agriculture discussed within the draft is predominantly related to raising of animals.

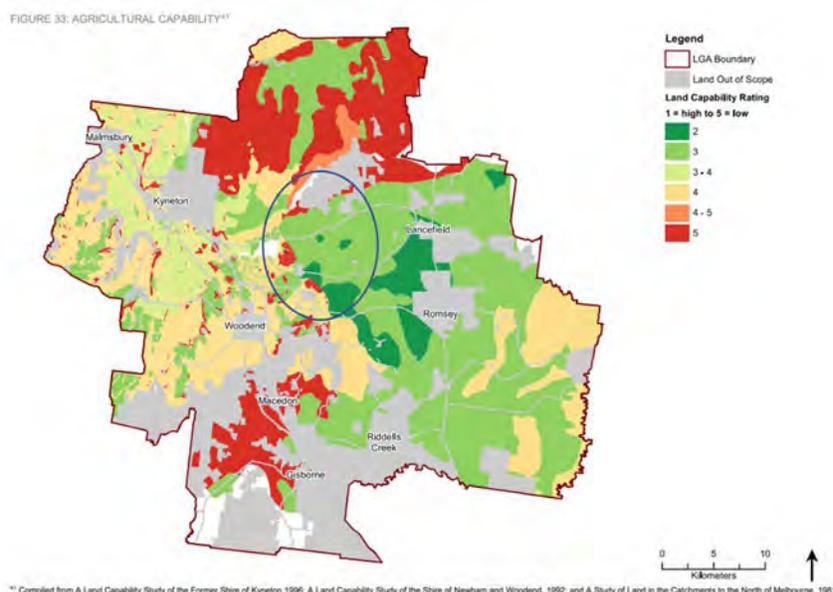
We very much need small scale farms! Climate change will contribute to a movement of horticultural enterprises to cooler climates and those businesses require smaller portions of land with access to water and the ability to manage pest incursion. Urban farming in developed countries is demonstrating very ably that farming small parcels of land can be profitable.

Large agricultural enterprises seek economies of scale, counter to the aim of increasing local employment within the Shire and reducing “escape” expenditure.

I challenge the identification of the parcel of land currently zoned Rural Conservation Zone and proposed for rezoning as “Strategic Agricultural Land”. The document indicates productive agricultural land includes:

- *Land capability Class 2 and Class 3 (missing semicolon?) access to irrigation supply*
- *Land capability Class 2 and Class 3 and property size greater than 40Ha*
- *Land capability Class 2 and Class 3 and access to irrigation supply and property size greater than 40Ha*

The Farming Zone Review (June 2020) includes the chart below, on which I have marked the area proposed for rezoning as best I can from the information available. It appears that much of the land in the southwest of the subject area and some of it in the north of the area is of land capability Class 4 and higher. These classes are described as having low to very low capacity to resist land disturbance and being of low productive capacity.



A preferable approach would be to limit the boundaries of the area for rezoning to those areas of Classes 2 and 3 land capability. Including the area around Hanging Rock and the land to the southeast of the Cobaws, significant parcels with low capability, in the Farming Zone cannot be justified on the basis of their productivity.

Land for nature

Making the granting of planning permits conditional on activities that seek to improve the land (eg revegetation) means that achieving revegetation will depend on sites being developed for activities triggering a permit.

The draft has advised that all dwellings will require planning permission. Home builders will therefore be required to revegetate.

Despite landholders' expressed intention to build on their blocks, building may not happen. Indeed, changing the zoning is intended to reduce the opportunities for residential development in the area, so this is not a path to enhancing the biodiversity of the area.

Carrying out agricultural activities is a Section 1 use in a farming zone and would not require revegetation.

Only if more "commercial" activities are sought would a permit be triggered and revegetation occur. Currently these activities are:

- Abattoir
- Animal production (other than Broiler farm, Cattle feedlot and Grazing animal production)
- Broiler farm
- Camping and caravan park
- Car park
- Cattle feedlot
- Cemetery
- Crematorium
- Dependent person's unit
- Domestic animal boarding
- Dwelling (other than B&B) if minimum lot size requirement not met
- Emergency services facility
- Freeway service centre
- Group accommodation
- Host farm
- Industry (other than rural industry)
- Landscape gardening supplies
- Leisure and recreation (other than Informal outdoor recreation)
- Manufacturing sales
- Market
- Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus and Nightclub)
- Primary school
- Racing dog husbandry
- Renewable energy facility (other than Wind energy facility)
- Residential hotel
- Restaurant
- Rice growing
- Sawmill
- Secondary school
- Timber production
- Trade supplies
- Utility installation (other than Minor utility installation and Telecommunications facility)
- Warehouse (other than Rural store)

Residential Uses

Residents are important! While planning discussions in urban contexts deal with activating neighbourhoods, the current proposal to rezone a populous area seems to seek to de-activate it!

Residents are the volunteers who fight bushfires, attend motor vehicle accidents in the middle of the night, cut trees that have fallen across roads during storms, organise events at the Mechanics Institute, staff the tourist venues and sit outside the general store like “extras” in the rural scene so beloved of the tourists planners love to love. And the best of us support our farming neighbours by keeping eyes on parts of their property that aren't always within their sight. Farming communities need residents, and they need a critical mass to be successful. Witness the decline of rural communities where farms have expanded to become huge commercial propositions. While I welcome the limits it will place on population I'm concerned about the potential impact of this proposal on the community of [REDACTED] I don't think the community and the Shire share a view for the community's future.

Much has been said about land use conflict and I wish to highlight the potential impact of farming on the groundwater that many of us on properties currently zoned RCZ depend. Climate change means rainfall events will become more intense and less frequent, and this will impact groundwater recharge rates. Many of the bores in the area are unlicensed, being used under a “stock and domestic” entitlement. Local residents say that the bores on the Jim Jim have declined in productivity. Hanging Rock Winery's tapping the groundwater has been postulated as a cause. Action is needed to protect the quantity of groundwater available to those using under the stock and domestic regime, through better licensing of bores used for agricultural and commercial purposes. The water authorities in the area are not very active in this sphere: indeed, there is some uncertainty about which authority is in control. This is a potential source of future conflict which the planning scheme might help avoid, possibly by requiring Land Management Plans to include water budgets and water sourcing arrangements.

Tourism

The tourism strategy objective of a “large, internationally-branded resort or conference facility” is noted. Siting a facility of this nature at Hanging Rock is at odds with the aim of developing awareness and understanding of First Nations’ cultural and spiritual relationships to the land. Apart from the Acknowledgement on page 2 and a mention in the objectives of the Statement of Planning Policy, it is unclear how the Aboriginal cultural and spiritual heritage is to be protected and in the current climate this seems a significant shortfall.

The Rock is better appreciated within a bushland setting with its native flora and fauna without constraining built form, lighting and special effects.

This is not the vision the community has for Hanging Rock:



(Source: Cox Architecture)

Let’s instead create biodiverse conservation zones that will attract tourists, and encourage them to enjoy this special place as a day trip.

From: [REDACTED]
To: [Strategic Planning](#)
Subject: RE: Submission re Draft Rural Land Use Strategy
Date: Friday, 17 September 2021 4:54:44 PM
Attachments: [image001.jpg](#)
[Submission re Macedon Ranges Draft Rural Land Use Strategy.pdf](#)

Hi Leanne,

Thanks for letting me know – the challenges of operating as a [REDACTED]
Attached please find updated document. Hopefully this is the complete 5 pages.

Regards,

[REDACTED]

From: Strategic Planning [mailto:strategicplanning@mrsc.vic.gov.au]
Sent: Friday, 17 September 2021 3:56 PM
To: [REDACTED]
Subject: RE: Submission re Draft Rural Land Use Strategy

Good Afternoon [REDACTED]

I think there are some pages missing from your submission, We only seem to have received page 5.

Kind Regards

Leanne

Strategic Planning

Macedon Ranges Shire Council

T 03 5422 0333 | E strategicplanning@mrsc.vic.gov.au | W: www.mrsc.vic.gov.au

Working Together | Honesty | Accountability | Innovation | Respect

Macedon Ranges Shire Council acknowledges the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, present and emerging.

Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.

MRSC eSig logo 96 DPI



From: [REDACTED]
Sent: Friday, 17 September 2021 2:55 PM
To: Strategic Planning <strategicplanning@mrsc.vic.gov.au>

Subject: Submission re Draft Rural Land Use Strategy

Please see attached.

Submission on Draft Rural Land Use Strategy

I am the [REDACTED] and operator of a unique tourism business in the Macedon Ranges, [REDACTED] located on property currently zoned "Farming Zone" (FZ) and now proposed to be rezoned to "Rural Conservation Zone" (RCZ). In an effort to establish my business as a destination to expand knowledge of the uses and benefits of hemp as an emerging agricultural industry (identified by Agrifutures), I have been subjected to an expensive, unfair and protracted planning process to try and launch the concept. At no stage through that process (which began four years ago and is yet to be finalised), was I contacted by Council to specifically draw my attention to their plans to rezone my property. It is in light of this lack of consultation that I have prepared this submission.

The Draft Rural Land Strategy ("Draft Strategy") refers to the "Rural Land Use Strategy Report June 2020" which identifies the following challenges in relation to the Visitor Economy:

- *"The rural zones (Farming Zone and Rural Conservation Zones) are restrictive and do not consider modern farming practices, including production of alternative crops (flowers, hemp) or opportunity for innovative tourism related activities such as open days, workshops, farm gate sales, experiential and immersive getaways, accommodation and weddings.*
- *All events/workshops are currently interpreted as Place of Assembly and achieving the permit is both onerous and costly.*
- *Planning regulations can be a limiting factor in the development of the wine industry and cellar doors."*

Whilst I might now have existing use rights because of the long process that I have experienced, any change that I may wish to make to the business operation will require further planning approval which will be even more onerous in the RCZ zone than in the FZ. It seems to me that if my property were to be rezoned at all, the newly approved uses of my property and the nature and use of the surrounding farmland should be taken into consideration. If any rezoning occurs, it may be more appropriate as Rural Activity Zone (RAZ). I would hope that appropriate consultation occurs before any rezoning.

In relation to the Draft Strategy:

1. Consultation

What did the so-called consultation process involve and who was involved? Land owners to whom I have spoken were not aware of the Draft Strategy, much less that their own land will potentially be affected. In addition, [REDACTED]. There are many references to the tourism sector in the Draft Strategy and yet that [REDACTED] was not consulted. I also note that Tourism Macedon Ranges and Daylesford Macedon Tourism are not listed as "stakeholders", nor is the mysterious Macedon Ranges Protection Advisory Committee (whose report is briefly cited but my efforts to find a copy of same have been fruitless).

Were any farmers consulted? What input did the Victorian Farmers Federation or the National Farmers Federation have? I understand that Council's Agribusiness Forum has disbanded. What was their input? Why, given that the amount of farm land has increased in the Shire (Agriculture Victoria figures), has there now been a diminution of focus on farming?

The Draft Strategy refers to a document that was prepared a year ago which was apparently distributed for consultation. Why was it not distributed earlier than now to individual property owners?

How do the proposed changes function with other government programs (State, Federal, adjoining Councils) - for example, the pilot trials run by the Federal government "Enhancing Remnant Vegetation" (www.gov.au/enhancing-remnant-vegetation-pilot)?

2. Definitions

The subjective nature of the definitions throughout gives wide scope for interpretation by individual planners to put their own "stamp" and personal opinion on approvals or otherwise. The various terms are not well defined and are open to interpretation, e.g. what is productive farmland - does it necessarily involve broadacre land parcels (it seems to me that is the focus), despite Council's Economic Development Strategy recognising the emergence and importance of artisan producers on smaller properties and the adoption of, and participation in, the UNESCO gastronomy project.

3. Tourism

If we are focussing on wellness and eco tourism, locally produced food is integral. With small producers, there is huge opportunity to be supporting them with streamlined planning processes that encourage small scale production, participation in farmers' markets and farm gate sales. This could lead to structured self-drive tours to visit these producers.

The Economic Development Strategy (Ecodev Strategy) recognises that:

"from little things, big things can grow. Support small scale rural enterprises through business support that builds capability and capacity to establish secondary activities in appropriate locations, such as farm-stays, farm gate sales, and niche high-end activities."

There is clear recognition of small scale artisan producers but this Draft Strategy focusses more on broadacre development and takes the stance that smaller scale is not economically viable. Where is the connection between the strategies of sustainable Economic Development and onerous Planning constraints?

The Ecodev Strategy also outlines an Implementation Plan that includes

"Actively support the UNESCO City of Gastronomy project recognising the strong link between Macedon Ranges primary producers, artisanal food offerings, local events and the visitor economy".

Where in this Draft Strategy is the framework for such implementation? To focus on productive agricultural land as being only broadacre cattle and sheep producers, ignores the artisans. Producers of tree farms, nurseries, bees, flowers, truffles, fruit, olives, bush food and many more are simply ignored as being "hobbyists".

There is enormous potential for farm gate tours (self-drive or guided) to enhance the wellness branding of the Shire but such a concept is repeatedly thwarted by Council planning restrictions and/or onerous compliance requirements.

4. Equine

I still have trouble understanding the continuing focus on the equine industry. The expensively produced Equine Strategy has been shelved. MRSC's other policies have recognised that horse clubs are well catered for and expansion of services to the industry is unnecessary. In addition, horses are

widely acknowledged as having a deleterious affect on soil and land quality. Horses are known contributors to soil degradation, erosion and weed spread. There is inconsistency between Council's continuing desire to foster the equine industry and Council's stated focus on biosecurity and biodiversity, environment and water quality.

There are other Shires that "own" the equine industry. In addition, interpretation of State Planning Policy in other Council areas differs from that in the Macedon Ranges. An extract from another Victorian Shire's Strategy is:

"Equine and specialized livestock enterprises on small properties in particular are at risk of contravening policy."

5. RCZ to FZ and FZ to RCZ

The proposed rezoning of FZ to RC; and from RC to FZ appears to be the arbitrary selection of just any tract of land to replace current RCZ land proposed to be changed to FZ. This selection does not appear to have considered the existing use of many of the properties within the FZ.

The Loddon Mallee South Regional Growth Plan identifies a small tract of land at [REDACTED] (the [REDACTED] as "containing high value terrestrial habitat". That land is currently zoned PCRZ (Public Conservation and Resource Zone) and has been such since 2000. There is no explanation as to why Council proposes to expand that area to encompass surrounding farm land. The Loddon Mallee document refers to the remainder of the area earmarked by Council for a change from FZ to RCZ to:

"Facilitate ongoing agricultural productivity and new opportunities that respond to climate change through ongoing adaptation and flexibility".

RCZ does not so facilitate.

What is the justification for singling out the [REDACTED] for rezoning from FZ to RCZ? I note that, at page [REDACTED] is described as being in the north east of the Shire when it is actually north west. There are many other mistakes, anomalies and inconsistencies in the document and I would have hoped that the supposed skills and qualifications of our Council employees would have identified these.

Why has the large parcel of Public Conservation and Resource Zone at Lauriston been designated for change of use to RCZ? Does Parks Victoria have no future interest in the land? If not, why not?

In addition, there has been no regard for the potential cost to land holders of complying with changed zoning restrictions. For example different fencing that is required in the RCZ zone (for the protection of native fauna). Who is to bear the cost of replacement fencing?

To allow camping at Hanging Rock, the zoning apparently has to change from RCZ to FZ – yet there has already been annual camping weekends at Hanging Rock, sponsored and organised by Council. So why would this not continue, without the need for rezoning?

In the Equine Fact Sheet, several land parcels are designated as being "Farmland of Strategic Significance". What are the criteria for such designation? Why would some of this land now be slated for rezoning to RCA?

6. Rural Activity Zone

There is currently no land in the Shire zoned as Rural Activity (RAZ). The map on page 34 “Figure 9: Areas Proposed for Rezoning” shows no area for proposed rezoning to RAZ. It is only when the reader reaches page 52 (if they can persevere) that they can see the proposed rezoning of the large tract of land stretching from Woodend to Malmsbury and surrounds. Were any of these landowners directly notified?

Council’s 2002 Rural Land Strategy (almost 20 years ago) identified:

*“The Shire is at a **critical** turning point because there are few large decisions that come along that set directions, the Shire is at the state where the cumulative impact of a whole host of individual decisions is setting the direction.”*

Nothing has changed! Council clearly has no regard for the concept of “critical”. And there is no indication in this Draft Strategy of any kind of time line or guidance for Strategy implementation.

The Visitor Accommodation Opportunity Study 2010 (eleven years old) recognised the need to:

- *Review the rural zones and identify changes to encourage accommodation and tourism, such as the use of Rural Activity Zone for tourism development.*
- *Where appropriate rezone Farming Zone or Rural Conservation Zone land to support tourism uses.*
- *Review the supply of commercial sites within key town centres.*
- *Identify areas on the periphery of townships that may be suited to tourism development, which may be zoned Rural Activity Zone.”*

Nothing has changed in 11 years! Without time lines and a clear path for the implementation, the project will languish for another 11 years or more.

The 2018 audit report upon which the Draft Strategy is based, clearly states that

“The strategic work highlights Council’s priorities in the number of economic development strategies and studies, which focus on the development of the tourism industry in Macedon Ranges.”

That does not appear to have been the focus in the proposed changes to rural land zoning and it is a matter of perplexity to me that my land, an approved tourism property, is now proposed to be rezoned to RCZ.

As with ALL planning decisions in the Macedon Ranges – they are open to subjective interpretation and individual planners can allow their own opinions to inform Council’s actions. Council officers repeatedly refer me to State Planning Policy but that does not explain why adjoining Council areas take a different approach and Macedon Ranges continues to be over-represented in VCAT hearings.

7. Key Findings from Surveys

It is unlikely that there was input to the surveys from absentee owners (who do not have dwellings on their properties). What proportion of survey respondents were absentee owners? In addition, my own answers in the surveys expressed grievance regarding Council Planning. I am certain I am not the only complainant in this regard. Did this not feature as a key finding?

The 2002 Strategy, states that:

“Changes of land use and new developments in the rural areas are supported only where they are consistent with two principles ... [creation of] an urban growth boundary around each town [and] residential uses are secondary to maintenance and enhancement of a cultural and environmental rural landscape ... [AND if developments] deliver a net gain in condition of the shire’s land and water environment”.

This last statement is highly subjective and open for interpretation by individual Council Planning Officers. In my view it gives wide scope for a major increase in the number of VCAT hearings, particularly if land holders who are currently unable to obtain building permits because of their land size are mistaken in believing that the changed zone will allow a trouble-free permit process to build. An example might be that the Planner rejects an application because the footprint of a building and catchment of rain water in tanks negatively impacts the level of water flowing from the catchment to a reservoir. In this scenario, no development would be permissible. More transparency is required.

The Local Planning Policy Framework states:

“Rural living areas will be planned for well in advance and areas will be identified to achieve a fixed supply up to 2045 in well serviced areas with good internal connectivity and integration with external road and path networks”.

There are many out of date plans and strategies still appearing on Council’s web site. It is time that a co-ordinated approach was made between all Council’s departments and the supposed skills and expertise of Council officers were applied to constructive output and a clear plan rather than the continual re-hashing of a mishmash policies.

I have many more comments on this Draft Strategy but am reliably informed that our elected Councillors do not necessarily read all the submissions. And, quite frankly, I am tired of having to spend hours upon hours, days upon days, across many months and years trying to defend my right to farm and to promote a viable new agribusiness for the State against the whims of Council planning officers. Suffice to say that proper, detailed consultation should now take place and **all** relevant documents and reports must be made available for any kind of informed input. Until then, I intend contacting other relevant State government agencies to ascertain what their input (if any) was.

[REDACTED]

From: [REDACTED]
To: [Strategic Planning](#)
Cc: [Macedon Ranges Accommodation](#)
Subject: DRLUS Feedback
Date: Friday, 17 September 2021 5:01:26 PM
Attachments: [PastedGraphic-1.png](#)
[ATT00001.htm](#)
[REDACTED]
[ATT00002.htm](#)

Dear Sir/Madam,

Please find attached submission from the [REDACTED] to the Draft Rural Land Use Strategy.

Please do not hesitate to contact the undersigned for further information.

Kind regards,

[REDACTED]



17th September 2021
Via Email
Macedon Ranges Shire Council

Draft Rural Land Use Strategy Response

The [redacted] operates at the heart of the [redacted] while working with industry stakeholders to grow and [redacted] and the broader [redacted] Macedon Ranges.

The [redacted] supports the need for sustainable agricultural and economic development to secure the long-term viability of the Shire, while maintaining the rural and natural environment that makes the Macedon Ranges an attractive place to live, work, and visit. We also recognise the important role the Visitor Economy plays in delivering economic value to the Shire and the lifestyle so valued by the residents.

We commend the work undertaken to develop the Draft Rural Land Use Strategy and its recognition of the importance of Rural Tourism to the Shire.

We have sought feedback from the [redacted] and provide the following comments:

1. The DRLUS document states that in 2016 the total visitor expenditure in the Shire was estimated at \$273 million. The reference document states that the total contribution of the visitor economy was in fact estimated at \$456 million. We wonder if the 5% contribution by agriculture in 2016 was direct contribution or total contribution?
2. We believe it is important to recognise the commitment and contribution made by landowners to the responsible management of the rural landscape. We represent members who have six generations of responsible farming and land management heritage in the Macedon Ranges. We are concerned that landowners impacted by

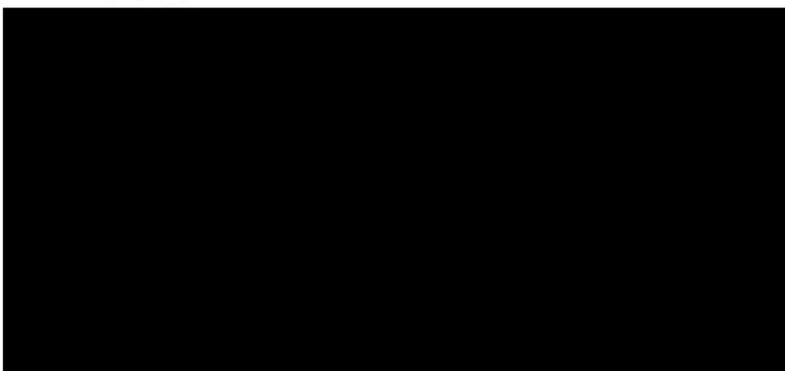


proposed zoning changes have not been directly engaged and advised what the proposed changes will mean for their businesses.

3. While the rationale for rezoning land from Rural Conservation to Farming Zone in the vicinity of Hanging Rock is explained, we could not find any explanation of the rationale for the proposed rezoning from Farming to Rural Conservation in other areas.
4. We support the introduction of Rural Activity Zones while balancing agricultural, environmental and amenity values of tourism related projects.
5. The prohibition of Place of Assembly in Rural Conservation Zones is a major issue in the Macedon Ranges Shire given the large tracts of land that have been progressively been zoned Rural Conservation. This prohibits many of the rural tourism opportunities identified in the DRLUS such as country weddings, concerts, fairs, glamping. This will need to be overcome if these opportunities are to be realised.
6. The value of Rural Tourism was identified in the Council-endorsed Visitor Economy Strategy 2019 – 2029, and we support the high-level strategic objectives outlined for Rural Tourism in the DRLUS. We are concerned that the detailed planning changes recommended throughout the DLUS document may prevent the strategic objectives in both plans being realised. A planning framework to support the strategic objectives is required.
7. We believe that clearly defined town boundaries must be used to manage residential development and maintain the rural character of the Macedon Ranges Shire.
8. Supporting sustainable agricultural and tourism pursuits in rural areas will help ensure that the natural environment is maintained and not overrun with invasive flora and fauna.

The [REDACTED] recognises the importance of maintaining the natural environment and rural character of the Macedon Ranges. It is vitally important to also ensure the ongoing economic viability of the agricultural sector that helps maintain this. Agritourism, and more broadly rural tourism, provides an excellent opportunity to support those in this sector remain viable. Planning changes must support these endeavours.

Kind regards,



From: [REDACTED]
To: [Macedon Ranges Shire Council](#)
Subject: Draft Rural Land Use Strategy Consultation
Date: Tuesday, 31 August 2021 5:44:47 PM
Attachments: [PastedGraphic-1.png](#)

Attn :
Ms Angela Hughes, Director Planning and Environment.

Cc : Stephen Pykett, Manager Community, Economic Development, Arts and Events.

Dear Ms Hughes,

The [REDACTED] has been contacted by a number of our members who are concerned about Council's current invitation to comment on the Draft Rural Land Use Strategy.

We note that the Draft Strategy emphasises that wide consultation has been undertaken to compile the document. However, it has become apparent that landholders who are directly affected by the proposed zoning changes outlined in the Strategy have not be consulted.

[REDACTED] either didn't know that a Draft Strategy had been prepared, nor that it was out for consultation. Some were not aware of the proposed rezoning of their own land and the implications for their properties. This information could, for example, have been circulated to the ratepayers concerned via their rates notices. This would ensure that consultation is targeted to the ratepayers most affected by the proposed changes.

In addition, this [REDACTED] was not consulted in the development process - this is pertinent because of the tourism aspects covered in the Draft Strategy and the number of rural properties that also have accommodation offerings. We have subsequently received the Draft Strategy circulated as part of the consultation process launched in July.

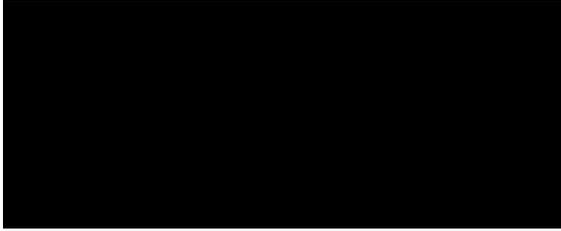
Whilst an extension of time for submissions has been made, it is almost impossible for our members to make a submission without all the facts. Is it therefore possible for Council to issue more detailed information, including the rationale behind the proposed rezoning changes and what the ramifications of the proposed changes might be landowners? This information should be shared with all properties impacted by zoning changes. We are also interested to know which tourism organisations and stakeholders were consulted in the formulation of the tourism component of Draft Strategy?

We would appreciate your consideration of the above and look forward to your response so that we can convey your response to our members.

Yours faithfully,

[REDACTED]

[REDACTED]



From: [REDACTED]
To: [Strategic Planning](#)
Subject: Draft Rural Land Use Strategy submission
Date: Friday, 17 September 2021 5:31:36 PM
Attachments: [image001.png](#)
[MRSC-DRLUS submission.pdf](#)

Hello,

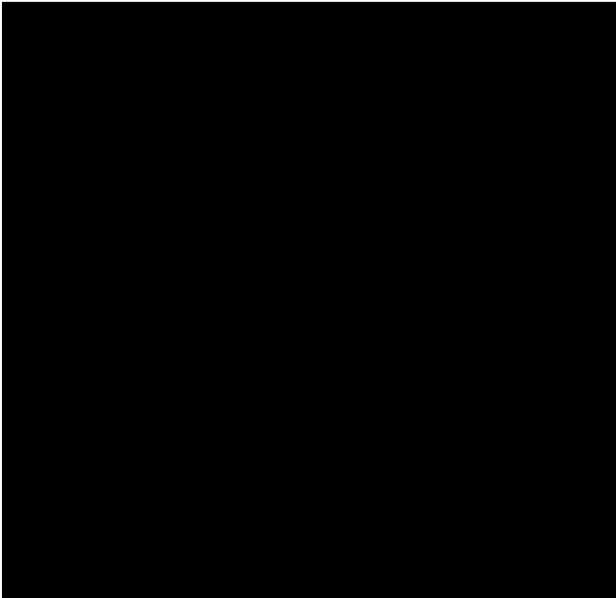
Thank you for the opportunity to provide a submission to the Draft Rural Land Use Strategy.

Please find attached a submission.

I ask that all personal information be withheld and that this submission not be published publicly.

Thank you.

Kind regards,



We write regarding the Macedon Ranges Shire Council Draft Rural Land Use Strategy. Low-impact and environmentally friendly tourism accommodation options like glamping should not be excluded from the region and should be appropriately recognised in the Strategy as an attractive and practical way to activate desirable accommodation options in the area. This can be done sensibly by providing the option for Council to consider the establishment of glamping facilities in Rural Conservation Zones on a case-by-case basis.

TOURISM OBJECTIVES OF THE STATE AND COUNCIL

The Draft Rural Land Use Strategy currently rightly acknowledges the current and the growing importance of boutique, nature-based, experience-based, and local enterprise tourism. It is incumbent upon Council to continue to support the development and fostering of appropriate tourist accommodation, facilities and attractions that acknowledge and respect the unique and natural offerings across the Macedon Ranges Shire Council. Glamping is growing in demand as a popular low environmental impact accommodation option that allows guests to immerse themselves in nature and celebrate the environment, and sustainable ethos'. For this reason, it would be more consistent with the Council's overall strategic objectives to allow glamping style accommodation to be considered on a case-by-case basis in a Rural Conservation Zone, rather than the blanket prohibition that is currently proposed under the Strategy (and has existed to-date under the current scheme).

Glamping accommodation facilitates a range of beneficial outcomes for the Macedon Ranges Shire Council including increases in accommodation, increased tourist expenditure and stay-time across the region, and significantly less environmental and land impact than accommodation of greater scale and structure such as hotels, resorts, freestyle conventional camping and caravan parks generate. Glamping attracts small tourist groups and couples, who are seeking a relaxed, experience-based enjoyment of the region and presents as an avenue to attract new cohorts of tourists to the area. People who book glamping also tend to be higher disposable income visitors who bring strong economic benefits to local businesses by virtue of their healthy consumer and spending habits.

Glamping also provides for significantly less impact to the land and environment compared to other accommodation options. Glamping facilities are often:

- Singular or low in density, and portable and non-permanent
- Erected with upcycled and repurposed infrastructure that integrates into the natural environment and scenery
- Built to meet council specifications that address land impact and fire safety, and with options for potable water or stored water
- Low to zero energy requirements that allow for the utilisation of photovoltaic solar and battery storage energy, low impact and efficient LED lighting that reduce impact on local fauna and community

Glamping as a form of tourist accommodation is also consistent with the tourism objectives and strategies of the Victorian State Government and Macedon Ranges Shire Council.

- The *Victorian Visitor Economy Strategy* identifies the need for private sector investment in tourism in Victoria that embraces the potential of regional and rural Victoria. Glamping style accommodation integrates with the local rural and regional environment and communities and has lower overhead costs and associated risks that are unavoidable with permanent and development such as hotels and resorts.

- The *Daylesford and Macedon Ranges Destination Management Plan* highlights the product strength of boutique accommodation as a tourism product, and emerging nature-based tourism experiences that glamping so well facilitates and embraces.
- The *Macedon Ranges Tourism Industry Strategic Plan* identifies the need for increased accommodation, particularly to “fill in the gaps”, and to increase the visitation of overnight tourists, noting the large proportion of day trips. The *Plan* and the *Draft Tourism Industry Master Plan (2017)* also identifies a wide range of tourist activities and opportunities such as cafes, art trails, cellar doors, wineries, nature-based experiences, and farm gate opportunities that are well supported by glamping. Glamping encourages the wider movement and integration of tourists across the region.
- The *Macedon Ranges Tourism Industry Strategic Plan* recommended the consideration of the Rural Activity Zone for tourist accommodation.
- The Victorian Government’s *Regional Tourism Review* commended by then Special Advisor and now Minister for Regional Development, Minister for Agriculture and Member for the Legislative Assembly for Macedon, Mary-Anne, Thomas, recently released consultation finding that “*Many stakeholders told us there is a lack of accommodation in regional Victoria, particularly high-end and boutique accommodation*”.

The Draft Rural Land Use Strategy is a productive document that, with further clarifications and considerations of the above details, will help support the Macedon Ranges region to thrive. To prohibit glamping from a Rural Conservation Zone – rather than consider applications on a case-by-case basis – would be a significant missed opportunity for our region, and one that will mean we fail to release the many benefits, economic and environmental.

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Draft Rural Land Use
Date: Friday, 17 September 2021 5:59:24 PM
Attachments: [PastedGraphic-5.png](#)

Feedback:

Policy direction has to take into account our Climate Emergency Declaration. Macedon Ranges may well become the food bowl for the rest of Australia as temperatures increase and the climate become increasingly unstable. We need to support regenerative local farming.

We are also facing mass extinction of species, maintaining existing wildlife corridors and is vital and establishing new bio links mandatory.

No longer can we continue to as we have prioritising growth we must move to a sustainable model.

This is an absolutely vital strategy to get right as the long term ramifications will potentially be dire.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Submission - Draft Rural Land Use Strategy
Date: Friday, 17 September 2021 7:39:59 PM

Dear Sir/Madam,

I am writing in support of the **Draft Rural Land Use Strategy** and the proposed change from Rural Conservation Zone to Farming Zone as outlined.

I support the retention of the land we own at [REDACTED] maintaining its agricultural heritage, however this would be best done in combination with the proposed changes outlined in the strategy. The strategy recognizes that agriculture remains an important part of the character and economy of the Shire and we support the continued protection of water quality and that native vegetation be retained and enhanced, and this be balanced with fire protection considerations.

The area has changed and future planning for land use should be reviewed. The importance of this use should continue to complement the nature and character of the rural landscapes of the Shire, retain habitats and ensure that ecological connectivity assets are enhanced, however the current zoning prohibits many appropriate land uses that would be sympathetic to all of this but still be a boost to economic growth, jobs and the attraction of business and tourism.

I have proposed to utilise our property for a small scale nature and animal/equine based therapy and counselling business that would create a much needed service to people with disabilities in the region and beyond. As well making available a possible mix of accommodation/farm stay would be ideal as this would enhance the first business as well as attract tourism that promotes visits that encompass getting involved and spending time in nature, studying the ecology of the property, the indigenous connection and also seeing farm animals and farm operations. Opportunity also to provide cooking (from farm and locally source ingredients) and food growing classes would ideally be available.

Empathetic use of the land and the use of regenerative practices (which we are doing) is a viable, sustainable and positive use of the land that does not lead to damage. This rezoning will promote more creative but still empathetic and careful use of the land, as well as create links to other highlights of the area such as wineries, cycling, horse riding, accommodation and fishing that also link to other key attractions such as Mount Macedon and Hanging Rock, artisan villages, township retail and restaurants and the spa and wellness experiences.

The current restrictions that are dictated within the Rural Conservation Zone especially the Place of Assembly prohibition denies the opportunity of running useful, sustainable businesses that enhance the amenity of the area as well as minimise the environmental impacts.

The removal of the Place of assembly constraints will encourage a wider suite of uses, including tourism and commercial uses, compatible with agriculture, environmental and landscape characteristics of an area.

I support and encourage agricultural land uses that strengthens the economy and contribute to the rural landscape and that provides for a diverse and sustainable visitor economy compatible with the natural and cultural values of the area.

I appreciate this opportunity to submit my views and I would welcome the opportunity to

discuss this further.

Kind Regards

██████████

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Macedon Ranges Rural Strategy
Date: Friday, 17 September 2021 8:39:09 PM
Attachments: [Farm Zone Letter .pdf](#)

Good afternoon

Submission as attached

Regards

[REDACTED]

The Strategic Planner
 Macedon Ranges Shire Council
 PO Box 151
 Kyneton
 3444

10/9/2021

Dear Sir / Madam

Re – Macedon Ranges Rural Strategy

While I appreciate the opportunity to comment on the proposed strategy, I wish to outline my view of what / where Macedon Ranges Shire Council should be involved in the rural sector within the Municipality.

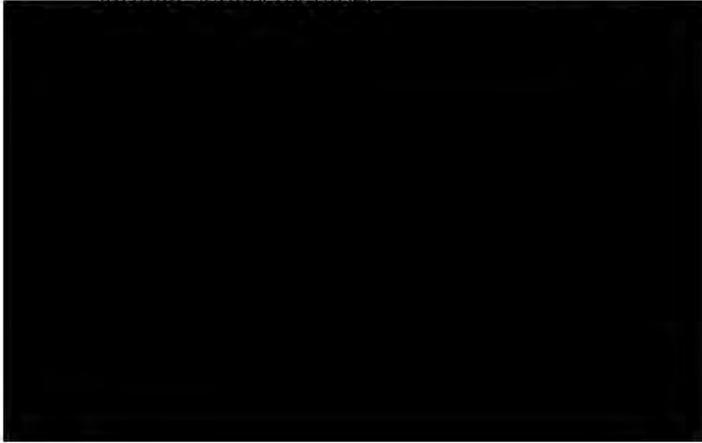
This is based on my [REDACTED] living in this Municipality.

.Accordingly the Municipality should support the rural sector **that remains** but encourage a transformation to increased smaller, highly intensified/ highly sought after Rural Living areas, In response to some of the proposals/ implications proposed -

- Land owners/ managers within the rural sector should have full autonomy to grow, plant, raise crops and livestock they wish-based on climatic/ economic capability. The only time Council should need to facilitate any permit process is for detrimental environmental sites e.g. Pig farms, etc.
- Farm Owners and Managers should be encouraged and supported to develop/ modify their land and facilities to maximise their potential production. I.e. if they need a new shed etc. this should be automatic
- Existing Farm / Rural landholders should be granted the ability to intensify their holdings through subdivision at least additional house/s on their land for their children to carry on the farming enterprise as their parents grow older. This additional dwelling should be located on a separate land title should this family arrangement not be satisfactory ,
- Rural/ Farm holdings must be encouraged to support fire prevention planning both on their land but also on roadsides in front of their properties to supplement works undertaken by Council and Regional Roads
- Greater Melbourne continues to grow – Sunbury, Clarkefield, Riddell’s Creek, Gisborne etc. The growth pressure is upon us. On. The reality is that true agricultural farming within the Macedon Ranges Shire is past. Very few real farms actually exist. Most are Hobby farms . It is more prudent to acknowledge this now (particularly in the southern parts of the Shire) and amend that to be more aligned to *Rural Living* – suitable smaller rural blocks that add character and value to the Municipality .
 Macedon Ranges Shire is unique; it is on the outskirts of major growth corridors of Melbourne. It has the opportunity to create an increased well planned higher intensity Rural Living allotments – 10-15 hectares that can be developed with high value “farm let” type facilities that provide immense high value character to the Shire. The Municipalities further north should be aligned to larger rural / farming size allotments. That is more logical than trying to keep larger farm allotments in Macedon Ranges where the proximity to greater Melbourne and the increasing costs to operate traditional farm will be ever increasing.
- Finally I believe the Municipality should encourage and support the farming community that remains to be viable and prosperous. Let them get on with their job; develop their land to

the full extent possible – including through the ability to gain separate allotments that can intensify smaller agricultural enterprise. Such enterprises are often unique, highly successful and a unique characteristic to a Municipality.

I hope these comments will be respectfully received from a 3rd generation long standing local farming family member.



From: [REDACTED]
To: [Strategic Planning](#)
Cc: [Cr Annette Death](#); [Cr Geoff Neil](#); [Cr Bill West](#); [Cr Jennifer Anderson](#); [Cr Janet Pearce](#); [Cr Mark Ridgeway](#); [Cr Dominic Bonanno](#); [Cr Rob Guthrie](#); [Cr Anne Moore](#)
Subject: Response to Draft Rural Land Use Strategy - [REDACTED]
Date: Friday, 17 September 2021 9:18:18 PM
Attachments: [image232327.png](#)
[image855840.png](#)
[image473601.png](#)
[image643435.png](#)
[image187829.png](#)
[Response to Draft Rural Land Use](#) [REDACTED]

Please find attached my response to the Macedon Ranges Draft Land Use Strategy.

Me and my family are deeply concerned about the prospect of the proposed rezoning of our family farm.

[REDACTED]
[REDACTED]



[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

17 September 2021

RE: Macedon Ranges Draft Rural Land Use Strategy – Proposed Rezoning

Thank you for the opportunity to respond to the Draft Rural Land Use Strategy.

I wish to comment on the proposed rezoning of the [REDACTED] investigation area within the [REDACTED] [REDACTED] of the Shire from Farming Zone (FZ) land to Rural Conservation Zone (RCZ), within the Draft Rural Land Use Strategy. I am specifically concerned about how this affects large landholdings which are currently used for economically viable and sustainable primary production, including [REDACTED] of my [REDACTED] land.

My assessment of this proposed rezoning is that it is not appropriate for the following reasons.

- An incomplete investigation was prepared.
- Incorrect assessments were made from the investigation.
- Inconsistent recommendations.
- The current zoning is appropriate due to current land use and land characteristics.
- Inappropriate proposed restrictions.
- Unintended negative consequences.

Incomplete investigation

The Macedon Ranges Draft Rural Land Use Strategy is based on previous publications including the Biodiversity Strategy 2018 and the Rural Conservation Zone Research and Investigation Report June 2020. The Biodiversity Strategy 2018 in which 4 areas were which were marked for investigation for rezoning.

- The Rural Conservation Zone Research and Investigation Report June 2020 goes on to investigate only 3 of the 4 areas.
- *The Rural Conservation Zone Research and investigation Report June 2020* on which the Macedon Ranges Draft Rural Land Use Strategy is based, acknowledged that it was limited in its investigation and was solely a desktop review.
- It was a major oversight that the shire did not include landholders as stakeholders in this process. Landholders whose land is being investigated for rezoning, should be considered and consulted. Detailed data on the land is needed when making decisions that will impact people's businesses and lives which requires the input of landholders. The *Biodiversity Strategy 2018* lists "Work closely with community and other stakeholders..." as one of the strategy principles, however landholders affected were not included. It is not acceptable that landholders' only notification of this potential rezoning is a flier in the mailbox without any consultation or personal communication.

Incorrect assessments from investigation.

Based on the request for investigation in the Biodiversity Strategy 2018, *the Rural Conservation Zone Research and investigation Report June 2020* recommends:

[REDACTED] *Investigation Area - The environmental and land use and development outcomes desired for land within the investigation area include:*

- *Primary purpose is to function as a biolink*
- *Agriculture and dwelling development will be ancillary to the primary environmental purpose*
- *To achieve this planning policy should: Prevent vegetation removal*
- *Prevent agricultural uses of land with intact native vegetation.*
- *Facilitate vegetation and enhancement as part of preparation of land management plans.*
- The [REDACTED] investigation area is not identified as a biolink in the Biodiversity Strategy 2018, figure 36
- It is incorrect for the Research and Investigation report to reclassify the area based on a desktop review without any field research

The Rural Conservation Zone Research and Investigation Report June 2020 then recommends implementation of the following policy controls and actions:

1. *Rural Conservation Zone to facilitate assessment and control of agriculture*
 2. *Vegetation Protection Overlay to increase permit triggers for native vegetation removal and facilitate rehabilitation through preparation of land management plans*
 3. *Implement actions recommended in the Biodiversity Strategy for strategic habitat biolinks and the Cobaw Biolink.*
1. Control of agriculture – Controlling farmers management of the land they own is unjust. Farmers need to be able to make changes quickly in order to make the most of suitable weather conditions. Having to lodge applications and gain shire approval for these decisions will greatly impede the day to day running of our farm. Not all decisions can be made in advance and rarely does farm planning have a long lead time. Missing optimal timing for implementing change could be economically devastating. Assessments can be made without rezoning.
 2. A Vegetation Protection Overlay already exists over our property
 3. Implement actions
 - a. The only Biodiversity Strategy for strategic habitat links per The Biodiversity is:

“3.3 Contribute to improving connectivity by prioritising councils on Ground works on council managed land and along roadsides in biolink and *strategic habitat link* areas.”

Indicating this only applies to council managed land and roadsides. Not private land.
 - b. Biodiversity Strategy for the Cobaw Biolink doesn't/shouldn't apply because this area is not in the Cobaw Biolink area identified in the Biodiversity Strategy 2018.

Inconsistent recommendations

- The Draft Rural Land Use Strategy discusses land in the Cobaw biolink that is being considered for rezoning from Rural Conservation Zone back to Farming Zone. The reasons given in the draft strategy as to why it would be appropriate for the land in the Cobaw biolink to be Farming Zone also apply to our land. Why should land actually situated in the Cobaw biolink, be reversed back to FZ and our land to take in its place as RCZ and be subject to restrictions designed for Cobaw?

Current Zoning is appropriate due to current land use and characteristics

There are statements put forward in the Biodiversity Strategy that “there is a mismatch between the land’s environmental characteristics and inclusion in Farming zone” and that “...the land shown (in Figure 20) contains intact, dense native vegetation where traditional grazing would not be possible without loss of biodiversity assets through large scale clearing. (Page 51 Biodiversity Strategy 2018)

- These statements do not hold true with our property. Our property has been used as multipurpose farmland (not only grazing as assumed), for about 180 years and has maintained the dense native vegetation which gained its place on the investigation list.
- Farming and intact native vegetation are not mutually exclusive, the use of native vegetation cover is well known in regenerative farming - the practices on which our farm management plan is based. The fact our land has native vegetation cover does not give the shire the justification for rezoning.
- Our land is marked inside farmland of strategic significance in figure 8 of the *Draft Rural Land Use Strategy* and has ALL the defining characteristics described, suitable soil, suitable climate, suitable infrastructure and suitable subdivision. Therefore, is required to be protected by state policy.

Inappropriate proposed restrictions

From the limited information we have been provided on the effects of the proposed rezoning, it is our understanding the following restrictions will apply: Changes of type of livestock will require shire approval, Changes to type of farming will require shire approval and a break in farming 2 years or more may result in farming being stopped forever. For a family farming business that has been farming in Macedon Ranges for over 150 years that has in addition to the meat and wool sheep currently farmed, previously farmed dairy cattle, beef cattle, pigs, poultry and goats as well as horticulture and feed crops; a family who is also preparing for an inter-generational succession plan, these restrictions are far too restrictive.

Unintended negative consequences

- Other landholders, upon seeing land with large areas of native vegetation being rezoned and controlled, will be discouraged from promoting and keeping native vegetation in fear of losing control of their land.
- Small minimum lot sizes for RCZ will promote subdivision of large holdings.
- If farming proves too hard to maintain or becomes uneconomical due to red tape, keeping and maintaining large landholdings without farming income would not be economically viable. Selling large landholdings as primary production land with restrictive zoning would reduce the sale price leading to subdivision being the best option to maximise sale price.

From: [REDACTED]
To: [Strategic Planning](#)
Cc: [REDACTED]
Subject: [Sender Unverified] Submission - Draft Rural Land Use Strategy
Date: Friday, 17 September 2021 10:04:32 PM
Attachments: [REDACTED]

Dear Councillors and Officers,

My submission in relation to the consultation draft of the RLUS attached.

Yours sincerely,

[REDACTED]

**MACEDON RANGES SHIRE COUNCIL
DRAFT RURAL LAND USE STRATEGY**

SUMBISSION – [REDACTED]

17 SEPTEMBER 2021

Dear Councillors and Officers,

Thank you for the opportunity to submit my thoughts in relation the status of the Shire's land use (and development) strategy for properties in the Farm and Rural Conservation Zones.

I've structured this submission as a series of observations, opinions, suggestions and questions from both a Shire-wide perspective and from my perspective as a [REDACTED] and [REDACTED] in the area south of [REDACTED]

1. What is the RLUS "case for change"?

The opening paragraph of the RLUS implies that a range of "changes" have "implications" for rural land use and development, without saying what those changes or implications actually are. This is critically important context for the document to articulate. And it should be done in detail because its absence casts a shadow over the entire thrust of the RLUS, including the methodology and assumptions that underpin the conclusions and recommendations.

Another factor that appears not to have been considered as part of the RLUS process is the regulatory impact on landowners of current and proposed new restrictions and requirements. The starting point should be that less (not more) regulation is the aim, and that where regulations have worked, they should be relaxed to reward positive outcomes.

A case in point is that in 2002 one of the "burning platforms" was the loss of rural land used for agriculture. Since 2006, when the major rural land use changes were implemented, the amount of land used for agriculture actually increased to 2017 (latest data), contrary to almost every other LGA in Victoria: see Victorian Land Use Information System datasets, referred to in the SALAD report (see Section 2 below).

Some of the key questions for Council are: (a) what caused that trend to reverse; and (b) how can we preserve that trend at the same time as relaxing other restrictions that had no material role to play in its achievement?

Recommendations:

- 1.1 The next iteration of the RLUS should include a transparent and detailed assessment of the various environmental and strategic factors that support any

changes to Zones, Schedules or Overlays. The assessment should also explain the required combination of those tools and why they are collectively needed.

- 1.2 The RLUS should also revisit the changes that were imposed in 2006 as a result of the 2002 RLUS to determine whether or not they achieved the desired outcomes, where the gaps are, and where they may have been regulatory over-reach that could be wound back to reduce the burden on landholders.
- 1.3 The RLUS should include a comprehensive assessment of the burden of existing regulations on landowners in the FZ and RCZ (cost, uncertainty, delay, etc) and how this burden will be impacted if the proposed RLUS is implemented.
- 1.4 Council officers provide a report to Council (as soon as practicable) as to the status of Council's compliance with the recommendations in Section 11 of the 2004 Panel Report on the 2002 Rural Land Use Strategy recommendations to enable the community to better understand and contribute to the development of the RLUS.
- 1.5 Council officers make the 2002 Rural Land Use Strategy available online (on the MRSC website) as part of the next round of consultation.
- 1.6 Council officers to analyse and report on the typical costs involved for a landowner in applying for a range of "typical" and anticipated (as a result of the proposed planning scheme changes, such as Zones) permit applications in the RCZ, including plans, environmental and other expert reports, consultants, etc based on different Overlays.
- 1.7 Update "Fact Sheets" to accurately present the impact of proposed changes and expand scope of fact sheets to encompass any additional strategic areas.

2. What is Productive Agricultural Land and Farmland of Strategic Significance?

The RLUS says that productive agricultural land was assessed on a "desktop" basis – that is, no physical observations of how land across the Shire is actually been used and how it has actually been developed.

No attempt appears to have been made to identify "future" productive agricultural land, which is equally as important under the Planning Scheme and relevant policies and guidance notes.

The desktop analysis appears deficient on the following bases:

- (a) The identification of "licensed groundwater bores (see 60, FZ Report), which presumably led to conclusions about access to "irrigation supply" in determining whether agricultural land was "productive" (see p23, RLUS) is misleading because it omits all of the bores which are licensed for domestic and stock use (including cattle, horses, etc). Once these additional bores are included, it materially increases the amount of land that has the benefit of irrigation.

- (b) No attempt has been made to ask individual landowners (as part of the consultation process) about the productivity opportunities/limitations of their land.
- (c) No attempt has been made to analyse Council's own database of land that qualifies for the farm rate concession, based on an independent assessment by the Australian Tax Office.
- (d) The "targeted stakeholder consultation" was extremely limited and over-represented by environmental stakeholders. Consultation did not include broad consultation with primary producers in different sectors, downstream industry bodies, or even the local vignerons association.
- (e) The Council data used for the RLUS (planning permits, etc) only goes up to 2017. There is no point preparing a strategy based on out-of-date data.

In April 2019 Council endorsed a submission to the State Government's review of Farmland of Strategic Significance. It included significant input from Council's Agribusiness Forum. In September 2020, the State Government published its report "Strategic agricultural land and development in Victoria" (SALAD), which included a detailed framework for the assessment of Farmland of Strategic Significance: see Table 13, SALAD report.

The RLUS makes no mention of the SALAD report in the context of defining strategic agricultural land; nor does it reference key parts of Council's endorsed submission. Not surprisingly, the approach taken in the RLUS is inconsistent with the SALAD report criteria and this casts doubt over the validity/appropriateness of the conclusions set out in the RLUS in terms of defining strategic agricultural land at both a local and a regional level.

Recommendations:

- 2.1 Council should conduct a fresh, detailed assessment of both current productive agricultural land and land that has the potential to be productive in the future. This assessment should include consultation with all landowners who benefit from the farm rate concession (to give weight to those actually conducting agribusinesses) and seek to properly understand the characteristics, capability and potential of each land parcel, including having regard to things like:
 - soil-based agriculture (history and intentions)
 - reliance on chemicals and fertilisers/nutrients
 - access to quality water (groundwater, dams, rainwater, etc)
 - barriers to experimentation/innovation in new practices or uses
 - investment in capital improvements/maintenance and operating expenses
 - investment in environmentally friendly practices.
- 2.2 Apply the criteria and framework for strategic agricultural land set out in the SALAD report and distinguish between local and regional significance, as appropriate.
- 2.3 Council-held data used to inform the RLUS should be updated from 2017 to 2021.

3. How should small landholdings and small-scale farm businesses fit in to the RLUS?

The FZ and RCZ Reports, and the RLUS itself, present a dismissive view of small scale farms, which the documents variously describe as “hobby farms”, “part-time farms”, “lifestyle users” and “absentee” owners.

This framing is used to bolster a sole strategic focus on so-called “commercial” farms – without that term being defined.

This approach is confounding because the bulk of rural land is small in scale – on both an ownership and an area basis - and there is a recognised and consistent trend towards small scale farming throughout the State (if not nationally?).

What is the rationale from effectively excluding small/medium rural land from any positive strategic considerations about current and future use?

As mentioned in Section 2 above, the RLUS authors appear to have given no consideration to the number of landowners in the FZ and RCZ who run ATO-endorsed agricultural businesses. By definition, any landowner who receives the farm rate concession is running an agricultural business, not engaging in a hobby, and that distinction should have been made as part of the RLUS process.

The RLUS refers to survey results showing that most landowners purchased their land for “lifestyle” reasons. This may be true, but the RLUS presents this in a pejorative way that ignores that fact that “lifestyle” is essentially a combination of the activities we engage in and the environment in which we live. It also ignores the physical and mental wellbeing benefits that can come from small-scale farming.

The economic contribution of small-scale FZ/RCZ landowners is also downplayed by referencing the number of landowners who derive the bulk of their income from other sources. But the RLUS makes no attempt to measure the capital investment, operating expenditure and time spent by landowners in managing and improving their properties, the environment and the landscape.

Recommendations:

- 3.1 Include an estimate of the economic impact of small-scale farms in the Shire and distinguish between those operated as a business (with farm rate concession) and those that don't.
- 3.2 Analyse small scale farming business activities within the Shire and in other locations to identify opportunities to support expanded or new uses, and/or the implementation of more sustainable management practices.

- 3.3 Look to examples in other Shires (such as Geelong) where leasing of productive rural land (outside domestic blocks) has been promoted to enhance production efficiencies, economic returns and environmental outcomes.

4. What are the opportunities “for and from” agriculture?

The RLUS repeatedly references agriculture as being a “small economic sector”. In terms of the wholesale market value of raw materials produced on rural land in the Shire (which is how the economic contribution of agriculture has been assessed in the RLUS), this statement is true in a comparative sense, but when the broader agricultural value chain is considered (for example rural industry and direct tourism), the sector carries significant economic weight.

The RLUS gives no consideration to downstream economic benefits from agricultural raw materials. This is unhelpful in the context of forming a strategy for rural land use because it distorts the economic and social reality and makes it impossible to confidently address challenges and opportunities for agricultural industries through strategic land use planning.

A particular example of a sector given no hope in the RLUS is viticulture. The RLUS dismisses any opportunities for that sector, and completely ignores that fact that most grapes grown in the Shire are made into wine by Macedon Ranges winemakers. The value is added at that point of the process by a combination of the skill of the winemakers the region is continuing to attract and the unique productive traits of the Macedon Ranges *terroir* (ie climate, aspect, soil characteristics, etc).

The Macedon Ranges winemaking region was granted official Geographic Indicator status as a sub-region in 2002 and is recognised as the coolest mainland climate in Australia. Only last month, the prestigious Halliday Awards named “Place of Changing Winds” (Bullengarook) as “Best New Winery” in Australia, and the flagship pinot noir offering from Bindi Winemakers (Gisborne South) as “Best Pinot Noir” in Australia. This is on top of 6 Macedon Ranges wines last year featuring in the top 70 Australian wines listed by acclaimed US wine critic, James Suckling.

The RLUS devotes an entire Strategic Objective to the Equine industry. What more could we be doing to support businesses in wine and food that have “place” at the core of the customer offering? How might a more positive and innovative focus on food and wine contribute to productive and sustainable use of small-scale FZ/RCZ landholdings? What role could innovative food producing agriculture and/or new vineyards play in improving the productivity of rural land in the future, and help to alleviate pressure from competing uses?

Recommendations:

- 4.1 Conduct an analysis of the scope and end-to-end economic scale of agricultural and rural industry activities suited to small-scale rural land.

- 4.2 Consider appointing a suitably qualified (industry specific) consultant to assess parcels of land in the Shire that would likely be suitable to low-yield, high-quality viticulture.
- 4.3 Consider removing the requirement for landowners to obtain a “rural industry” permit to make wine from grapes grown on their own land.
- 4.4 Consider making some agricultural uses (eg viticulture, extensive grazing) a Schedule 1 use in the Rural Conservation Zone provided certain environmental requirements are met.
- 4.5 Include the Macedon Ranges Vignerons Association, Wine Victoria and Agriculture Victoria as part of the next round of targeted stakeholder consultations in relation to the RLUS.

5. How can we ensure fair, consistent and logical outcomes from Zones, Schedules and Overlays?

The 2002 Rural Land Use Strategy and recommendations received strong criticism for some of the recommended changes to the Planning Scheme, including the “broad brush strategy that has been developed in the absence of a detailed assessment of site characteristics” for the then proposed Cobaw Biolink concept, as well as failure to conduct the required “audits” and “analysis”.

Based on the FZ and RCZ Reports, and the draft RLUS, it is difficult to see how Council has improved their strategic and analytical diligence since the Panel’s 2004 assessment.

It’s now fifteen years on since an amended set of recommendations took effect in the 2006 planning scheme amendments and its apparent that some of those changes warrant reconsideration.

For example, the land to the [REDACTED], on the east side of [REDACTED] [REDACTED] was included in the new [REDACTED] Zone/Schedule, having previously been in the old Rural Use Zone, which enabled limited agricultural uses such as animal grazing and crop raising (incl horticulture/viticulture) as of right.

The land is also covered by ESO5, which duplicates (and strengthens) the protection of the catchment for the Merrimu Reservoir (based in the Moorabool Shire) – the dominant objective of RCZ3 - which sits at the southern end of the Pyrete Range.

All of this sounds like a reasonable set of objectives and regulations until you discover that the land downstream of our Shire, immediately before the catchments enter the Merrimu Reservoir, is zoned Farming.

In other words, upstream rural landholders in the Macedon Ranges have lost their “right to farm” in order to protect the water quality of the Merrimu Reservoir (which is used exclusively by residents of the Moorabool Shire), but the Moorabool Shire is happy to allow

landowners immediately between the Macedon Ranges catchment and the Merrimu Reservoir to continue to farm “as of right” under the Farming Zone. This seems illogical and unfair for affected landowners in the relevant part of the Macedon Ranges.

Related to this point, Council appears have decided that large tracts of land around Hanging Rock should be rezoned from RCZ to FZ because the land is already cleared and the environmental issues can be dealt with via an ESO. Again, using the land to the [REDACTED] of [REDACTED] (which is also cleared and already has an ESO in place), was this area considered for rezoning to FZ? If not, why not? If so, why was the decision made not to recommend the change?

Whatever changes occur to Zone, Schedules and Overlays will invoke a raft of claims and inevitable disputes over existing use right – mostly about what they mean. Given the significant concern that the RLUS has had and will no doubt continue to have for many impacted landholders in the Shire, Council needs to provide clear guidance on the position it intends to take with respect to existing use rights.

Recommendations:

- 5.1 Reconsider the 2006 removal of “as of right” agricultural uses from relevant parts of the Shire (including the land south of Mount Bullengarook) in the context of regulatory impact, intra and inter Shire inconsistencies and failure to achieve stated objectives.
- 5.2 For land that is proposed to be rezoned (from FZ>RCZ or RCZ>FZ), apply the same decision-making criteria to other land in the Shire and outline why those parcels will or will not be re-zoned accordingly.
- 5.3 Provide a policy statement about how Council intends to treat existing use rights claims for properties in FZ/RCZ, including a range of case studies with clear answers.
- 5.4 In an effort to encourage innovation and adaptation, consider employing a scheme that incentivises landholders to change to certain “as of right” uses (subject to meeting reasonable criteria), with the ability to revert to previous uses with a defined period (eg 3-5 years) if the “experiment” doesn’t prove sustainable.

.....

CONCLUSION

Council is right to be concerned about protecting what’s great about the Macedon Ranges. But prosperity, innovation and mental and physical health won’t be well served by imposing unnecessary further restrictions and costly requirements on the agricultural sector, particularly those at the medium-small end of the spectrum.

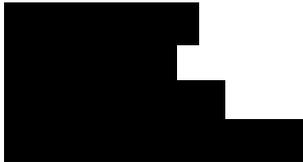
I encourage Council to avoid taking a sledge-hammer approach to environmental protection. Please be deliberate, selective and minimalist about the suite of Zones, Schedules and Overlays you choose to apply to rural land in the shire. Just because it's all there, doesn't mean you need to use it – particularly when the impact on landholders is properly considered.

This RLUS process has the potential to deliver generational change and prosperity to our region if we can all get the scope and vision right. The current draft of the RLUS is clearly not fit for purpose, but I am grateful for the opportunity to review and comment on it.

My suggestion on the way forward would be to conduct a peer review – not so much focussed on the detail of the RLUS itself – which in my view needs a complete re-write – but rather on the process that led to its creation, including limitations on funding, specific briefings/instructions to the consultant, degree of editing by Council, etc.

I am happy to discuss any aspect of this submission, and the draft RLUS more generally, if you like.

Yours sincerely,

A large black rectangular redaction box covering the signature area.

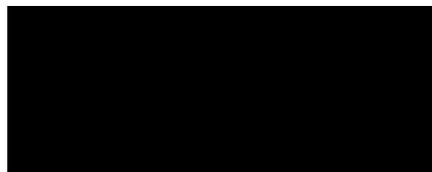
From: [REDACTED]
To: [Strategic Planning](#)
Subject: Draft Rural Land Use Strategy objection
Date: Friday, 17 September 2021 10:09:14 PM
Attachments: [REDACTED]

Dear Sir/ Madam,

Please see attached Draft Rural Land Use Strategy objection submission.

Regards,

[REDACTED]



16 Sept 2021

Town Planning Department
Macedon Ranges Shire Council.

Re: Draft Rural Land Use Strategy.

I **strongly object** to Council's Draft Rural Land Use Strategy proposal to remove the as of right to construct a dwelling on 40 hectares or more in the Farming Zone.

The proposal is likely to have a massive impact on land values in the Farming Zone. An unexpected reduction of property values will have an economic impact on land owners and on the viability of some existing farming operations and possible future expansion.

Current planning policy require a permit for a dwelling on a lot less than 40ha, a second dwelling and subdivision in the Farming Zone providing planning control of the majority of lots in this zone.

The Draft Rural Land Use Strategy Local Policy for Dwellings in a Farming Zone appears to be an attempt by council to just take total control of any development with the proposed introduction of decision guidelines that don't appear to be relevant to the proposed local policy objectives, such as "siting dwellings away from ridgelines and hills."

The proposed planning process required will be unreasonably complicated, lengthy, expensive and uncertain. A planning refusal would further devalue a property.

Yours Faithfully



From: [REDACTED]
To: [Strategic Planning](#)
Subject: Submission to Rural Strategy
Date: Friday, 17 September 2021 10:17:11 PM
Attachments: [image001.png](#)
[Submission to draft Rural Strategy.pdf](#)

The Manager
Strategic Planning
Macedon Ranges Shire.

Please find attached a short submission to the draft Rural Land Use strategy.

I note the change in date for receipt of submissions on the website until 17 September, and trust this submission will be accepted.

Please acknowledge receipt in due course.

Regards

[REDACTED]

[REDACTED]

Submission

Macedon Ranges Shire Council Draft rural strategy

Introduction

This is a submission to the draft rural strategy (Strategy) on behalf of [REDACTED], longtime residents and landowners in [REDACTED].

We have reviewed the Strategy and identified a number of issues which are addressed further below.

A key omission is any consideration of the Rural Living Zone and the supply and use of rural living land.

This zone is mentioned as part of the rural land management framework but is then omitted from any serious consideration.

A key issue for the Shire and the integrity of planning policy for the Macedon Ranges is the balance between a rural (and related rural landscape) strategy, and the opportunities for accommodation for residential growth across the Shire. Clearly if demand for housing for the families of local people and those seeking to move to the Shire is not able to be fulfilled in the urban areas, that pressure will spill over into surrounding rural areas.

This seems to have been largely missed in recent strategy reviews.

Town boundaries

There is much emphasis on establishing and maintaining town boundaries. This approach is supported, but the boundaries need to be established based on realistic growth forecasts and proper growth area planning.

While limited growth of the smaller townships may be important to preserve the character and prevent the loss of landscape and related rural land, Council has failed to recognise the importance of increased supply of urban land for Gisborne, as a regional growth centre, and this has led to a situation where house prices have escalated and land supply is well below the minimum necessary to ensure adequate economic activity.

Rural Living Zone

The Rural Living Zone has been used for two purposes in the Shire - one is to provide a supply of small lots (eg 1ha to 4ha) to achieve the purpose of the zone; the other is to hold land for future urban development. The area to the [REDACTED] is the only area with an 8ha minimum. This is not a useful or manageable size for rural lots.

Farming and land use studies since the 1970s (eg MMBW Metropolitan Farming Study and other similar reports) have recognised the problems with holdings that are, in summary, "too big for a ride-on mower and too small to justify larger equipment and a more professional management approach". This results in poor quality land management, weed infestation and similar issues.

The 8ha rural land areas to the [REDACTED] should be rezoned to accommodate urban development and allow larger areas of genuine farm land, and significant landscapes to be protected.

The Vision and Principles include the following:

Housing, rural living and employment will be accommodated in established towns with clearly identified settlement boundaries.

This is to be contrasted with Strategic Objective No1

Protection of strategic agricultural land.

What the strategy does not consider is the tension between these and the need for settlement boundaries to be sufficiently accommodating of housing growth to assist in achieving the latter.

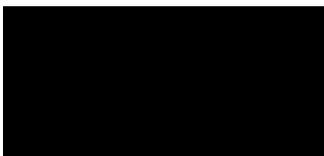
There are also objectives including provision of viable rural living areas; and protection of the potential for townships to expand. These policy objectives seem to get lost in implementation.

The 8ha RLZ area which includes poor quality farmland (accepted as such in Panel reports, and recognised in local histories as "poverty corner") should be included in the expanded town boundary for [REDACTED]

This would assist in taking pressure off rural areas where there are existing small lots with pressure for additional houses. If the Shire had a properly balanced growth strategy, focussed on, amongst others, Gisborne as a designated growth centre, that would assist in the implementation of stronger policy to resist farms being converted or fragmented for quasi-urban rural residential lifestyles.

The Shire has multiple strategies, but there seems to be a lack of integration and a failure to consider how they complement each other. Putting tight boundaries around all towns will simply be counter-productive, especially where there are limited opportunities for any significant in-fill and redevelopment. Previous studies and consultation (eg the initial consultation work on the review of the Gisborne Structure Plan, now some 2 years ago), has demonstrated that the community wants to protect the 'rural feel' and existing character of the towns across the Shire. There is constant opposition to increased densities as evidenced by the many objections and appeals in respect of many of those projects.

The answer is a careful balance. Allow planned growth of certain towns where that growth will not result in loss of high value agriculture land and will not impact on landscape values, while imposing strong controls over small Crown allotments and preventing isolated houses and fragmentation of high quality rural land.



From: [REDACTED]
To: [Strategic Planning](#)
Subject: Re: Rural Land Use Strategy
Date: Friday, 17 September 2021 10:28:30 PM

I am rather surprised and dismayed at the Council's latest "big brother" attack on farmers with their latest new zoning proposal.

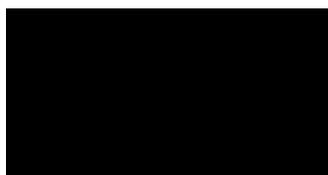
Why? What is the purpose of this meddling ? I see nothing "strategic" in this ridiculous idea!

It was well documented in feudal times, that the best farming strategy for the health and sustainability of the farm, was to rotate between crops and grazing. What has changed? If farmers wish to put in a crop for fodder, how does this equal a different land use. The Weekly Times (15 September, 2021) alleges that "the Macedon Ranges Planning Scheme recognises animal husbandry and cropping as different uses." Excuse me? What total buffoon thought this up?

So many farmers have ceased to plant indigenous flora due to this ongoing heavy-handed approach from legislators, whether they be council or state or federal. You seem determined to lose all goodwill from farmers that Landcare once promoted.

This is a poorly planned retrograde step from a council that doesn't seem to have any problems whatsoever in dividing up rich, healthy farmland for housing subdivision!

In summation, I stand wholly against this RCZ proposal. I can not see any good coming out of it. Not now. Not ever.



From: [REDACTED]
To: [Strategic Planning](#)
Subject: I am sharing "Planning submission" with you
Date: Friday, 17 September 2021 10:57:49 PM
Attachments: [Planning submission.pdf](#)

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-



To the Macedon Ranges Shire Council.

The following is a response to the Draft Rural Land Use Strategy:

The draft Rural Land Use Strategy is a blunt instrument being used to change zones predominantly in response to economic priorities.

Strategic Objectives for Rural areas should include priorities for environmental protections

Areas of concern include:

■ Changing status of Hanging Rock and the Cobaw Biolink from Rural Conservation Zone to Farming Zone changes the priority from environment and landscape to agriculture. The Hanging Rock Cobaw Biolink has been an area of concern and much work by individuals and groups for many years. The designated area contains 2 drinking water catchments, critical landscapes and biodiversity areas. These must be the main focus for any planning considerations for the area.

■ Rural tourism policy appears to allow for ad hoc re-zoning to Rural Activity Zone for single developments on the basis of economic planning. Economic planning must be viewed separately from strategic planning. They are not the same thing.

Any proposed zoning changes which would see built tourist developments such as accommodation should be available to all. Sensitive developments are frequently expensive resulting in high cost accommodation which inevitably excludes general usage. Macedon Ranges should be available to any and everyone particularly as it is an easily accessible area for urban Melbourne.

-

Please make sure that environmental values underpin and preface any zoning changes and development.

Yours faithfully,

A black rectangular redaction box covering the signature.

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Have your say on the Draft Rural Land Use Strategy
Date: Friday, 17 September 2021 11:07:32 PM

Mimimise subdivision in all zones

Protect and conserve native vegetation

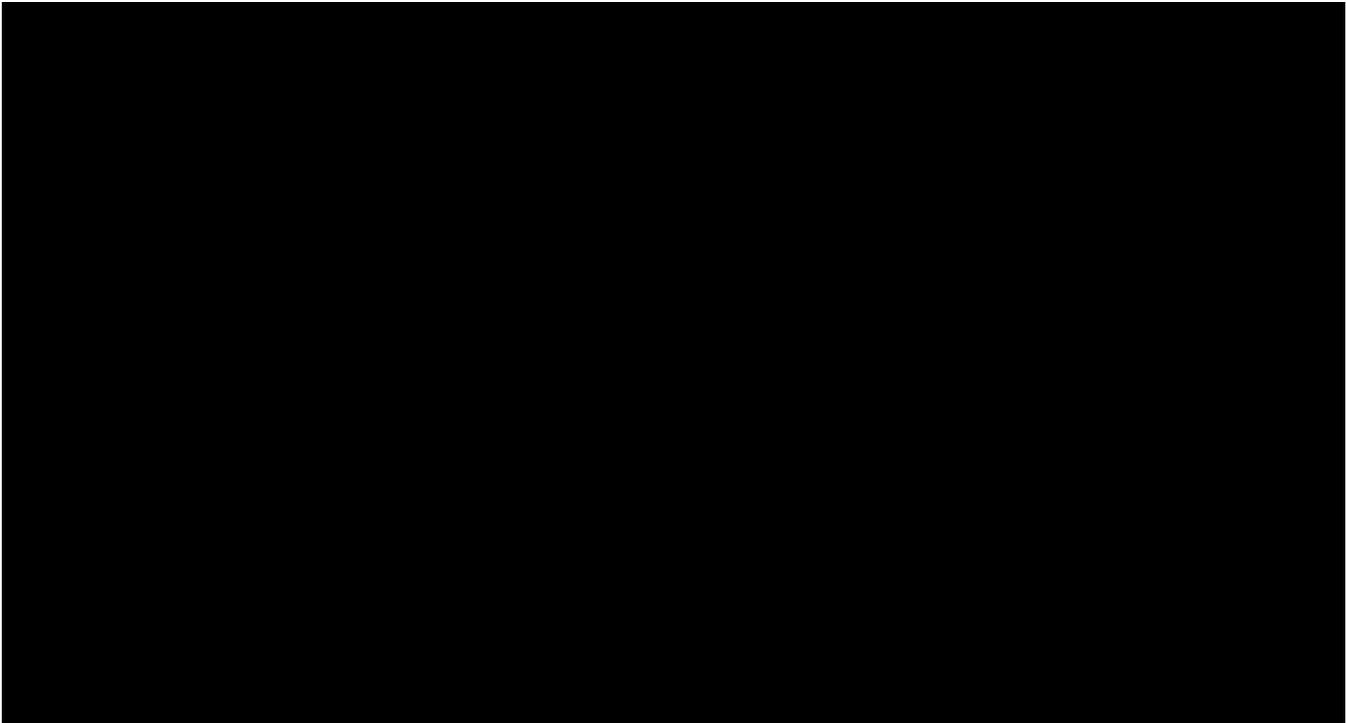
From: [Planning and Approvals North Hub \(DELWP\)](#)
To: [Strategic Planning](#)
Subject: [Sender Unverified] OFFICIAL: DRAFT RURAL LAND USE STRATEGY
Date: Wednesday, 22 September 2021 9:38:27 AM
Attachments: [image017.png](#)
[image018.png](#)
[image019.png](#)
[image020.png](#)
[image021.png](#)
[image022.png](#)
[image023.png](#)
[image024.png](#)
[CO_MRSC_Draft_Rural_Land_Use_Strategy\(20210907rb\)_encrypted_.pdf](#)

Hello,

Please find attached the response to the draft Rural Land Use Strategy.

Regards

██████



OFFICIAL



Department of Environment, Land, Water and Planning

7 Taylor Street, Epsom
Box 3100, Bendigo DC, VIC 3554
Telephone: 035430 4444
DX 214506

loddonmallee.planning@delwp.vic.gov.au

Ref:SP476867
20210902 RB

Ms Angela Hughes
Director Planning and Environment
Macedon Ranges Shire Council
PO Box 151
Kyneton Vic 3444

Dear Ms Hughes

PROPOSED ZONE CHANGES IN ACCORDANCE TO THE DRAFT RURAL LAND USE STRATEGY MACEDON RANGES AREA

Thank you for your letter dated and received on 20 July 2021 requesting feedback to the draft Macedon Ranges Rural Land Use Strategy.

I provide this response under delegation from the Minister for Energy, Environment and Climate Change.

This response is a combined response on behalf of DELWP, excluding the Planning group who will provide feedback at a different time.

Comments

Council seeks comments on the draft Rural Land Use Strategy that has been development to guide rural land use planning in the municipality. The department offers the following comment for consideration.

Removal of Native Vegetation Exemptions

The proposed rezoning of Rural Conservation Zone to the Farming Zone would enable the future access to specific exemptions under Clause 52.17-7 and Clause 52.12-5, being

- New buildings and works in the Farming Zone and Rural Activity Zone
- New dwellings in the Farming Zone and Rural Activity Zone
- Existing buildings and works in the Farming Zone and Rural Activity Zone
- Exemption to create defendable space for a dwelling under Clause 44.06

Access to these exemptions would allow the removal of significant amounts of native vegetation without the requirement of a planning permit, which has the potential to compromise the biodiversity values of land with remanent or intact native vegetation.

It should be noted that the current zoning of Rural Conservation Zone does not allow access to any of the abovementioned exemptions.

Biodiversity Strategy 2018

The Council adopted the Biodiversity Strategy 2018 on 19 December 2018. It appears that the draft Rural Land Use Strategy and Biodiversity Strategy have conflicting values and interests within the two documents.

Within the draft Rural Land Use Strategy, it was identified that 'most owners of vacant land want to build a dwelling in the future'. This key finding was identical for owners within both the Farming Zone and the Rural Conservation Zone, with the one difference being the access to the abovementioned exemptions

for the proposed Farming Zoned land and given the area of proposed land to be rezoned to Farming Zone the impact on native vegetation and biodiversity could be significant.

It should also be noted that within the Biodiversity Strategy one of the identified threats facing biodiversity is human uses and activities, specifically stating 'development can result in incremental habitat fragmentation for dwellings and associated services and facilities through direct vegetation removal as well as activities such as timber collection, domestic gardens and use, maintenance of defensible space and fuel management on roadsides'.

Currently, the land proposed to be rezoned to Farming Zone has connectivity with significant vegetation to the north and south, if the rezoning is approved there is risk to biodiversity and increased habitat fragmentation.

Biodiversity and Biolinks

The proposed rezoning from Rural Conservation Zone to Farming Zone may impact intended results of the Cobaw Biolink.

Large vegetated patches are present in the landscape and consist of depleted and Endangered EVC's, that are valuable to local biodiversity and the objectives in the MRSC Biodiversity Strategy to create biolinks/wildlife corridors thru out the municipality.

EVC's present in the proposed areas-

- EVC 23- Herb Rich Foothill Forest (Depleted)
- EVC 894- Scoria Cone Woodland (Endangered)
- EVC 83- Swampy Riparian Woodland (Endangered)
- EVC 55- Plains Grassy Woodland (Endangered)

These endangered EVC's represent the little amount left in Victoria from Pre-1750 -

The EVC- 894 Scoria Cone Woodland is an endangered ecological community that only has 17% representation left intact of its previous pre-1750 range within Victoria. With 0% left in protected areas, highlighting the importance of protecting the EVC on private land.

The EVC 83- Swampy Riparian Woodland is an endangered ecological community that only has 22.8% representation left intact of its previous pre-1750 range within Victoria.

The EVC 55- Plains Grassy Woodland is an endangered ecological community that only has 9.2% representation left intact of its previous pre-1750 range within Victoria. With 0.2% left in protected areas, highlighting the importance of protecting the EVC on private land.

Buffers

Consider buffers between intensive agricultural or pastoral activity from high conservation values such as waterways and native vegetation and habitat and cultural values.

Traditional Owners

There is no evidence that there has been consideration of traditional owner aspirations in this document, they should be considered as traditional owners have strong connection to the land in the MRSC.

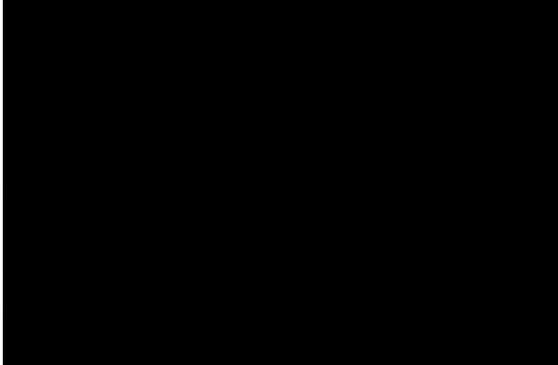
Response

The department is generally supportive of the draft Rural Land Use Strategy, although offers the following recommendations:

1. Council exclude the area located to the east of Potts Road, Millers Lane and Hennerbergs Road from the proposed rezone area from Rural Conservation Zone to Farming Zone to preserve the biodiversity values of the area.
2. Ensure consultation with traditional owners occurs aspirations are included in the draft Rural Land Use Strategy.



Yours sincerely



From: [REDACTED]
To: [Leanne Khan](#); [Cr Jennifer Anderson](#); [Cr Mark Ridgeway](#); [Cr Anne Moore](#); [Cr Rob Guthrie](#); [Cr Janet Pearce](#); [Cr Bill West](#); [Cr Geoff Neil](#); [Cr Dominic Bonanno](#); [Cr Annette Death](#); [Strategic Planning](#)
Subject: [REDACTED] - Draft Rural Land Use Strategy Submission
Date: Tuesday, 21 September 2021 3:15:42 PM
Attachments: [dRLUS_Submission_21SEPT21.docx](#)

FYI: Please find attached my submission (as advised prior to 17/9 deadline) on the MR Draft Rural Land Use Strategy

Kind Regards, [REDACTED]

To MRSC
Co-ordinator Strategic Planning
Leanne Khan
Mayor et al

Via email

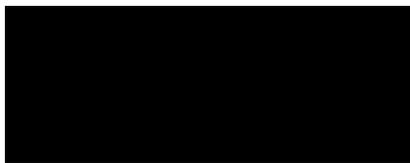
21 Sept 2021

Re: Draft Rural Land Use Strategy

Dear Leanne, Jennifer, Mark, Bill, Janet, Anne, Rob, Geoff, Dominic and last but not least Annette

Please find below my belated submission on the above. Please forgive delay as illness and the number and weight of associated reference docs slowed me down but it's such an important policy doc I've rushed to bang out my thoughts. (Hopefully not as many errors in mine as in the draft doc)

Yours sincerely



PART 1 - FARM ZONE v ACTIVITY ZONE

In order to identify current policy issues and conflicts within RFZ and justify the solution to rezone a significant area of agricultural land by using the blunt instrument of the infrequently and sparingly applied Rural Activity Zone, the Draft RLUS points to out-of-date and small sample size stakeholder research in the form of the Farming Zone Landowners (A) and FZ Community (B) Surveys. The following is a brief but revealing analysis of responses relevant to the demonstrate the questionable evaluation of research and decision-making underpinning the draft Rural Land Use Strategy, referenced within this document as the dRLUS:

A. Analysis of Comments - Farming Zone Landowners Survey 2017

FZ Conflict Issues Categories relative to dRLUS

488* Respondents / 1876 Distributed = 26% Return Rate

*176 Landholders' Primary Place of Residence is Elsewhere = 36%

SUPPORT DEVELOPMENT						pages 77-82
Build a Dwelling	Rezone FZ to RLZ	Subdivision Residential	Development Residential	Tourism More BnB's	Pro Enterprise	
62	18	24	8	3	1	
* Survey tally error - Opposed Development			(2)			= 114

OPPOSE DEVELOPMENT						pages 83-85
Build a Dwelling	Rezone FZ to RLZ	Subdivision Residential	Protect Farmland	Less Regulation On Enterprise		
x	x	Ambiguous	x	✓	✓	
3	2	1	24	25	1	
* Survey tally error - Opposed Development				2		= 58

AGRIBUSINESS	page 86
✓	
5	
	= 5

RESPONSES	PRO Development:120	ANTI:56	AMBIGUOUS:1	TOTAL = 177
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B. Analysis of Comments - FZ Community Survey 2017

by Conflict Issues in RFZ relative to dRLUS

34* Respondents

*24 Own 'Farm Land' (Location/Size/Use-Unknown)

4 Reside Outside of Macedon Ranges

ISSUES FOR FARMING AREAS										pages 69-70
Build a Dwelling	Rezone FZ to RLZ	Subdivision Residential	Development Residential	Pro Farm Environmt	Tourism/Business Opportunities					
✓	x	✓	Ambiguous	Ambiguous	x	x	✓	✓	x	
3	3	5	1	1	10	9	15	1	2	

RESPONSES	PRO Development: 9	ANTI: 39	AMBIGUOUS: 2	TOTAL = 50
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A. Aggregate of Responses - Farming Zone Landowners Survey 2017

by Conflict Issues in RFZ relative to dRLUS

177 Responses/488*

*32 Respondents (6%) Reside in the FZ Review Area: Kyneton 22, Woodend 8, Malmsbury 2

SMALL LOTS		LARGE SCALE DEVELOPMENT v AGRICULTURE				AGRI TOURISM			
PERMIT DWELLINGS ON SMALL LOTS		REZONE RFZ to RLZ	SUBDIVISION Over Farming		DEVELOPMENT Over Protecting FZ		PRO AGRI BUSINESS	PRO B n B'S / Innovative Enterprise	
✓	×	✓	×	✓	×	✓	×	✓	✓
61	3	17	2	24	24	8	27	5	6
dRLUS Out of Scope↓				18%		29%		6%	

→ Identification of additional land for RURAL LIVING is therefore not considered by this Strategy P.5

B. Aggregate of Responses - FZ Community Survey 2017

by Conflict Issues in RFZ relative to dRLUS

50 Responses / 34 Respondents*

* 13 Respondents Reside in FZ Review Area: Kyneton 8, Carlruhe 2, Lauriston 2, Tylden 1

“Given the relatively small sample size for the Community Survey some caution should be exercised in the interpretation” Page 60

SMALL LOTS		LARGE SCALE DEVELOPMENT v AGRICULTURE				AGRI TOURISM		
PERMIT DWELLINGS ON SMALL LOTS		REZONE RFZ to RLZ	SUBDIVISION Over Farming		DEVELOPMENT Over Protecting FZ		PRO AGRI BUSINESS	Anti Tourism
✓	×	?	×	?	×	×	✓	×
3	3	1	5	1	10	24	1	2
Out of Scope				72%		2%		

Combined Results of Both Surveys Totaling 522* 'Stakeholders'

180* Do Not Reside in the Macedon Ranges =35%

Large Scale Development		Agri Business
✓	×	✓
6% / 31	16% / 84	2% / 10

Notably, with the exception of *Future Business Opportunities* the dRLUS *Key Findings from the Landholder Surveys* (page 5) selectively utilises percentage data sets in order to give the authority of weight to the research data and give the appearance of significant numbers of landowners' voices having been heard.

However, when broken down into the equivalent sample size of verifiable landowners surveyed, way back in 2017 [#488], it is evident that the data used to inform dRLUS decision-making is woefully beyond lacking:

- The property is the primary place of residence for 80% of landholders that own a property with a dwelling

80% = 312 Respondents or

17% MRSC FZ Landholders (#1876 in 2017)

- 50% of landholders earn income from the land

50% = 236 Respondents

- 70% earn less than \$70,000 per annum or less than 30% of household income

70% = 124 Respondents

- Future business opportunities into produce sales and accommodation

15% = 74 Respondents

Less than 21 Landholders per area:

Area 1	Area 2	Area 3	4 [FZ Review Area]	5
5	18	11	20	20

NOTE: SELECTIVE OMISSION -

RCZ ↓ PROHIBITS HOTELS AND LEISURE/RECREATION

TABLE 1 - COMPARISON OF PLANNING PERMIT REQUIREMENTS FOR TOURISM USES

	Permit not required	Permit required	Prohibited
	FARMING ZONE	RURAL ACTIVITY ZONE	RURAL CONSERVATION ZONE
Bed and breakfast	<10 people	<10 people	<10 people
Camping and caravan park			
Group accommodation			
Host farm			
Hotel			
Leisure and recreation			
Market			
Motel			
Place of assembly			
Primary produce sales			
Residential hotel			
Restaurant			
Rural store	If not in conjunction with agriculture	If not in conjunction with agriculture	
Winery			
Any other use not in Section 1 or 2			

With over 50,000 residents in the Macedon Ranges LGA, justifying irrevocable erasure of productive farm land on flimsy research is ludicrous

← WRONG Especially if dRLUS
 ← WRONG selectively represents data such as: ↓

RFZ and RAZ Tourism Permit Requirements List made to look like they are 99% the same when they are vastly different

Not one person surveyed aspired to build a hotel!

Ignored - Planning for Melbourne's Green Wedges and Agricultural Land [PMGWAL]

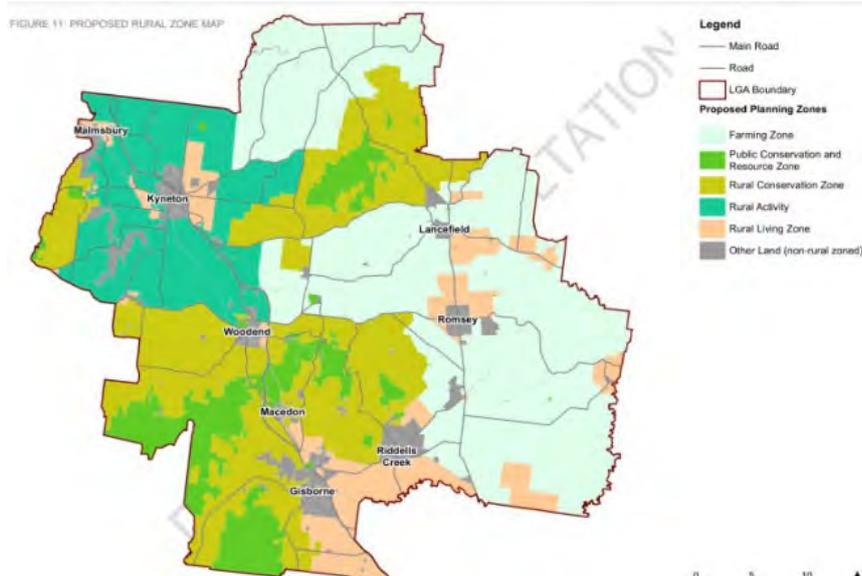
The introduction to the dRLUS references the peri urban nature of the Macedon Ranges, indeed the entire document is peppered with these two words yet the review panel is silent regarding the 2020/21 state government planning policy review regarding management and notably, strengthening protections of open farmed agricultural landscapes within the 100km peri urban ring surrounding Melbourne - Planning for Melbourne's Green Wedges and Agricultural Land [PMGWAL]. Of which the Macedon Ranges fall being just 75km from the CBD.

Notably, page 29 of the draft MRSC Green Wedge Management Plan itself reiterates the PMGWAL by articulating the importance of protecting *all* agricultural land not just land deemed to be strategically significant in order to mitigate pressure on non-strategic agricultural land:

- Council supports the protection of agricultural land for its important role in both the economic and landscape importance to the Macedon Ranges Shire. It supports protecting agricultural land from pressures associated with land speculation, fragmentation and the associated impacts of this on the cost to agribusiness. In providing this support, Council also recommends that the GWAL Paper be clear that this option includes all agricultural land, regardless of the underlying zone.

By completely disregarding this significant new direction in state government and local planning protections, the dRLUS proceeds to strike out approximately one third of the shires entire peri urban Farming Zone by rezoning to **Rural Activity Zone** [Refer dRLUS Fig.11 p.54, below]

Remarkably, the proposed RAZ area contains:



- Rail and road corridors with Significant Views
- 3 Significant Bio-links Upper Coliban, Kyneton Woodlands and Campaspe River & Headwaters
- 3 Reservoirs - Upper Coliban, Lauriston and Malmesbury
- Some Commercial Scale Agriculture
- Class 1, 2 & 3 Ferrosol Soils
- Many 40ha+ parcels

But is then deemed *non-strategic land* [no definition provided] being of little value to inform dRLUS decision-making

The dRLUS dismisses this peri urban farm land as being economically unviable, and fragmented (less than 10ha) yet the FZ Landowners Survey [page 26, Area 4 & 5] contradicts this by providing evidence that the RFZ area under review does in fact contain viable farming enterprises as:

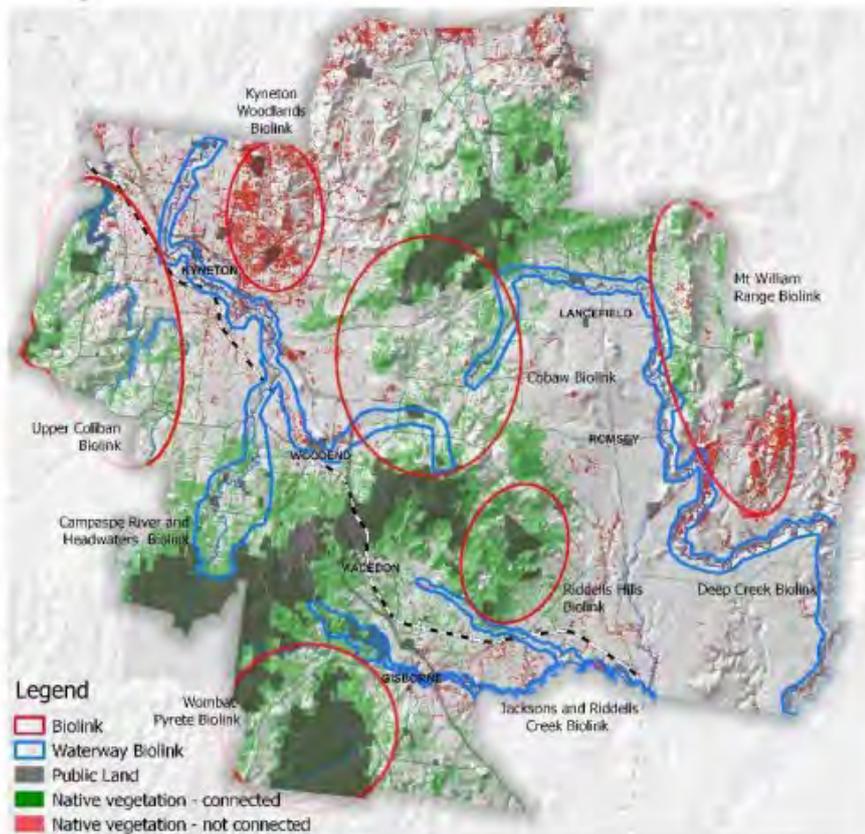
45% of Landholders who responded to the Farm Zone Landowners Survey earning agricultural income and **located within the Proposed RAZ** have a land area in use for agricultural production greater than 40 hectares

MRSC BIODIVERSITY STRATEGY 2018

Actions consider climate change in all conservation efforts with a focus on building natural ecosystem resilience and connectivity.

Most importantly, the success of this strategy depends on strong partnerships and collaboration between landholders, community, Traditional Owners, agencies and Council.

It is only through combining our efforts that we will achieve our vision.



e: vic@mrsc.vic.gov.au p: 1800 244 711

MACEDON RANGES
NATURALLY COOL

About the Region | Villages | Itineraries | See & Do | Eat & Drink | Where to Stay | Weddings & Conferences | What's On | Blo

Map | Satellite

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Filter by Category

- Woodend
- Eat & Drink
- See & Do
- Weddings & Conferences
- Where to Stay

Infrequently and Sparingly Applied RAZ - Unwarranted to 'Break Nexus'

Aspiration/Tension 1.

Overwhelmingly the FZ Landowners Survey revealed that the most compelling aspiration of respondent landholders was to build a dwelling on their land, the majority being vacant land of less than 40ha.

Aspiration/Tension 2.

Secondary to the aspiration to build a dwelling was the desire to expand, in size or production, an existing agricultural enterprise.

Again, overwhelmingly the most significant barrier inhibiting farm production/agri-business expansion as reported by landowners was NOT rural lifestyle and/or hobby farm NEIGHBOURS [as claimed page 29 dRLUS] but rather inflated land values, generated by a legacy of council planning decisions which inexplicably supported residential development in a zone which should value and prioritise agricultural enterprise above all else.

Important to note, neither of these two linked tensions will be resolved through implementation of the Rural Activity Zone especially as the dRLUS itself points out facilitating rural living is outside the scope of the strategy.

Rezoning RAZ Superfluous

By retaining the RFZ and introducing a farm zone dwelling permit requirement of 0 hectares and a universal Subdivision Requirement of 100ha throughout the shire, something the dRLUS itself recommends (refer following page) which also aligns with the PMGWAL, these tensions will be resolved. NB: Built form, outbuilding and extension construction requirements need to be strengthened as part of this amendment also.

Farm land which is uninhabitable will only retain its agricultural land use value opening up opportunities for lease or purchase to local agri-business while ensuring the Macedon Ranges agricultural landscapes don't become further cluttered with urban lifestyle dwellings.

Aspiration/Tension 3. The following is a list (multiple choice answers) of areas identified by landowners for potential agri-business expansion on land located within the proposed RAZ:

TABLE 2: COMPARISON OF RURAL ZONE PERMIT REQUIREMENTS

	Permit not required	Permit required	Prohibited
	FZ	RAZ	RCZ
Primary purpose			
Agriculture			
Animal production#			
Bed and breakfast			
Piggery			
Poultry farm*	(>100 poultry)	(>100 poultry)	(>100 poultry)
Camping and caravan park			
Cattle feedlot†	(>1,000 animals)	(>1,000 animals)	(>1,000 animals)
Domestic animal husbandry*	>5 animals	>5 animals	> 2 animals
Dwelling	> minimum lot size	All dwellings	All dwellings
Group accommodation			
Host farm			
Market			
Place of assembly			
Primary produce sales			
Racing dog husbandry*	>5 animals	>5 animals	> 2 animals
Residential hotel			
Restaurant			
Rural industry			
Rural store	If not in conjunction with agriculture	If not in conjunction with agriculture	
Winery			
Any other use not in Section 1 or 2			

* permit required if animal numbers exceed thresholds
 # Land used to keep or breed farm animals for the production of livestock, eggs, fibre, meat, milk or other animal products - includes grazing animal production and intensive animal production

NOTE: RAZ LIST MISREPRESENTED - OMITTS MANY PERMITTED LARGE-SCALE DEVELOPMENT USES

- Produce Sales (22)
- Accommodation (14)
- Equine (7)
- Animal Training (6)
- Intensive Animal Husbandry (7)
- Place of Assembly (5)
- Winery (2)
- Animal Keeping (2)
- Rural Industry (3)
- Restaurant (2)
- Other (2)

All allowable in the RFZ RAZ superfluous once again

"The zone caters for a wide range of farming activities and non-farming uses that complement farming" dRLUS
IMPORTANTLY RFZ already caters for all these!

Visitor Economy Strategy 2019 Key Consideration: Dispersal of Tourism Growth

The MR Visitor Economy Strategy (page 16) notes that the 1.67million visitors to the shire in 2016 predominantly visited the Kyneton and Woodend areas and their subregions prompting the strategy's 'Key Consideration to Strengthen Business Opportunity' would be dispersal of visitors to the East of the shire. The VES vision can be interpreted as aiming to spread mostly low impact tourism throughout the subregions of the entire shire, not to concentrate them into one of the shires most sensitive, biodiverse water supply catchments. Directing any larger scale development to townships with the appropriate supporting infrastructure.

MR Protections Advisory Committee: Tourism Based Land Use Threat to Water Protection

The dRLUS also points to the MR Protections Advisory Committee Report 2017 as supporting investigating the possible application of the RAZ "in suitable locations" (again no definition provided) but fails to acknowledge the committee's findings relating to the negative impacts of tourism-based land uses within water catchments [page 32]:

The committee agrees [with Melbourne Water] that main threats to protection of water catchments were identified as coming from development within catchment areas including unsewered dwellings, intensive agricultural practices, equine and tourism-based land uses

Overarching planning policy framework recognise that:

Places of Assembly can have significant effects on the amenity of surrounding properties and the environment in terms of noise, odour, traffic, dust, waste, lighting etc.

dRLUS Breaks Nexus Using RFZ

RLUS claims the RAZ will solve planning tensions of dwelling density inhibiting farm expansion in the RFZ articulated by community and council but instead solves this using new RFZ dwelling requirements on page 51:

FARM ZONE

Minimum Lot Size Dwellings

It is proposed that the minimum lot size for a dwelling without a permit requirement be set at 0ha.

To enable the agricultural industry to grow and accommodate industry trends, it needs access to land unencumbered by unwanted infrastructure, particularly dwellings. This Strategy will therefore seek to ensure that Council has the opportunity to assess whether all new dwellings are genuinely required in areas where agriculture is the desired land use outcome.

In seeking to minimise fragmentation of productive agricultural, there is a need to achieve a cultural change in the expectation that a dwelling may be constructed on every rural lot. This review found that commercial agricultural businesses are increasing in physical size and business scale. This, along with a trend in farm amalgamation, means that there will be limited circumstances when a new dwelling is genuinely required to undertake an agricultural enterprise.

It is therefore recommended that the minimum lot size is set, not to reflect the size of an average farm enterprise, but to break the nexus between subdivision and dwellings and afford Council the opportunity to ensure that a new dwelling in the Farming Zone is genuinely required for an agricultural purpose.

Tourism Permit Process Justifiably Rigorous versus 'Onerous'

The dRLUS' wide sweeping, grab bag introduction of the RAZ opens the door to large scale tourism development in what is Victoria's inaugural Distinctive Landscape area. Lessening protections of productive agricultural land, water catchments and the environment citing the basis of reasoning for this about-face in planning policy direction on somewhat whiney hyperbole that the Agri-tourism permit process is too 'onerous and expensive' when the process is actually justifiably rigorous, indeed, just like any of the other permit application processes. This makes crystal clear, to even the common man, that the dRLUS is in fact economically driven by the aspirations of a small but vocal number of landholder and business factions with no focus whatsoever on environmental protections only large-scale tourism development. This theory is born out in the dRLUS' lack of environmental credentials and this statement tucked away on page 53:

RAZ Rezone Solely Economically Driven

“It is envisaged that the RAZ may also be used to support and provide for a small number of one-off high quality, *regionally important* (to whom? Definitely not to a community that loudly and repeatedly voices support for the environment above all else) *within the rural areas* (International Hotels in RCZ Water Catchments?) *as part of a strategic* (how does lessening protections achieve Macedon Ranges Statement of Planning Policy or Rural Land Strategy 2002 vision?) *rezoning* proposal. A *local policy* (vague) will also guide (allow for) assessment (to rezone RAZ) of any such proposals”

This statement echoes that of page 48 of the Visitor Economy Strategy of the economically driven very large-scale aspirations of the Daylesford Macedon Ranges Tourism Product Development Plan:

Flagship mid-range Internationally Branded Hotel, Flagship Wine Centre, Mineral Springs Infrastructure

Erroneously, the above is in direct contradiction to the dRLUS’ own stated Rural Tourism Objectives:

To only allow ‘small scale agriculture-related or nature-based activities’

Ad Hoc Rezoning of Individual Lots in any Rural Zone Opens MRSC to Legal Challenge

Apparently ignorant of the devastation allowing such policy would wreak on the Distinctive State Protected Macedon Ranges the dRLUS blithely advocates for ‘council policy’ which allows for (or rather encourages) the ad hoc rezoning of individual parcels of land within not only the RAZ but the RLZ, and critically the RFZ and RCZ as well, in order to grant Tourism Permit applications deemed to be of economic value and facilitate large scale tourism development. I believe this is highly unorthodox to say the least and would certainly make vulnerable MRSC to legal challenge repeatedly.

Inconsistent with MR Statement of Planning Policy 2019 and 2002 Rural Land Strategy

In regard to the proposed RAZ rezone within the Eppalock Special Water Catchment the draft Rural Land Use Strategy remains stubbornly blinkered to identifying the overall aims, interests and vision on the fundamentals of environmental conservation, enhancement and protections articulated by the Macedon Ranges Statement of Planning and the 2002 Rural Land Strategy.

Protection of water quality, especially potable water supply, is fundamental. Land use and development, particularly un-serviced development in open water supply catchments, is minimised and managed to ensure water quality is not compromised

.... Let’s just ignore policy that gets in the way of profit, shall we?

PART 2 - RURAL CONSERVATION

❖ Breaking the Nexus between Dwellings & Small Lots

Why does the dRLUS totally ignore the elephant in the room - the nexus between the aspirations of landowners for dwellings on small vacant lots within the Rural Conservation Zone, often in potable water catchments as well as having Environmental Significance Overlays, and the objectives of the environmental conservation protections and enhancement vision of this important zone covering a significant area of the shire?

Also suspect, how the significance of the RCZ with its unique protection requirements isn't identified by the dRLUS as being worlds apart from the mix use zone of RAZ? Necessitating having its own Dwellings Policy. Instead, its lumped in with RAZ which weirdly will only discourage dwellings when they will limit the operation of surrounding commercial agricultural enterprises!!

Once again, the dRLUS implements policy which is inconsistent. This time with the Macedon Ranges Settlement Strategy, which does not provide for growth in the Shire's rural areas outside of towns.

Solution

RCZ requires its own Dwellings Policy with strong words like direct all residential development towards existing RLZ's within township boundaries. While the nexus issue could be in part addressed by raising the subdivision requirement to 100ha just like the RFZ.

❖ Protection and Enhancement of Bio-Links

Protection of RCZ & Bio-Links v Severing Bio-Links, Rezoning to RFZ

Healthy biodiversity is the essential infrastructure that supports all forms of life on earth, including human life. It also provides nature-based solutions on many of the most critical environmental, economic, and social challenges that we face as human society, including climate change, sustainable development, health and water and food security.

The critical Global Assessment Report on Biodiversity and Ecosystem Services [Paris 2019] prepared by 145 world renown experts as part of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) present findings which are dire:

"The health of ecosystems on which we and all other species depend is deteriorating more rapidly than ever. We are eroding the very foundations of our economies, livelihoods, food security, health and quality of life worldwide."

It warns us that nature is declining globally at rates unprecedented in human history - and the rate of species extinctions is accelerating, with grave impacts on people around the world now likely.

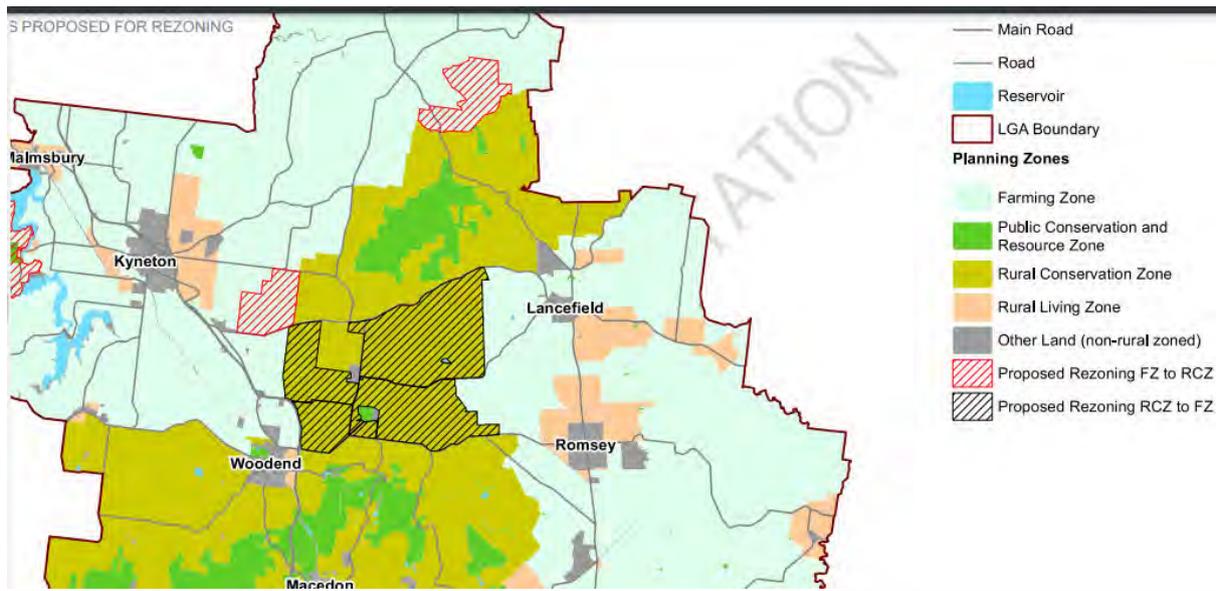
So why am I then reading a draft MRSC document which proposes as reasonable and logical implementation of planning policy which severs the bio-link currently recognised as the shires most sensitive? Why are all 6 expertly researched, proposed new bio-links not being adopted?

Where can I study the expert analysis and reasoning relating to why the other 3 have been rejected?

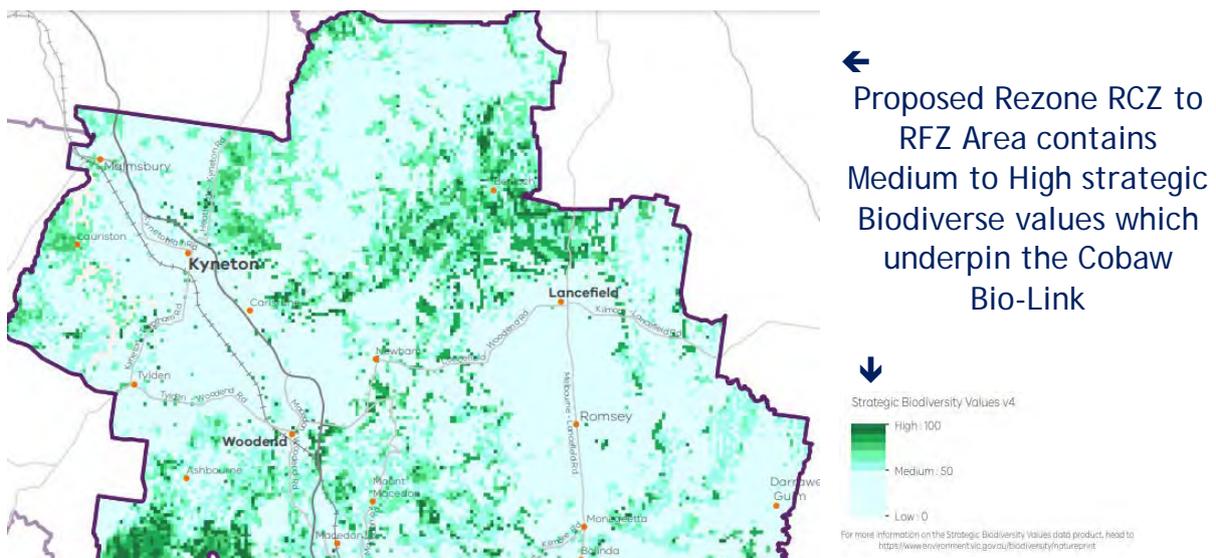
The proposed rezoning area shown (black stipes below page 11) contains more than 3 water supply catchments plus medium to high biodiversity values, thus the establishment of the Cobaw Bio-Link.

Is it also any wonder that the Victorian Environmental Assessment Council's Central West Investigation Report [B2 Recommendation] 2019 has been adopted and the Cobaw State Forest is to receive further protections by becoming the Cobaw Conservation Park? The Cobaw Bio-Link currently connects two of the shires most significant biodiversity areas, that of the Macedon Regional Park and the Cobaw Conservation Park.

Proposed Rezone Area RCZ to RFZ [Black Stirpe]



MAP Biodiversity Strategy 2018 showing Biodiverse Values



Erasing established Rural Conservation Zone bio-links (habitat, wildlife corridors, ecosystems, rare species of flora and fauna) and allowing for, spot rezoning to accommodate potential large scale tourism development and rezoning overall to RFZ removing the RCZ environmental protections while allowing for intensive farm land uses in their place, all in the name of economic growth, is jaw droppingly arrogant and destructive. Polar opposite to the Macedon Ranges Statement of Planning Policy purpose and vision:

- Enhance conservation of the area’s unique habitats, ecosystems and biodiversity
- Provide greater certainty about the landscape values and rural land to be conserved for current and future generations
- Guide the sustainable use of natural resources in keeping with the declared area’s significant landscapes, environmental and cultural values

When I re-read the objectives within this important Victorian policy document, I do not see priorities relating to rural land use strategic objectives for the Equine Industry?

Why then does the dRLUS elevate Rural Tourism and Equine to being of equal import to the Macedon Ranges Environment (Biodiversity Water Catchment Landscapes) protection objectives? The MR SOPP protections focus on the Environment first then agriculture then tourism that compliments and supports agriculture period.

❖ Conclusion

SUPPORT

In conclusion, I support implementing a universal dwelling and subdivision requirement of 100ha within the Farming Zone across the entire shire and advocate for this should also be the requirement for the Rural Conservation Zone as well. I also support the rezoning proposal of parts of the RFZ to RCZ [dRLUS Figure 9, p37].

ABANDON

Other than that, the document needs to be jettisoned as it fails miserably to balance the fundamentals of growth and protection whilst prioritizing economic growth above all else.

Lack of any documentation of the meetings between the Taungurung & Wurundjeri Registered Aboriginal Parties who are after the Traditional Land Owners provides me with nothing but silence but having read of their contribution to VEAC's Central West Midlands Report I understand that land use policy should provide for primarily small scale and low impact activities which support Traditional Owners' aspirations for preservation and conservation regarding cultural and natural values of Country. Proof once again the majority of Macedon Ranges stakeholders cry out for protection of the environment.

The dRLUS's portrayal of tourism purely as a value is simplistic and ignores the associated threats to the finite, unrenovable environmental and biodiverse assets and natural resources within our unique and distinctive shire. As well, the incompatibility and negative impacts of large-scale tourism development and/or a saturation of small-scale tourism enterprise on the shire's agricultural activities which help keep us and the population of Melbourne fed.

This damaging and poorly crafted document is quite frankly embarrassing, not only lacking in environment credibility/integrity but precautionary values. The strategies it regurgitates represent a retro economically driven minority seeking to rip apart all the advancements and protections the state government and the new, improved MRSC has achieved to date. If given air it risks sending us all back to the previous century.

Fundamental to the 2002 Rural land Strategy and therefore to any new rural land use policy is the focus on the words net gain in condition of land and water environment will only be supported

Changes of land use and new developments in the rural areas are supported only where they are consistent with the above two principles but only if they can also demonstrate and deliver a net gain in condition of the Shire's land and water environment. Developments that do not deliver such gains will not be supported.

Required to is professionally researched investigations and documentation of all stakeholder responses, not just provision of a list of organisation names alleged to be consulted please.

❖ No Precautionary Principle Visible

That the Precautionary Principle is not visibly applied anywhere within the dRLUS which is the final nail in the coffin for me.

Fin

From: [REDACTED]
To: [Macedon Ranges Shire Council; Strategic Planning](#)
Subject: [REDACTED]
Date: Monday, 20 September 2021 2:39:07 PM
Attachments: [REDACTED]

Attention Planning Department - South Ward

Please find attached draft and attachments in relation to the above property. Please let me know if you have any difficulty with the attachment.

Kind regards

[REDACTED]

[REDACTED]

[REDACTED] is located at the entrance to the [REDACTED] Structure attached) and adjacent to the [REDACTED] attachment). A stroll to [REDACTED] is under fifteen minutes and less than five minutes to [REDACTED]

After living at this property since [REDACTED] we have no desire to relocate nor see the character or tone of [REDACTED]. We would again request some advice/guidance from Macedon Ranges Shire Council (MRSC). As follows:

- Rural Conservation Zone 1 - where our direct boundaries are Low Density Rural and Rural Living. New residences have been allowed within the Town Boundary as well as significantly further from town than our site, on land MRSC previously advised was covered by similar restrictions to ours.
- Environmental Significance overlay impacts approximately half of our property, where - assuming this is relating to water catchment?
- Vegetation Protection - confusing considering the exotic flora that is contained on half of the site and the other half is mainly weeds and pest species that we attempt to control.

As seen from the Planning Map (attached) the RCZ1 zoning impacting the small area containing our property seems inconsistent considering the zoning we are surrounded by and when compared with following areas that are forested, contain watercourse catchment but also include high density dwellings:

- [REDACTED]
- [REDACTED]
- [REDACTED]

We would not wish to see high density dwellings on this site, but request MRSC consider allowing us to so sell approximately half of our property as one parcel and retain the other with our residence. We request this in order to enable safe living of elderly and infirm members of the family as well as upgrade fencing, particularly at this prominent entry point to the village and repair the damage caused by recent storms.

Along with a donation of this substantial portion, which contains the only pristine native bushland on this property, to MRSC - please see the attached.

This prospective donation to MRSC not only includes native bushland but also boasts uninterrupted views of Mt Macedon and would:-

- Fit as sustainable infill development.
- Decrease exposure to the bushfire risk in the area, allow additional firebreak or emergency access points to the LDR zones to the east with the addition of another property owner.
- Reduce car use by connecting the hundreds of LI [REDACTED]
- Provide opportunities for the community and visitors to experience open space bushland reserves.
- Preserve the small area of Aboriginal Cultural Heritage Sensitivity.
- Retain the character and biodiversity while allowing the community to share this landscape.
- Inhibit shooting, the makeshift camps and drug paraphernalia we find from time to time.

As MRSC are aware, much of our property is already used, without our consent, by neighbours as a thoroughfare (no matter how many signs displayed or repairs to cut fences we undertake) between our property and the [REDACTED] pathway.

Allowing this proposed change to our property would allow:

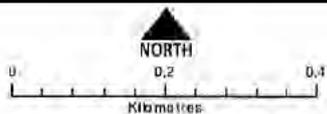
- better linkages and improved walkability;
- positively enhance the local character;
- create an attractive walking and cycling network;
- retain the pleasant natural environment of the area;
- protect important landscape, heritage and environmental values from inappropriate land use and development;
- Reflect the particular characteristics and cultural identity of the community; and
- Enhance the function, amenity and safety of the public realm.

Please contact me at your earliest convenience by return email or on [REDACTED]

Kind regards

[REDACTED]

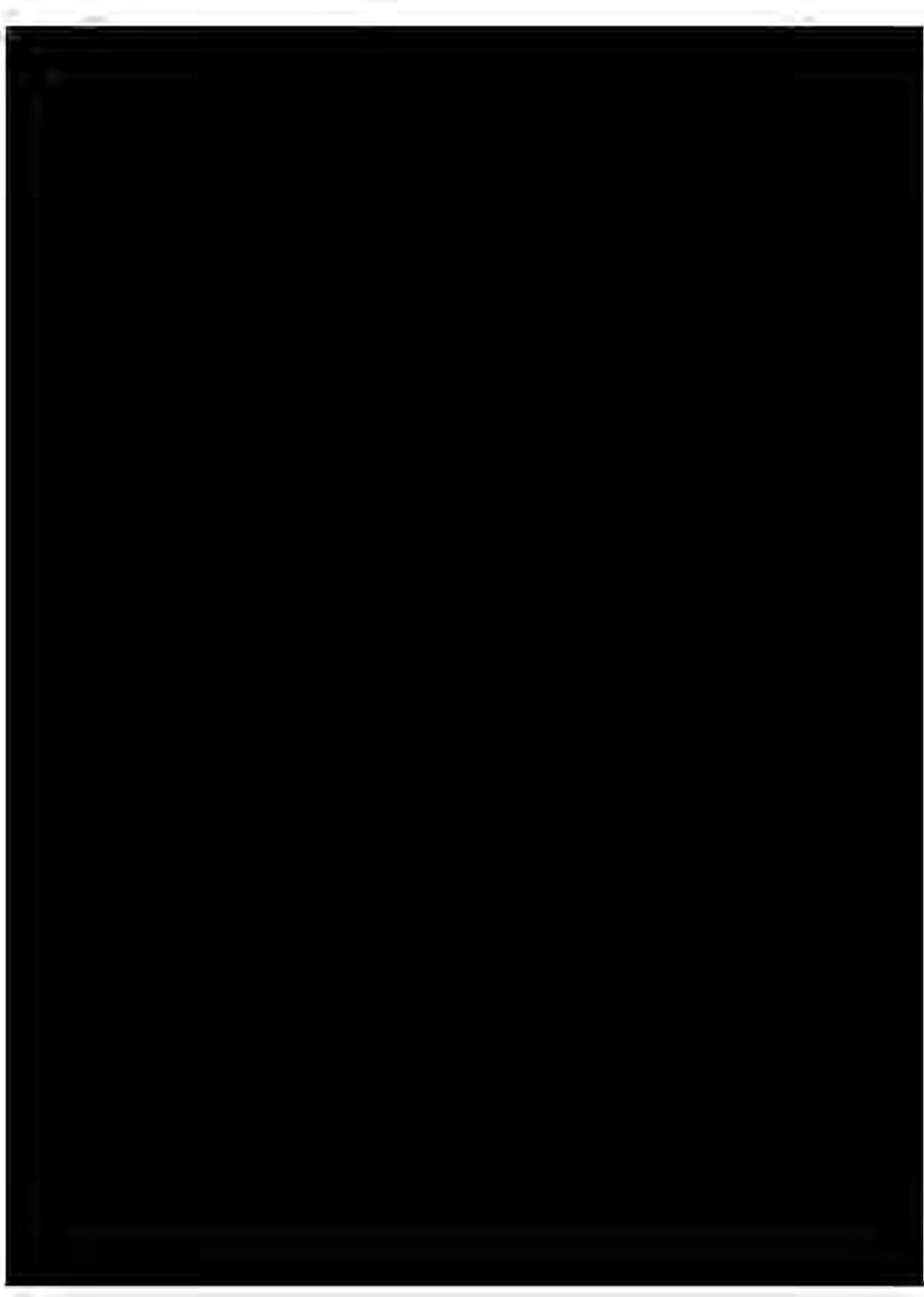
[The following text is completely obscured by a large black redaction box.]



Map Projection: GDA 1994 VICGRID94
Print Date: 9/19/2021

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From: [REDACTED]
To: [Strategic Planning](#)
Subject: Draft Rural Land Strategy: proposal to re-zone [REDACTED]
Date: Monday, 20 September 2021 12:28:35 PM

I have read much of the documents under-pinning the above.

I do not see any significant negative or, for that matter, positive impacts on our personal circumstances flowing from any re-zoning changes to our area.

Having said that , I do believe that , if enacted, the re-zoning would introduce new prior approval complexities as to how we manage the property ,(vegetation, land management, water usage?). Also, should we ever sell , these new complexities may well influence prospective buyers who would need to investigate and accept them.

Not insurmountable, (assuming my understanding of the plans is correct), however, I would like to record my objection to the proposed re-zoning proceeding at this time as I do not believe that the details have been clearly explained to, and discussed with , all potentially effected landholders in the area to be re-zoned.

I appreciate that Covid restrictions have severely impacted on Council's ability to offer public "Q and A" forums, however, for this very reason , I believe that any re-zoning should be postponed until such important meetings can be offered.

I am aware of many long-term farmers in the area who have expressed strong reservations about the re-zoning. Some of these reservations may be based on a lack of understanding of the detail , or mis-interpretation; some may be quite reasonably based and deserve consideration and discussion.

Offering the opportunity to email / mail objections is not, in my opinion , the most productive way to achieve support or acceptance of material change.

Making the lengthy underlying document and supporting summaries available via a website, or mail, are fine but no substitute for lengthy , face to face meetings where issues can be discussed to ensure mutual understanding.

Of course, such meetings would not result in all reservations being addressed, but they should lead to a much broader, and better, understanding of what is proposed than is presently evident.

Sincerely ,

[REDACTED]

Sent from my iPhone

From: [REDACTED]
To: [Strategic Planning](#)
Subject: MRSC Rural Land Strategy Comments
Date: Sunday, 19 September 2021 11:01:58 PM
Attachments: [REDACTED]

Please find attached my comments. My apologies for being a few days late in submission.

Regards, [REDACTED]



19 September 2021

Macedon Ranges Shire Council

PO Box 151

Kyneton, Victoria, 3444

Submitted via email to strategicplanning@mrsc.vic.gov.au

Dear Councillors

Thank you for the opportunity to comment on the Draft Rural Land Use Strategy. Please accept my apologies for submitting these comments a few days after the official closing of comments.

In preparing to write this submission, I have reviewed the draft land use strategy, all the summary documents, and spent an hour with Edwin Irvine (MRSC senior planner) via Zoom (who was extremely helpful) discussing the proposed changes.

Overall, I am very supportive of the increased clarity of land use that will result from this work.

In addition to my overall support, I would like to make the following comments;

1. Mismatch Between Land Planning Objectives and Private Owners/Neighbours Expectations

- 1.1. You comment in the various documents that private owners are often frustrated by what their neighbours do/don't do, and what they can do with their own property.
- 1.2. I suspect that many owners do not understand the zoning/overlay implications of the properties they are purchasing, and as a result, are either very frustrated that they cannot do various activities on their property, or they go ahead and do things that take away from the amenity of their neighbours and objective of the land zone

- 1.3. I would suggest strongly that the council should be much more proactive in translating the planning scheme objectives into “lay speak” that prospective owners (and current owners) can easily understand what constraints an area has from a land use perspective, what they should expect from their neighbours, and what neighbours should expect from them
- 1.4. ***To achieve this, I suggest that the council issue information sheets to current and prospective residents on what they should expect to be able to do, and importantly what they should not expect to be able to do. This would include the current and new zone/overlay areas. I would also suggest that these be made very accessible via the MRSC website, and a strong investment in SEO (Search Engine Optimisation) to ensure people are easily exposed to this information using “Google” and other searches. The council should also approach local land agents and ensure they hand out these descriptions to prospective purchasers***

By way of example (and this is made up)

For properties zoned RCZ, Overlays BMO, ESO, SLO, VPO

“These properties are located in a high scenic value location with significant native and planted vegetation (trees and understory). It is quiet, and you should expect to hear the wind in the trees, and the birds singing. To maintain the ambience and environmental values of the area, no land clearing, or significant native tree removal is allowed. If trees “spoil your view”, you will not be allowed to remove them. No significant noise activities are allowed (no bird scarers, industrial noises, trail bikes, etc). Native animals are to be encouraged and protected (including the kangaroos who will want to eat your garden). No significant animal agriculture is allowed (maximum of 2 agricultural animals). Property holders are expected to actively control weeds (blackberry, thistles, other weeds) and pest animals (rabbits, deer). Bushfire fuel management is a key responsibility of property holders, and will require regular clean up of fallen timber and grass land mowing. No commercial operations are allowed in these zones. Owning a property in this area will require significant ongoing work by the owner.”

2. Council Support For Landholders In Weed and Pest Animal Management

I totally agree with the recommendation that council provide or facilitate landowners education on the control of weeds and pest animals.

To support this, I would suggest the following;

- 2.1.1. ***Council ensure it resourced and focused to provide this assistance on a regular timely basis. My personal experience over the last few years via our [REDACTED] was that the council officer said it was not his role to assist private land holders with education***

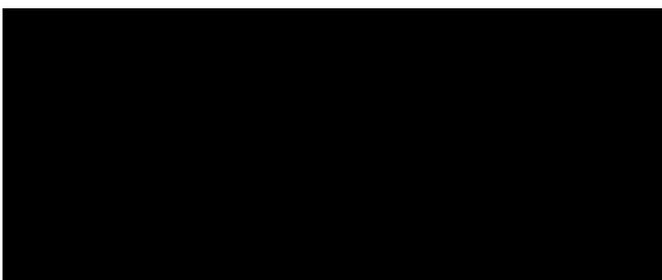
- 2.1.2. ***The Council should provide specific resources on its website including***
- ***Schedule of activities needed to be completed***
 - ***Names of contractors that are willing to do the work, if the land owner is not willing to do it. It is not sufficient for the Council to say “look elsewhere” as it all gets too hard, and nothing gets done.***
- 2.1.3. ***The council needs to be more proactive in insisting land owners meet their obligations.***

3. Rural Conservation Zone and Tourism

My comments here are specific to the Rural Conservation Zone

- 3.1. As noted in the *Rural Conservation Zone – Research and Investigation Report, June 2020 (Page 2)*, 73% of respondents purchase properties for a rural lifestyle. For most people, this is their permanent home, and they have purchased the properties to enjoy the peace and quiet of the area.
- 3.2. The proposed rural land strategy proposes to encourage tourism in this zone through activities and providing accommodation. The proposed strategy is not clear on what is being proposed.
- 3.3. Reviewing the Tourism strategy prepared a number of years ago did not reveal an effective funded strategy, and looks more like a laundry list of potential activities. As a result, I am not clear on what is being proposed.
- 3.4. This lack of specificity is likely to drive many unnecessary neighbourhood disputes over time
- 3.5. I would suggest that the strategy be more deliberate about what is meant by tourism in the Rural Conservation zone, and what is compatible with the overall goals of residents in the area. I would suggest it is most appropriate to have intensive tourist activities contained within the settled areas (or Rural Activity/Agricultural areas), rather than in the Rural Conservation Area. This additional specificity should be brought back to the community before any final decisions are made***

Regards



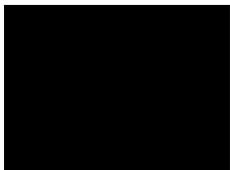
From: [REDACTED]
To: [Macedon Ranges Shire Council](#)
Subject: Rural Land Use Strategy Submission
Date: Monday, 13 September 2021 10:36:20 AM
Attachments: [Macedon Ranges Submission 27082021.docx](#)

Macedon Ranges Shire Council
Strategic Planning Team
Rural Land Use Strategy

Dear Sir/Madam

Thank you for the opportunity to 'have your say' and for the extension of the submission closure time.

Our family is very concerned and trust that the Strategic Planning team will take into account the many issues and impact of such a huge decision to introduce this rural land use policy.



MACEDON RANGES SHIRE COUNCIL
RURAL LAND USE STRATEGY
SUBMISSION SEPTEMBER 2021

Our family finds this draft strategy on rural land use extremely disturbing, being an example of centralised decision-making encroaching on basic individual rights, and landowners being potentially prevented from making the most effective and productive use of their own agricultural land.

AGRICULTURE SUMMARY

This policy generally does not assist with issues raised in the 'Agriculture Summary' such as planning to accommodate the needs of a range of users, and does not necessarily encourage optimal and productive land management. As agricultural direction and requirements change into the future, a dwelling within a larger rural area may well be needed for the best and most productive agricultural outcome. If there is a trend to more intensive farming, a greater permanent presence is likely to be needed for efficient work, supervision and security.

On the surface, it may appear that this strategy addresses the issue of protecting larger areas of agricultural land. Effective rural land management cannot necessarily be protected by such a prescriptive, inflexible and dictatorial approach to the landowner – particularly the genuine committed and productive farmer. This could encourage less, rather than more, high quality participation in the agricultural sector. A farming generation could well be stifled with no effective means to succession planning, and hence adversely affect the future quality use of the agricultural land. Also to be considered is the incentive to do your very best with your land. If you 'dampen' their future, there will be a negative, less motivated result.

The current planning guidelines, particularly that of the 40 hectare policy, provide a good balance of directing effective use of rural land, rural residential living and low density land use.

I do not believe that this strategy will assist in solving "local land use conflict" as cited in dot points on Page 2 of the "Agriculture Summary" - particularly such examples as stock containment, weed control, dog attacks on livestock, scare guns which are irrelevant to the proposed strategy.

DWELLING SUMMARY

The intended requirements for construction of a new dwelling on larger rural land areas are far too restrictive, and do not allow sufficient flexibility for differing situations and/or circumstances.

New dwellings will be "discouraged unless it meets **all** of the following requirements". New dwellings may be needed for families, businesses or landowners to develop, improve efficiency and productivity of rural land. Not having flexibility in some situations will be counterproductive to achievement of many of the objectives of this strategy – for example "to give businesses confidence to invest for the long term", "agriculture will be more diverse"

and farm viability. There are many other ways to address these objectives rather than making strict rules as included in this rural land policy.

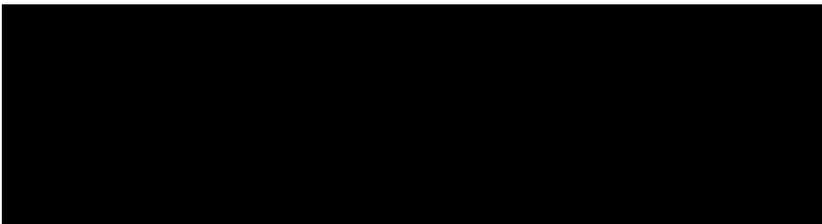
To think that **all** of these requirements (**15 dot points in all!**) must be met before construction of a new dwelling will necessarily lead to improved agricultural outcomes and better land use in the Farming Zones is a fallacy.

THERE ARE TOO MANY VARIABLES FOR FAMILIES, FARMS AND BUSINESSES TO BE SO UNREASONABLY RESTRICTED BY THIS LAND USE STRATEGY.

Genuine farming families need flexibility to effectively maintain and develop their enterprise, not to mention family/business succession planning. This strategy may also stifle a longer term need to re-focus or re-direct agricultural activity that may become necessary for more productive use of their rural land.

In summary, this strategy could well have the reverse effect to the intended objectives i.e. it could well reduce the viability, productivity and effective use of rural land.

It is stated that "consideration of the Farming Zone has been heavily contested before VCAT". This strategy will ensure that there will be even more cases going to VCAT.



From: [REDACTED]
To: [Macedon Ranges Shire Council](#)
Subject: Revised Submission for the Draft Rural Land Use Strategy
Date: Tuesday, 21 September 2021 3:58:18 PM
Attachments: [Submission.pdf](#)

[REDACTED]

Draft Rural Land Use Strategy Submission

This submission explores proposals which are designed to apply the aims and objectives of the Macedon Ranges Statement of Planning Policy (MRSPP) to the Draft Rural Land Use Strategy (DRLUS).

I have lived on [REDACTED] for the last [REDACTED] odd years and have seen first hand the healing of landscape on acreages under 40 hectares. The revegetation initiatives on some individual landholdings have transformed environmentally degraded land into thriving habitat. This [REDACTED] which I recently [REDACTED] for a VCAT case, is a good background to the ideas and recommendations put forward in this submission for the DRLUS.

[REDACTED]

Summary of Key Recommendations

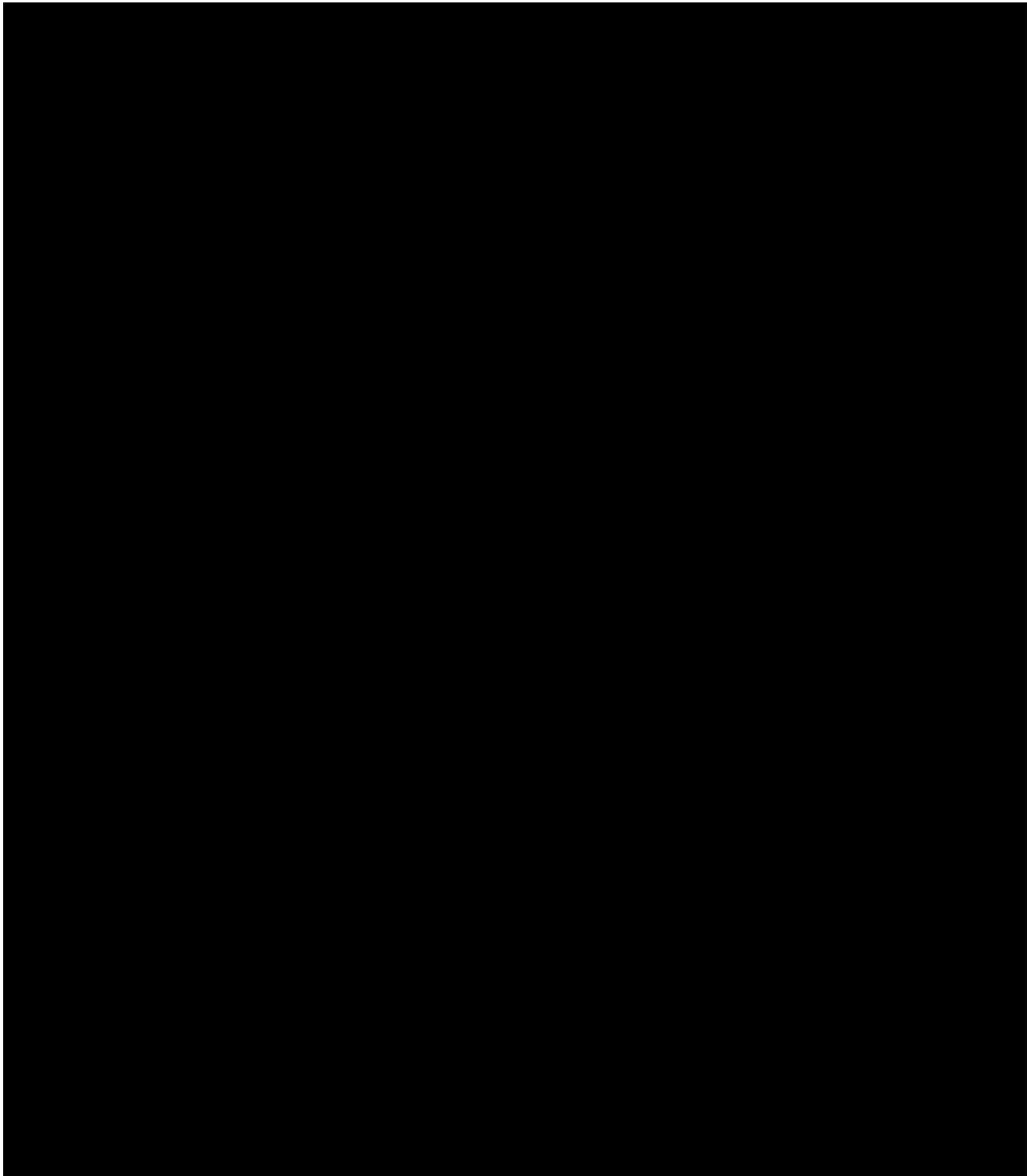
1. *The rezoning of land zoned farming (FZ) to Rural Conservation Zone (RCZ).*
2. *The rezoning of FZ land to Rural Living Zone to prioritise the creation of biolinks across the landscape.*
3. *The protection of Hanging Rock from the threat of inappropriate development.*
4. *Planning recommendations to underpin proposed changes.*

1. Farming Zone to Rural Conservation Zone

RCZ does not outlaw farming. If we are to take the objectives of the MRSPP seriously the requirement for a permit for change of agricultural use should be welcomed. The Rural Land Use Strategy should also create a hierarchy of agricultural uses so our community can prioritise the most important enterprises when the Council is responding to permit applications. It would be useful to also apply this hierarchy to the use of underground water especially as we experience drier conditions associated with climate change. Regenerative agriculture and small-scale market garden food production should be ranked first on the list. The ranking should take into account that the production of protein and fibre from grazing animals is rapidly becoming a luxury. As the ecological and climate crisis bites deeper it will become harder to justify the prioritisation of grazing as dominant agricultural pursuit.

2. The rezoning of FZ to RLZ to create wildlife corridors

A recent VCAT case for a RLZ subdivision off [REDACTED] provides a good example of how conditions on a permit, or requirements encapsulated in 173 agreements, could change the priorities of landowners taking up residence on these new RLZ subdivisions.



Prescriptive planning provisions have the potential to create a paradigm shift in the attitude of landowners as they embrace their role as protective custodians of the land they manage.

The subdivision plan above illustrates how habitat zones could be mandated to create a patchwork of wildlife corridors connecting remnant habitat and enhancing biolinks. Open fencing on boundaries and wildlife exclusion fencing to contain domestic animals and grazing animals within the domestic zone of each lot is a crucial stipulation for success. The reciprocity which could flow from a new culture of committed custodianship for rural land will be more akin to the attitudes of first nation people than the misplaced European farming practices the Macedon Ranges environment has suffered through land clearing and wall to wall grazing. (ref MRSPP) Using this model, the scourge of inappropriate landscape urbanisation can be prevented and transformed to act positively to protect residents from wildfire. Please refer to [REDACTED] referenced earlier for further explanation of rural gentrification as a double edged sword which can be used for detriment or advantage.

The smaller lot sizes of RLZ (2ha.) land are a much more effective and manageable size to promote these attitudes of greater landowner responsibility for the health of our landscapes.

Landowner/developers should be required to complete revegetation and fencing before the sale of lots. Revegetation plans and works could also be required to carefully assess the 'on the ground' situation for each lot. All this would be financed out of the windfall profits which would flow from the rezoning of this land. As stated in the introduction to this draft strategy there is a huge and growing demand for rural land in the Macedon Ranges. Under these planning changes, landowners would have an ongoing responsibility to enhance and protect the environmental values of their land holding. I have personally been inspired by the enthusiasm exhibited by new buyers for land [REDACTED] with those advocated in this submission. These buyers were ready to embrace a different attitude to the land. At one stage I had a [REDACTED]. There is an emerging commitment to and demand for land management on ecological principles.

It is a mistake to characterise denser development typical of RLZ as necessarily detrimental to the maintenance of our significance landscape and its ecological health. It is also a mistake to characterise the prioritising of environmental values as economically damaging. Tourism and especially nature tourism and regenerative agriculture can thrive alongside a highly protected environment.

3. Hanging Rock

RCZ is more likely than FZ to protect significant icons like Hanging Rock and its surrounds from inappropriate development. I remember when it was rumoured that Premier Kennett had Kyneton's Bald Hill Reserve earmarked for sale to a developer who wanted to build a conference centre right on the very top above the old bluestone quarry. Because of community activism via a petition, the 240 acres of significant grassy woodland was not sold off for development and now forms a vital part of the area's biolinks patchwork. The definite intention of the purchase of the East paddock by the Woodend and Newham Shire on behalf of the community was to protect the environmental values of Hanging Rock. MRSPP makes it quite clear how important this protection is at a state government level. RCZ rather than the proposed FZ is a better choice to deliver the protection needed.

4. Key planning requirements to meet the objectives of the MRSP (RCZ and RLZ)

1. Wildfire Protection

- Collaborate with Elders from the Kulin Nation to facilitate cool burning of habitat areas
- Restrict urban gentrification to domestic zones
- Mandate fire shelters to house six people and pets as part of house design
- Mandate independently powered roof sprinkler systems on new dwellings
- Storage for at least twelve months water supply

2. Biodiversity protection and enhancement

- Habitat plans for new permit applications. Only indigenous plants in habitat areas. On going requirement by landowners to eradicate weed species and protect ecological values of habitat areas
- Domestic and building zones designated on title for all lots as part of dwelling construction applications
- Mandated open boundary fencing and wildlife exclusion fencing to contain domestic animals and pets and grazing animals attached to farming operations

3. Wastewater

- New dwellings to have one composting toilet (located either inside or outside the house)
- Wastewater systems must comply to high water quality standards. The availability of dry composting toilets drastically reduces the pathogen and nutrient load on these devices.

Note: When I consider the catastrophic environmental impact, over the last twenty years, of contaminated water from town-based wastewater systems on the rivers like the Campaspe in Kyneton, the prejudice against on-site systems of wastewater management is not based on science.

4. Reducing the insidious influence of land banking and speculation on public policy

- Council to use unimproved land value as the basis for calculating rate levels.
Note: This recommendation is probably outside the scope of the DRLUS but nevertheless is very relevant if we want to maximise the amount of land which is available to be put to good use(rural or otherwise). The Council could use this as a device to discourage the locking up of property for speculation rather than imminent investment and development.

Macedon Ranges Shire Council
17921
Cusby
Office

My comments about the Macedon Ranges Rural Land Use Strategy Draft.

Due to Covid, I have only time to read the proposal itself, as today is the closing date.

The report is well put together to appeal to only minorities within the Shire such as Green people and Red communists etc.

The majority owners of the Shire's main assets, being the land itself, appear badly disadvantage.

I am from a [redacted] that has owned over [redacted] acres of the Macedon Ranges Shire land assets and established the world renowned [redacted] industry in the Shire.

We kept our share of the Shire's land in good order under the old rules. Why change them now?



From: [REDACTED]
To: [Macedon Ranges Shire Council](#)
Subject: Rural Land Use Strategy
Date: Monday, 20 September 2021 12:15:16 PM
Attachments: [Macedon Ranges Rural Land Use Strategy - 20210917_Final.docx](#)

Dear Sir / Madam

Please find attached my submission for comments and feedback on the rural land use strategy document.

My apologies for it being a day late, I had computer issues on Friday which stopped me getting the submission in then.

Regards

[REDACTED]



Macedon Ranges Council

By email: mrsc@mrsc.vic.gov.au

Dear Madam/Sir,

Re: Rural Land Use Strategy

Thank you for the opportunity to provide feedback and comments on the Rural Land Use Strategy policy document which has been prepared by the Macedon Ranges Shire.

I have a number of comments on the strategy policy which I have set out over the following pages.

At a macro level, my fundamental concern with planning changes currently is the disconnect between the parties who benefit from planning amendments to land use or future development and parties who are impacted by these decisions. If we in the Macedon Ranges are serious about long-term commitment to conservation values, the ongoing burden for sustaining the conservation values/rural landscape cannot be transferred to the lower density planning zones without suitable mechanisms to support the owners of these lower density planning zones. If we are serious about genuine long-term sustainable outcomes, there needs to be empowerment and support for the lower density planning zones.

Accordingly, my comments are generally about creating mechanisms which provide greater equity across all planning zones and sustainability of our conservation/rural landscape.

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Indemnity

It is a fact that there will be ongoing development, in particular the growth of and creation of new higher density living areas, in the Macedon Ranges. It is also a fact, despite the best endeavours and efforts of engineers and planners working for the Shire, that in approving these developments, errors will be made.

If the holders of land which has been designated for rural land use are unable to enjoy the financial benefits that flow from high density development, they should be entitled to be protected from the costs of any such development, particularly where these costs arise from issues that are not fully documented and reported in any planning approval documentation submitted by the developer and approved by the Council.

Under my proposal, all developers would be required to take out suitable indemnity insurance to cover any negative effects not included in all their engineering and planning documentation submitted to the Council / the public in assessing their submission. This would encourage greater transparency and ensure that the cost of underwriting any errors in such development is paid for by the developer, rather than effectively the owner of the impacted rural land.

It is my understanding, that few people involved in any land development exercise of scale will say there were no adverse impacts not previously anticipated and included in their planning documentation. It is these adverse impacts I am seeking to ensure do not have any material downstream impact on holders of property with lower density planning and no opportunity to make comparable developments.

There is very much a commercial precedent for such insurance, namely Directors and Officers insurance which is taken out by all companies to cover errors and omissions by Company Directors, even if they are made in good faith.

To use a current real-world example which is of concern to me. It is my understanding that the engineering for the [REDACTED] development on [REDACTED] is of the view that this will not adversely impact on the holders of rural conservation land along [REDACTED], in particular along the [REDACTED] sections of the creek. I do not agree with this view and consider the engineering and planning has failed to give due regard to how much water will flow underground and exit the north facing slopes running down to the creek. For my own part I have significant concerns of [REDACTED] damage to the [REDACTED]. Under the current arrangements, if I am correct, I will be forced to deal with the consequences and rectify the issues, rather than the developers.

By adopting this indemnity approach there would be:

- 1) An avenue for financial compensation (ie land owner could take action against Shire, and Shire could claim against developers insurance policy);
- 2) It will create an incentive for all future development to have greater transparency on the potential adverse conservation / rural land use which can be taken into account by the public and the Shire when considering the development for approval.

There could be de-minimis provisions to ensure that the indemnity provisions are targeted on development activity which has scale to impact on others in the ways contemplated above and exclude individual house constructed in accordance with all planning and building regulations.

Investment in conservation

Much of the strategy document examines the encouragement and support for rural and conservation usage of the land. What the document does not address is a proactive strategy to help this outcome.

The origins of my concept below is the current Melbourne Water stream frontage program. Under this program, landowners may submit applications for support from Melbourne Water to achieve mutually beneficial outcomes. The Melbourne Water stream frontage program has seen some very significant improvements to conservation values in the Macedon Ranges Shire, much if not all would not have occurred without support to the landowner from Melbourne Water to achieve these outcomes.

My proposal is to , apply the Melbourne Water stream frontage program concept to help fund and support the sustained rural conservation land usage the Shire is targeting through its rural land use policy.

To financially support this program, there could be a small increment to rates across the Shire based on something like the number of approved bedrooms per dwelling (as a proxy for density), as the benefit in preserving the conservation value should be born on a per head type basis, rather than per acre or per dollar value of the property. This is so the higher density zoned areas of the Shire provide some support to the lower density zoned areas of the Shire. The achieved more equitable result is that everyone who lives in the district, or visits the district, benefits from the retention of the rural conservation features by making some small contribution to helping preserve it. Otherwise the entire cost continues to be born by the owners of properties that have no option to develop their land but must bear the costs for those who do benefit.

Landowners in the lower density zoned properties could make applications to the Shire to support them invest in conservation value opportunities e.g. weed eradication, fencing off certain areas to assist in regeneration, establishment of wild life corridors, planting trees and other indigenous species etc. All residents and visitors in the district would benefit from these additional investments in the environment, creating both a sustainable model and a mutually beneficial outcome.

Changes to existing planning boundaries

Historical changes to planning boundaries have not resulted in an equitable outcome. The beneficiary of the change to higher density zoning will receive a benefit and the surrounding lower density zoned land will typically not receive any benefit and will usually have a decline in the amenability of their immediate surrounding area. What this system has encouraged is land banking in areas adjacent to higher density zoning, and also the absence of investment in conservation values and farming in such surrounding areas. The outcome is an incentive to allow degradation while awaiting for a change in zoning over time if you own land near high density zoning, and an unfair impost on the low density zoning areas who are wearing all the negative externalities.

To address this I have two suggestions:

- Acknowledging a spectrum of land use across a zone, rather than a black & white boundary;
- A requirement for all changes to zoning to require the support of local residents, where the voting mechanism is inversely proportional to the density of the landholders property.

Allowing zoning to be viewed as a spectrum

The current approach to zoning adopts an oil & water type approach to changes in planning zones.

The outcome is a few meters of zoning boundary can make a huge difference to land use rights and value in the lower density planning zone. If this system was modified to allow for graduated change across the planning area, where assessment of the conservation values was the basis for permitting one zone to blend into land use rights attached to its adjacent zoning, it would encourage a long term investment in the overall conservation values of the environment which would:

- i) Benefit everyone living and vesting in the region; and
- ii) Assist in preventing further long-term encroachment from higher density planning zones as the effected land would be subject to long term conservation provisions preventing further development.

Voting on changes to existing planning zones

It is unfair to expect people to be long term owners and investors in conservation values which are important to everyone living in the shire if their voice on some topics is drowned out by developers or people in high density zoned areas.

My suggestion to help ensure genuine local community support is required to support any future planning zone changes, and that this voting mechanism should have a bias in favour of the holders of the larger low density land areas which are critical to maintaining the overall amenity of living in the Shire.

Under my proposal, any changes to planning zone boundaries or approved land use would require a vote from the local landowners with landholdings within a 3km radius of the proposed change. In my suggestion, the number of votes allocated would be on a per square metre basis, meaning the larger the land holding in the 3km zone the greater the votes on future change.

In adopting an approach like this, the larger landowners (who are nearly always in lower density zoned areas) get a greater say in what happens, giving them greater confidence that any future changes will be sympathetic to long term conservation values, which in turn will encourage them to continue to invest and support high conservation activities across their own landholdings. Currently the voting mechanism is skewed against the larger low-density landowners, undermining their faith to invest over what is typically a multi-generational conservation approach.

Other

Equine

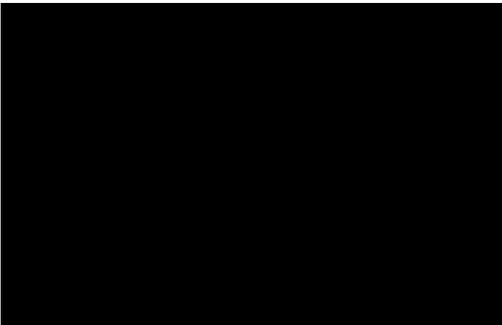
There is discussion in the policy document (Section 3 - page 35) around supporting the development of equine opportunities in the Shire. This appears to me to be inconsistent with the conservation theme as equine usage is typically extremely harsh on the environment eg grass is often eaten down to the dirt, and any unprotected trees are ring barked by horses. If there was to be a positive bias for a particular land usage and the macro-objective is conservation, then I do not agree with any preference being assigned to equine usage.

Pre-existing rights

I could not see reference in the policy document, but I think it would be beneficial to be overt about the policy preserving all pre-existing rights, and that nothing in this policy statement is intended to alter or modify rights on any existing land effected by this this policy review. This could include land use, access to water, historical multiple dwellings, permits and approvals currently underway.

If you have any queries on this submission or would like to discuss it further, please do not hesitate to contact me.

Kind regards



[REDACTED]

From: [REDACTED]
Sent: Saturday, 18 September 2021 1:48 AM
To: Macedon Ranges Shire Council
Cc: [REDACTED]
Subject: Submission on draft Rural Land Use Strategy and concerns for the rural economy

Macedon Ranges Shire Council
Strategic Planning Department

Dear Sir/Madam

Just some initial feedback on the draft strategy.

It is good that a draft has finally been made public and I hope that robust discussion and refinement occurs to improve planning considerations for our Shire's rural areas to the benefit of landowners and the environment, and the continuation of farming and the wide range of enterprises suited to our rural areas.

I understand this has already been pointed out publicly by [REDACTED] but the following maps have errors:

Figure three incorrectly states that FZ land around Kyneton has a minimum subdivision area of 40ha when it is in fact 100ha. This is a major concern if the error has guided strategic recommendations.

RURAL LAND USE STRATEGY

FIGURE 3: CURRENT RURAL ZONES

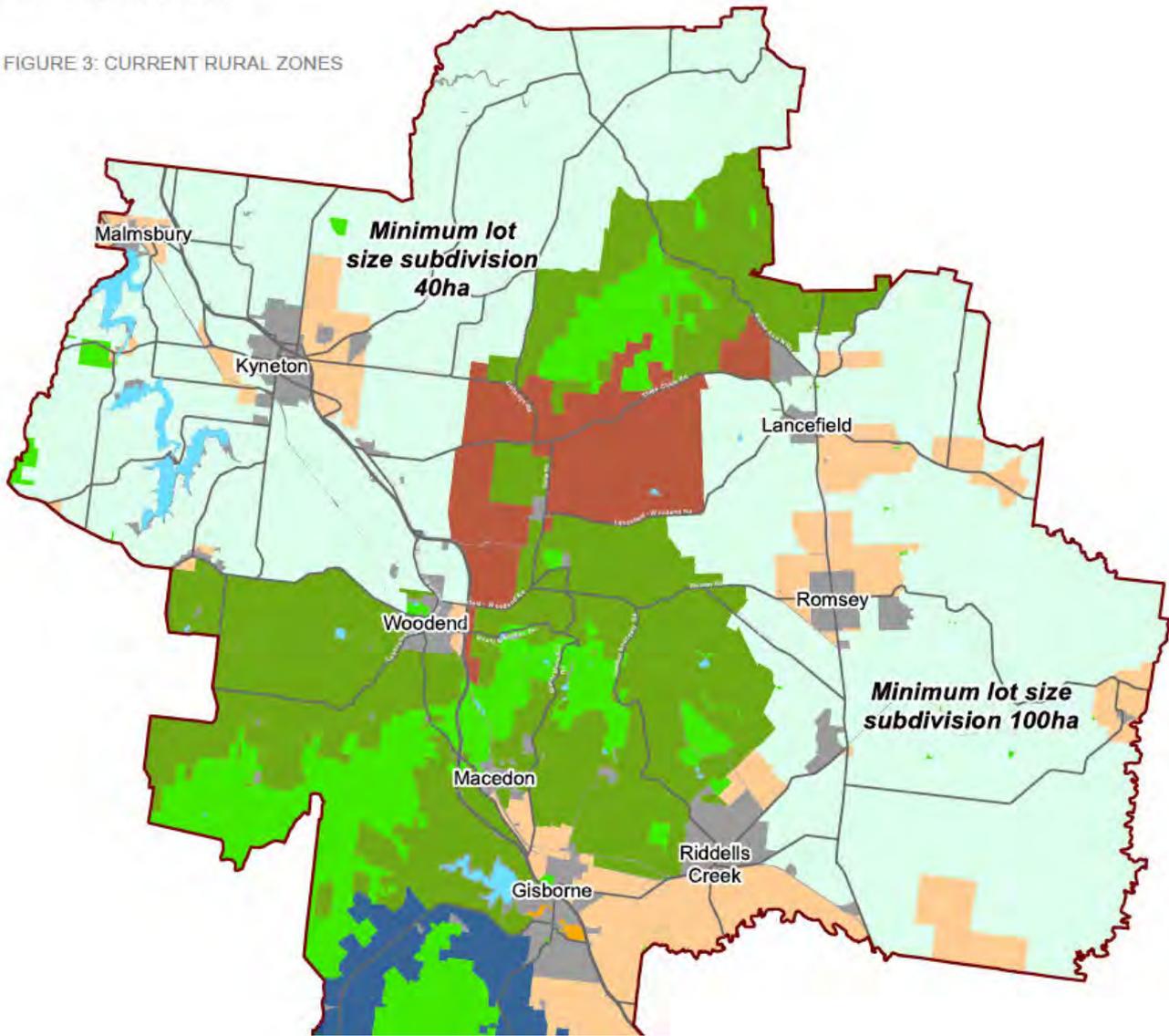
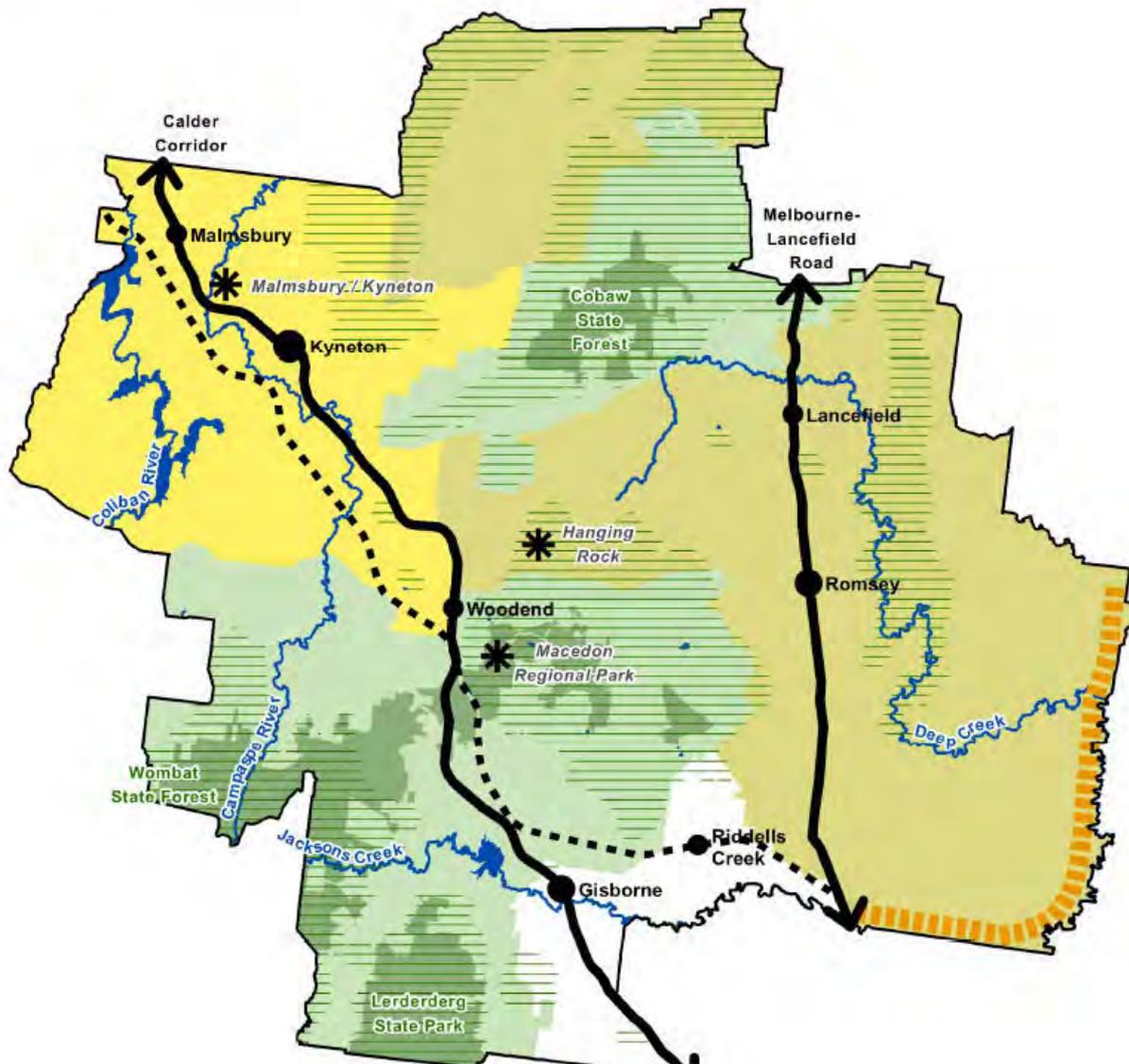


Figure 5 Legend is not legible regarding the 3 policy areas.

FIGURE 5: RURAL FRAMEWORK PLAN



On page 16 is the following paragraph is very misleading as it does not give regard to local planning policy:

Prior to the changes to the Farming Zone in 2013, assessing planning permits for dwellings generally required the proponent to demonstrate that the dwelling was required for the operation of an agricultural activity. Now, proponents are no longer required to demonstrate a nexus between the dwelling and an intention to the farm. In deleting the requirement for an applicant to prove *'whether the dwelling is reasonably required for the agricultural activity conducted on the land'* the key remaining decision guideline regarding the nexus between dwellings and agriculture is *'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'*.

Given that Clause 21.07-1 Agriculture sets out the following:

- Strategy 1.4 Ensure proposed development demonstrates how it relates to the ongoing productive of the land for agricultural purposes and does not promote rural lifestyle development

The following statement from the Vision on page 19

There are a wide range of economic activities that are better suited to the rural areas of the shire as per the permitted uses under the various zones. This statement is far too controlling and will be to the detriment of the Shire's economy. I thought the Shire wanted to attract and grow the country wedding and food and wine, wellbeing and recreation sector so the above statement contradicts the long established destination marketing efforts for our shire.

The following Principle on page 19 is erroneous

Agribusiness

Agriculture is a small economic sector that plays a significant role in the landscape and identity of Macedon Ranges and its attraction as a tourism destination.

STRATEGIC OBJECTIVE 1 – AGRICULTURE

Support and promote agriculture and protect productive agricultural land

Agriculture is a comparatively small, locally important economic sector that plays a significant role in the landscape and identity of Macedon Ranges and its attraction as a tourism destination. The industry comprises a mix of commercial scale business and small scale, niche agriculture and hobby farming. In the future, commercial scale businesses will be largely contained to mapped areas of strategic agricultural land that are least constrained by fragmentation. Protection of strategic agricultural land is important to give businesses confidence to invest for the long term. Elsewhere, agriculture will be more diverse both in scale and type as farm businesses adapt to the challenges, particularly land use conflict and farm viability, of operating in a fragmented landscape. Policy will be tailored to respond to the diversity of agricultural uses and protect strategic agricultural land.

The source website regarding agriculture's 5% contribution to the local economy notes the Shire is "Home to 50,971 people, Macedon Ranges supports **13,348 jobs** and has an annual economic output of **\$4.198 billion**". So it is actually generating \$0.2 billion to the economy (\$209.9 million) if the data source is accurate (estimates having regard to the 2016 census data for agriculture). I have touched base with the company who provided this information who confirmed how these figures were derived. The actual fiscal amount the agriculture sector contributes should not be downplayed by just stating a % rather than an amount in dollars.

Regarding: *Policy will be tailored to respond to the diversity of agricultural uses and protect strategic agricultural land.* It is very unclear what methodology was used to establish what is and is not strategic agricultural land.

Also in the Agricultural Summary why is most farm land in the map below not considered to be farmland of strategic significance? While the yellow dashed line for industry cluster seems like a very vague notion.

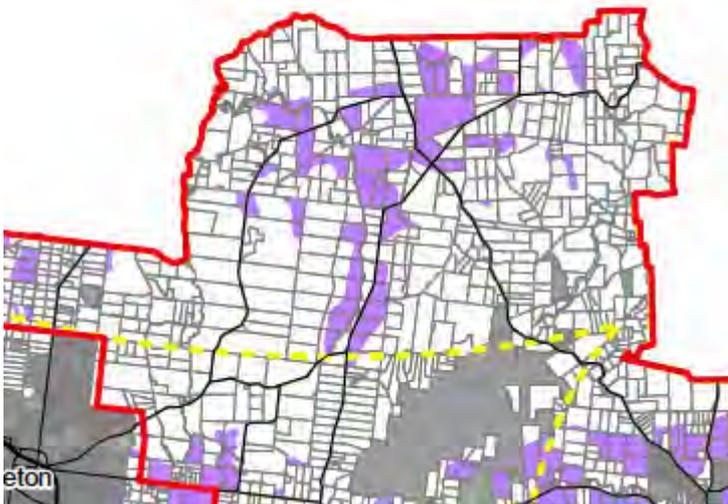
The Agriculture Summary sheet describes the purple mapped area as

 Farmland of Strategic Significance

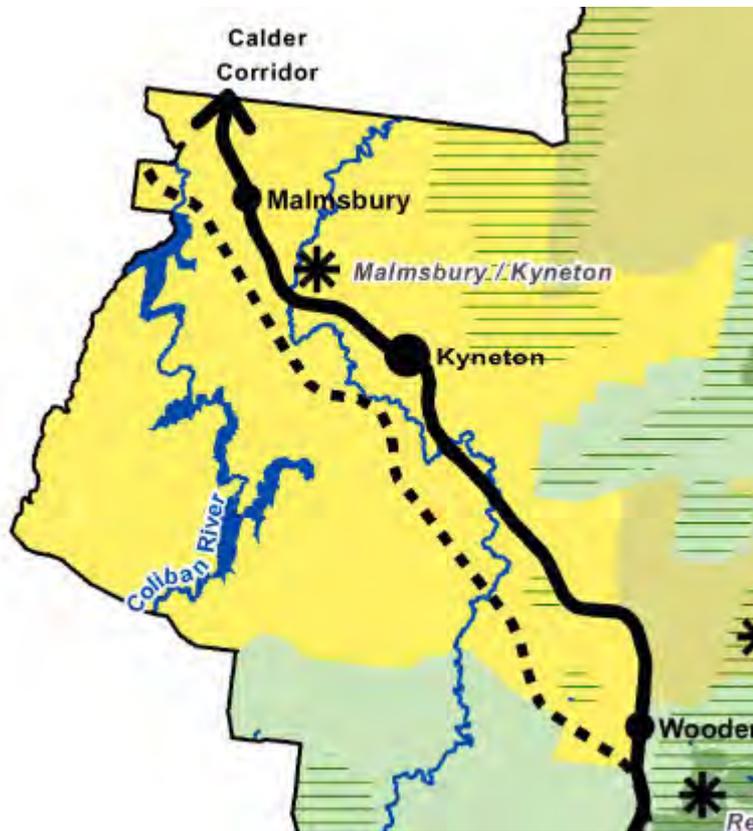
while the strategy report describes the purple area as

 Productive Agricultural Land

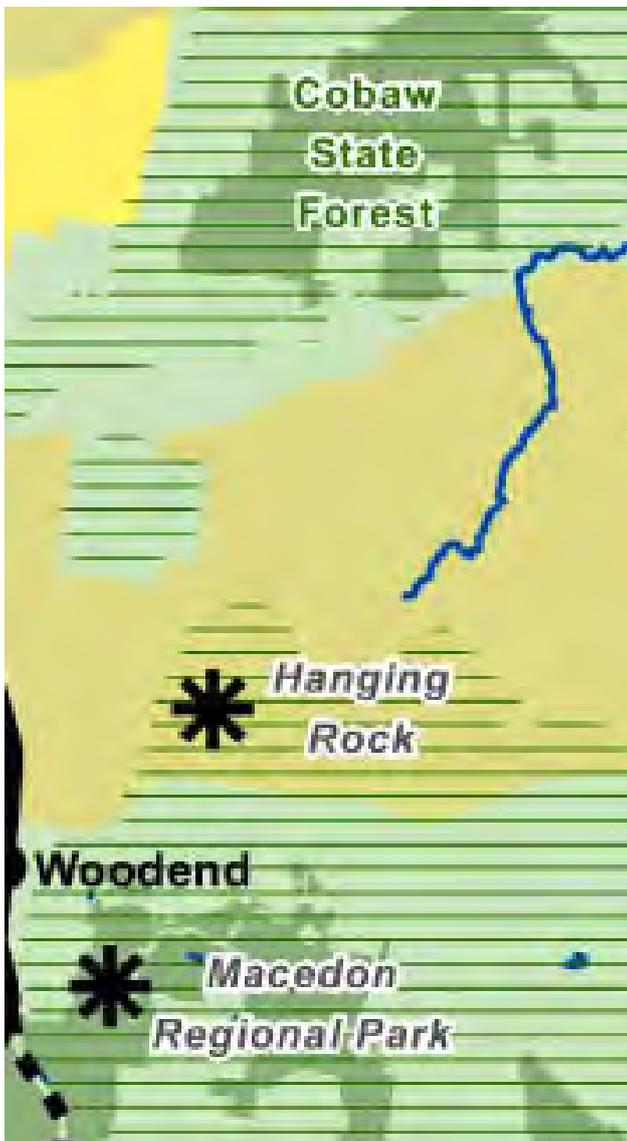
Wil this discrepancy cause confusion or error in how policy is derived from the study? If there is so little proctive or strategic agricultural land as the maps imply then why does the study seek to increase control within the rural parts of the shire?



Policy Area 2 – application of the Rural Acitivity Zone needs a clearer map with a cadastral base of lots and road so it is clearer what land is in and out



The application of the Farming Zone per Policy Area 1 to land between Mt Macedon and the Cobaws is a positive approach if landowners support it so long as it does not take away from the benefits of continuing with realistic aspirations to re establish native vegetation which comes with dwelling approvals per current policy under the MSS for RCZ land and the Coabw Biolink area. Though intime this forested link could result in a major catasropy regarding wildfires. The application of the Farming Zone to this area will be beneficial for those landowners wishing to seek place of assembly permits to broader their income capacity given agricultural incomes generally need to be supplemented in most instances. So I support this aspect if it is what landowners want.



Regarding this paragraph from page 32

The Stage 1 review recommended that the area shown in Figure 9, currently zoned Rural Conservation be zoned Farming. The objectives of the Farming Zone better align with the land use, attributes and land use outcomes for this area. Rezoning should be accompanied by introduction of an Environmental Significance Overlay that incorporates objectives, strategies, application requirements and decision guidelines set out in Clause 21.05-1 Biodiversity and Native Vegetation Management, to ensure development contributes to enhancement of native vegetation and ecological connectivity.

The ESO control does not facilitate the planting of trees so I think another statutory mechanism is needed such as the local policy that already exists to influence discretionary decision making but with improvements so it is fair and reasonable and not overly onerous on landowners.

It is disappointing that Council seeks to remove dwelling land use rights from the Farming Zone 40ha plus lots surrounding Kyneton by the application of the Rural Activity Zone. This reflects the state's policy to do likewise. Again worth considering the pros and cons of wishing to be so controlling.

I have not been able to review the document in full due to workload commitments so will again make further submissions at the next round of consultation or for the formal amendment process.

Sincerely



SMALL ACERAGES AND ONLY NEED A CHANGE IN BUILDING REGULATIONS AS MANY HAVE HOUSES ON THEM IN MOST AREAS DRAINAGE WATER DOES NOT GO INTO RESERVOIRS

IF A BRIDGE GOES IN YOU MAY NEED A BRIDGING LOAN FROM GOVERNMENT OR IT COULD BE A BRIDGE TO FAR.

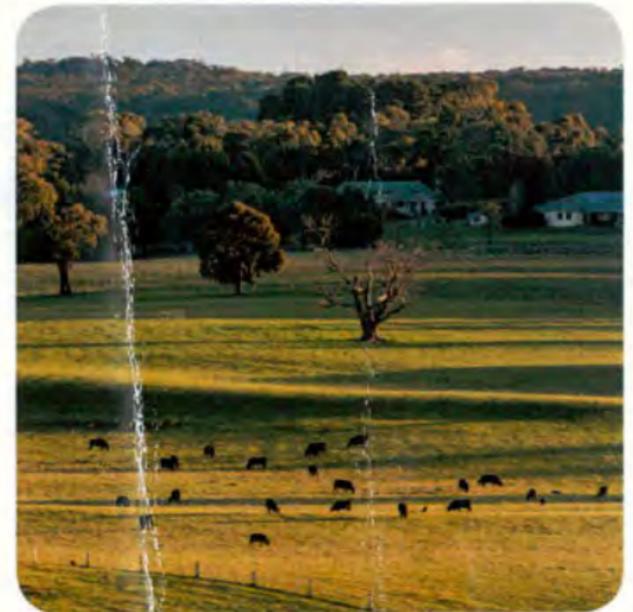
HAVE A GOOD PLAN BE CONSTRUCTIVE

Have your say on the draft **Rural Land Use Strategy**

We have prepared the draft Rural Land Use Strategy and want your feedback.

The strategy will help provide direction for the future use and development of land currently in the Farming Zone and Rural Conservation Zone to ensure the unique attributes of the land are protected.

The recommendations in the draft strategy are based on an analysis of the land, and the results of surveys previously conducted with residents and landholders.



How to have your say

View the documents

View the draft strategy online at mrsc.vic.gov.au/yoursay

Talk to us

- Contact us for a one-on-one discussion with the Strategic Planning team
- Join in the discussion at our upcoming online Q and A session 7pm, 11 August 2021
- Meet us at the Woodend Farmers Market on 7 August 2021 or at Riddells Creek Farmers Market on 21 August 2021.

Make a submission

Make a written submission either online or by writing to us.

Contact us

Phone: (03) 5422 0333

Email: strategicplanning@mrsc.vic.gov.au

Mail: PO Box 151 Kyneton Victoria 3444

**Submissions close
Monday 30 August 2021**

Submission 157

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If undeliverable return to: PO Box 151 Kyneton Victoria 3444



REZONING PUSH

Housing plans for farmland

By SHANNON TWOMEY

FARMLAND in northern Victoria and Gippsland could soon be rezoned and turned into housing estates.

Planning applications for developments at Nagambie, Echuca, and Toongabbie are currently on public exhibition – a process that allows the public to make a submission on the proposals.

At Nagambie, developer

CRC Constructions is proposing to rezone 41ha of farmland to build an estate with 250 houses.

The land is on the west side of High St and Lobbs Lane.

Strathbogie Shire mayor Chris Raeburn said the area was experiencing a shortage of houses to buy and rent.

“We have a growing population but also have to be respectful of what the community wants,” Mr Raeburn said.

“People do enjoy the area for the rural sector and quiet life.”

At Echuca, the Campaspe Shire Council is proposing to rezone farmland for the Echuca West Precinct Structure Plan, a 615ha site that will accommodate 5000 houses.

In its application, the council says Echuca’s population growth has led to a residential land supply shortage.

Mayor Chrissy Weller said

property owners in the rezoning area all wanted to be involved.

“A lot of work has gone into this project, the housing blocks aren’t tiny,” Ms Weller said.

“We have a growing population but also need more housing to accommodate workers.”

In Gippsland, the Latrobe City Council is proposing to rezone farmland at Toongabbie, Hazlewood North and Flynn

for its rural living strategy. In its application the council writes: “It is estimated that Latrobe City has a shortfall of 102 rural living lots (204ha) to meet the 15-year supply required.”

While the public can have their say about the proposed developments, Victorian Planning Minister Richard Wynne will ultimately decide if the planning schemes are amended and farmland is rezoned.

Victorian Farmers Federation president Emma Germano said farmers were impacted by the lack of accommodation in towns too.

“That’s a difficult situation for the staff farmers have working on farms,” Ms Germano said.

“We want to see a strategic overview for rezoning farmland which considers the long term impacts rather than a piece-by-piece approach.”

Conflicting Covid rules, vaccination confusion create operation nightmare for processors

Abattoirs on knife-edge

By PETER HUNT

AUSTRALIA'S meat and dairy supply chains are once again at risk of major disruptions.

Insiders say state health departments and chief health officers are delivering conflicting, ever-changing advice on shutting down work-sites where just a single worker has contracted the Covid-19

treading on egg shells. I'm not sure where it's all heading".

Further complicating the issue is that vaccination rates among meat workers vary enormously from site to site and state to state, while dairy processors say they have no data on how many of their workers are vaccinated.

Australian Meat Industry Council chief Patrick Hutchinson said in some states all in-

were originally classified as high-risk workers and a priority population under Phase 1B of the national Covid vaccine rollout for Pfizer doses, given its three-week turnaround.

But Mr Hutchinson said that prioritisation seemed to have now "gone out the window".

Mr Fletcher said he and his staff had to "kick up a

workers were vaccinated.

Within the dairy industry processors initially told *The Weekly Times* they had no idea how many of their workers had been vaccinated before referring questions to the Australian Dairy Products Association.

ADPF executive officer Janine Waller said dairy workers were not listed under Phase 1B of the vaccine rollout, so vacci-

and associated cold-chain transportation became eligible for vaccination when Phase 1B of the Commonwealth's Covid vaccination rollout began in March.

"From May, Victoria ensured priority access to the Pfizer vaccine for these cohorts irrespective of age," a spokeswoman said.

As for lockdowns there appears to be no consistent or

when we have eight chief health officers and departments across Australia, all with different and changing views."

Federal Agriculture Minister David Littleproud said his department was closely following the evolving national situation.

He said the department sought to ensure its regulatory role in the meat and food prod-

Council's home-build crush

By PETER HUNT

MACEDON Ranges Shire has pre-empted the Victorian Government review into extinguishing the rights of landholders to build homes on 40ha or more within the farming zone without a planning permit.

The Shire has already released a draft Rural Land Use Strategy that aims to extinguish the right of 419 landholders to build homes on their properties within the farming zone, with submissions due by August 30.



The move comes despite the State Government not being due to finalise its position

on the 40ha rule until mid-2022, after it completes public consultation on the issue as part of its Melbourne's Green Wedges and Agricultural Land position paper.

As it stands the consultation paper proposes dumping the 40ha rule on all farm-zoned land within 100km of Melbourne, with 879 individuals, community and lobby groups lodging submissions for and against the proposal.

The office of Planning Minister Richard Wynne said "there have been no decisions made on whether proposals in

the Green Wedges and Agricultural Land discussion paper will proceed".

But the Minister refused to answer a question on whether he would use his powers to reject Macedon Shire's bid until the Government finalised its position, once the consultation process was completed next year.

The council's draft strategy states "it is proposed that the minimum lot size for a dwelling without a permit requirement be set at 0ha".

Macedon Ranges farmer and real estate lawyer Randall

Gerkens said it appeared Macedon Ranges Shire was charging ahead with its own strategy, without considering the outcome of the Government's consultation or its economic impact on landholders' property values.

Planners have previously told *The Weekly Times* losing the 40ha right would add \$20,000 or more to the cost of building a home on 40ha or more, assuming council granted approval.

Mr Gerkens said council planners refused to answer his questions on what analysis

they had done on the impact of stripping landholders of their right to build a home on 40ha or more without a planning permit. "It's statutory requirement that any authority proposing a planning scheme amendment is obliged to consider the economic impacts of the change," Mr Gerkens said.

Section 12 of Victoria's Planning and Environment Act (1987) states "in preparing a planning scheme or amendment, a planning authority must take into account its social effects and economic effects".

Feedback from customers is uniformly positive. They speak of ease of operation, features such as film break sensors, the speed of bale transfer, and the Vario's ability to make different size bales. As for the bottom line, consider the fuel and labour savings by using the same machine to bale and wrap.

Locally, George Apted, owner of Apteds Farm Services, worked for years with a **McHale V660 baler (now the V6750)** before upgrading to the Fusion Vario baler wrapper. He provides full farm contracting to customers north of Melbourne and up into the Goulburn Valley.

George's mission for the new baler wrapper was simple – increase output at a reduced cost – which was something of a challenge, given the variety of terrain the machine would be required to operate in. The Fusion Vario came up trumps, again and again.

"Our local dealer promised the Fusion would bale and wrap 70 bales an hour," George said, "and it certainly does that. It's easy to manoeuvre and having trailer

chamber closes, the operator carries on working as the machine automatically starts the wrapping process.

The **Fusion Vario can wrap bales** from 1.1 metres up to 1.45 metres, with the patented tip roller adjusting its height in line with bale size, thereby ensuring the plastic always goes onto the centre of the bale, regardless of bale diameter.

"Customers love the density and shape of the bales and the high quality of the final product," said George, "and when we leave the paddock, it's all done. There's no waiting for a wrapper and no contamination either because the bales never touch the ground."

Another feature that has met with approval is the machine's ability to hold one bale in the wrapping cradle, meaning two bales can be dropped side-by-side in the paddock. This halves the time spent picking up bales.

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Support
connect



STRATEGIC PLANNING
MACEDON RANGES COUNCIL

P.O. Box 151

K YAMETOW

3 4 4 4

RECEIVED 24 AUG 2021



From: [REDACTED]
To: [Cr Anne Moore](#); [Cr Jennifer Anderson](#); [Cr Mark Ridgeway](#); [Kate-Ida Lee](#); Lisa.Chesters.MP@aph.gov.au; [Strategic Planning](#); [Cr Annette Death](#); [Cr Bill West](#); [Cr Dominic Bonanno](#); [Cr Geoff Neil](#); [Cr Janet Pearce](#); mary-anne.thomas@parliament.vic.gov.au; peter.walsh@parliament.vic.gov.au; [Cr Rob Guthrie](#)
Subject: Petition
Date: Saturday, 18 September 2021 9:10:29 PM
Attachments: [Petition Pdf .pdf](#)

Dear Macedon Ranges Shire Council,

I, [REDACTED], a resident of the Macedon Ranges Shire, hereby submit the attached petition on behalf of the Residents, and ratepayers of Macedon Ranges Shire who have signed this petition. We formally request council to vote against accepting the Draft Rural Land Use Strategy plans to rezone "farming" land to "rural conservation", as shown in FIGURE 9: AREAS PROPOSED FOR REZONING of the Draft Rural Land Use Strategy, we perceive this rezoning to be an unjust and unnecessary hindrance to the continuation of agricultural businesses, sustainable farming and active science based land conservation within the proposed rezoning area.

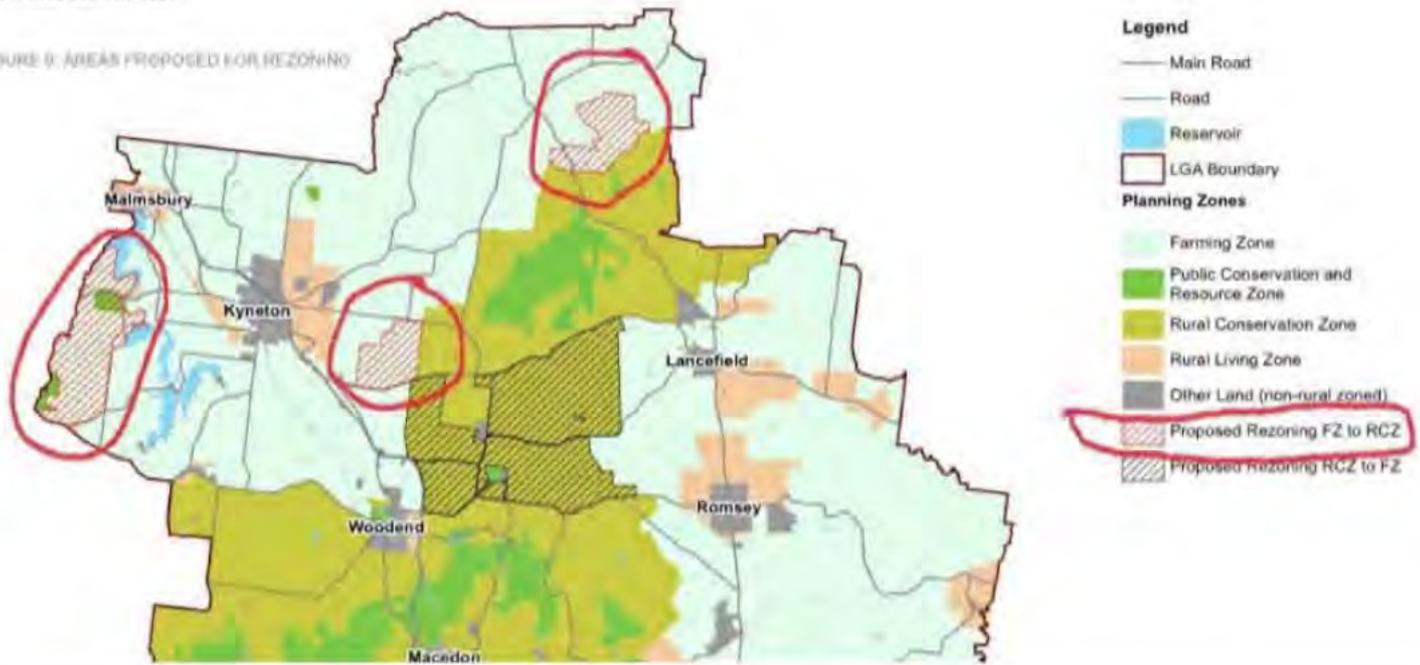
Thank you for your consideration

[REDACTED]

We the undersigned, residents, and ratepayers of Macedon Ranges Shire formally request council vote against accepting the Draft Rural Land Use Strategy plans to rezone "farming" land to "rural conservation", as shown in FIGURE 9: AREAS PROPOSED FOR REZONING of the Draft Rural Land Use Strategy, as we perceive this rezoning to be an unjust and unnecessary hindrance to the continuation of agricultural businesses, sustainable farming and active science based land conservation within the proposed rezoning areas.

RURAL LAND USE STRATEGY

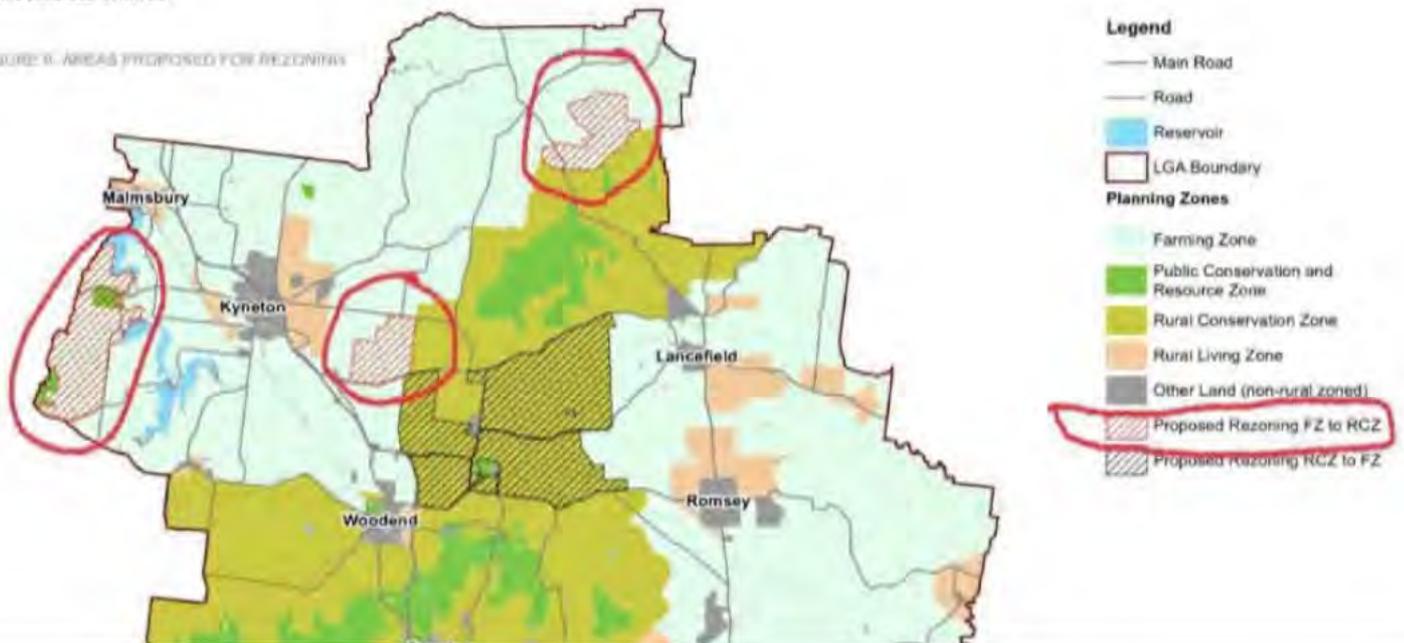
FIGURE 9: AREAS PROPOSED FOR REZONING



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RURAL LAND USE STRATEGY

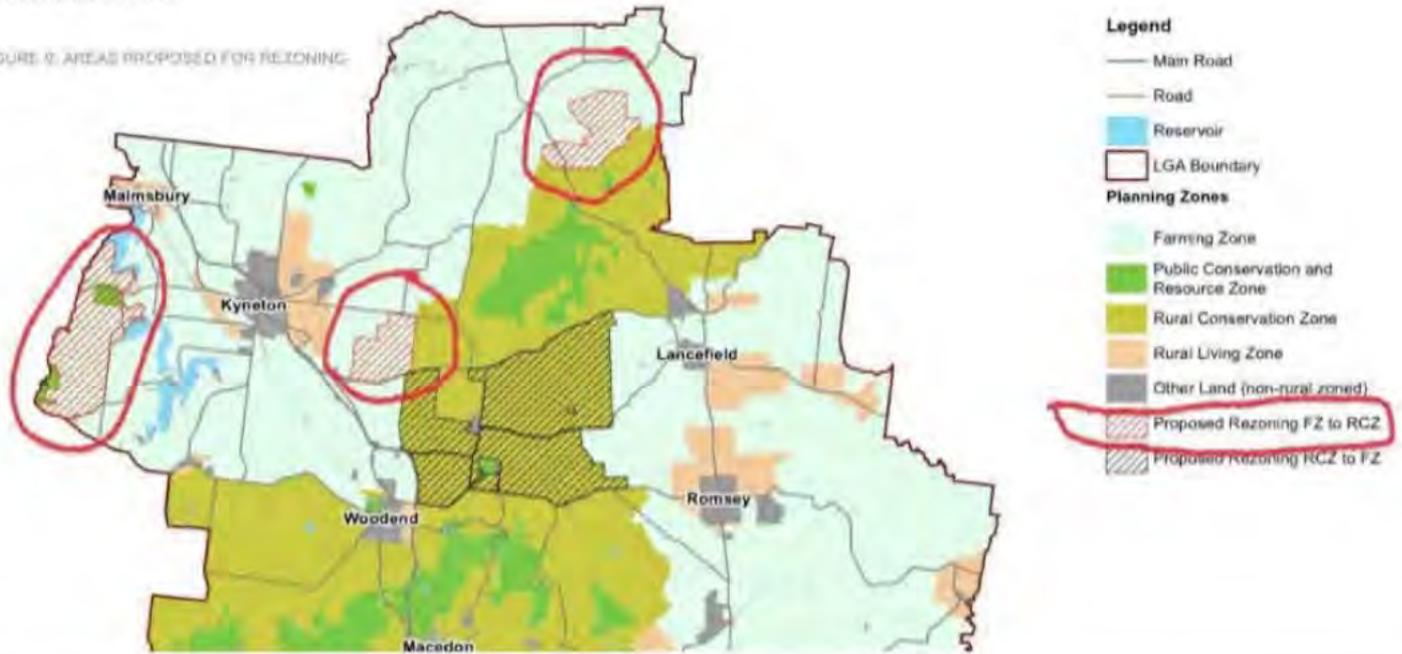
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RURAL LAND USE STRATEGY

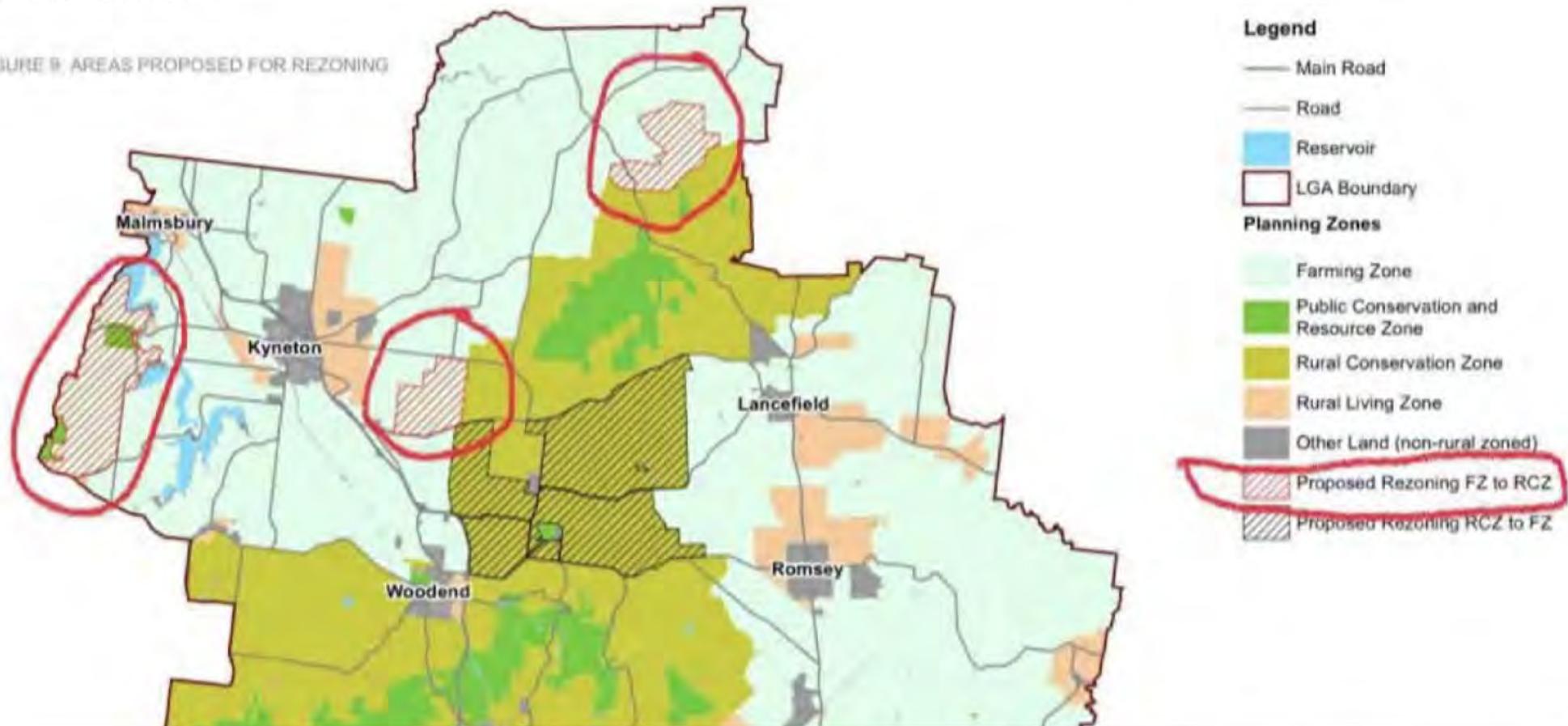
FIGURE 9: AREAS PROPOSED FOR REZONING



We the undersigned, residents, and ratepayers of Macedon Ranges Shire formally request council vote against accepting the Draft Rural Land Use Strategy plans to rezone "farming" land to "rural conservation", as shown in FIGURE 9: AREAS PROPOSED FOR REZONING of the Draft Rural Land Use Strategy, as we perceive this rezoning to be an unjust and unnecessary hindrance to the continuation of agricultural businesses, sustainable farming and active science based land conservation within the proposed rezoning areas.

RURAL LAND USE STRATEGY

FIGURE 9: AREAS PROPOSED FOR REZONING



From: [REDACTED]
To: [Strategic Planning](#)
Subject: Have your say on the Draft Rural Land Use Strategy
Date: Saturday, 18 September 2021 9:22:54 AM

Dear Strategic Planning

We own [REDACTED].

We are deeply concerned by the proposal to rezone our farming land.

We purchased the land to farm and the proposed rezoning purports to take away our existing land use rights.

The MRSC fails to recognize that farming by its very nature has to be versatile and adjust to market conditions. It is entirely inadequate to suggest that 'existing use' rights will be applicable only to the very current specific use at the time of rezoning. That very narrow view taken of 'existing use' is incompatible with the true nature of farming rights. Versatility and diversity have been, and will continue to be, an integral part of farming land. Our land and the land around us has been farmed for over a century. Over time, the purposes for which the land has been farmed have changed and it is within our existing rights to continue to adapt the use of our land to meet market conditions.

It is unclear why at this stage rezoning is necessary and why the MRSC cannot take a more consultative approach to achieve together with existing land owners outcomes that serve both the environmental and farming objectives.

The rezoning is not the only way to work with land owners to achieve rural conservation outcomes. Yet, the MRSC has raised only one proposal, only one way forward. The MRSC needs to think creatively and collectively about how mutually beneficial outcomes can be achieved. What other proposals have the MRSC considered to meet its objectives? Why are the community provided with only one proposal?

Further, we note that neither we nor our neighbours received any notice of the proposed changes. In such circumstances, a real question arises about whether MRSC genuinely wanted land owners adversely affected by the proposed changes to have our say. No notice was provided in circumstances where rezoning purports to take away existing use rights, may trigger default on mortgages, negatively impact property value and farm door sales. It is entirely unsatisfactory to suggest that this lack of notice is ok because planning is at an early stage. We are entitled to be afforded an opportunity to be heard at this and every stage.

We urge the MRSC to:

1. reconsider its position;
2. present not one but alternative proposals (including a proposal that would not result in rezoning but may nonetheless meet both farmers' and MRSC interests);
3. where such significant change is proposed, ensure proper written notice is afforded to affected owners so they are in turn afforded a right to be heard;
4. faithfully acknowledge that the true nature of existing farming rights is a right to use the

land for farming (not defined by a single use at a particular point in time).

Regards



From: [REDACTED]
To: [Strategic Planning](#)
Subject: Rezoning Objection – [REDACTED]
Date: Saturday, 2 October 2021 9:58:48 PM
Attachments: [Rezoning Objection.docx](#)

Dear Macedon Ranges Shire Council,

Please find attached our objection for the proposed rezoning of [REDACTED] [REDACTED] as outlined in the Rural Land Use Strategy from September 2020.

This is a situation we have only just been made aware of, so we trust you will take the time to read and respond to the issues outlined.

We look forward to hearing from you.

Kind regards,

[REDACTED]

[REDACTED]

2nd October 2021

Dear Macedon Ranges Shire Council,

I write to you regarding the proposed rezoning of our property, [REDACTED] which we discovered through a recent article in The Age newspaper.

Through further research we have since uncovered that our land, currently a Farming Zone, is proposed to change to a Rural Conservation Zone as part of a draft Rural Land Use Strategy from September 2020. At no stage were we consulted or advised of this proposal by the council.

We stand with our fellow neighbours of [REDACTED] to object to this proposal, and the resulting draconian restrictions and removal of our rights as landowners.

We just moved to the property in [REDACTED] [REDACTED] [REDACTED] and purchased our [REDACTED] of land for the sole purpose that the land could be used to provide a [REDACTED] and farmed animals including dogs, sheep and goats, all of whom we intend to care for the duration of their natural lives. Since relocating, our animals have been living in harmony with the native wildlife including hundreds of kangaroos, often grazing side by side. We take every step possible to ensure the wildlife are kept safe.

Over recent months we have spent over [REDACTED] fencing across our property to ensure that our animals were kept secure and contained within our property, and a further [REDACTED] updating animal shelters which also serve the local wildlife.

[REDACTED] dozens of purpose-built nesting boxes nestled in gum trees, designed to keep the phascogales and other nocturnal wildlife safe, and we fully intend to keep this going. We have been compliant in working with phascogale researchers on this project. We do not require strict and unnecessary laws to make us do the right thing, and the other neighbours we have liaised with also share this natural care and concern for the native habitats.

[REDACTED] we have spent much time battling the gorse infestation which is rife along [REDACTED] in order to care for the land and maintain its integrity. This is a challenge when the council-owned land next to [REDACTED], which aligns with our [REDACTED] r [REDACTED] gorse measuring over two metres high. After many phone calls to council, still nothing has been done about it.

How can Macedon Ranges Council claim to care for the environment by removing landowner's rights, when they are letting a noxious weed claim the precious native bushland they are meant to be protecting?

To ensure the safety of not only our home and community, but the local wildlife, we have spent every weekend undertaking bushfire prevention. Following the recent strong storm, many gum trees were uprooted in the rocky soil, creating the perfect fuel for a fire. We have painstakingly cleaned up the fallen dry leaves and branches by hand, gently moving any insects and lizards we found along the way. Under the new Rural Conservation Zone rules, these efforts to create a safe environment from bushfires would be thwarted.

Reading the draft, it is unclear what the Rural Conservation Zone plan means for our current animals, and our intentions to rescue more in the future. We also had plans to grow our own vegetables sustainably, and it seems that may also not be possible under this new strict zoning.

Seeing that the land around Hanging Rock is facing the opposite situation – moving from a Conservation Zone to a Farming Zone, we can't help but think that this shift to [REDACTED] is merely to keep up the conservation quota. How quickly that environmental concern changes when the prospect of tourist dollars are involved. It's incredibly disappointing.

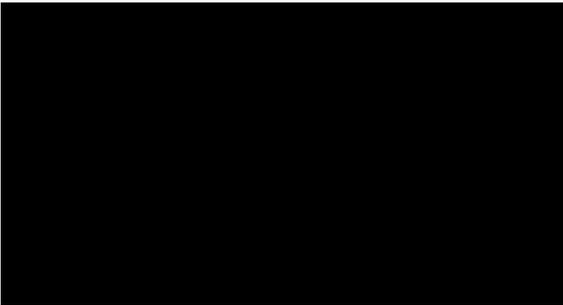
When one of the reasons for the rezoning is to protect the waterways, why is it only our small area that is facing this change, and not the other areas surrounding our local creeks and reservoirs where cattle and other animals reside?

To rub salt into the wound, the value of our property will undoubtedly reduce if this rezoning is passed. We paid a premium price for this property for the very reason that it gave us the opportunity to set up our dream. But if this proposal is approved, who would want to purchase a place with such restrictions? Will the council reimburse us for the money lost?

We sincerely hope that you can put yourself in our shoes in this situation. It is simply immoral to let this proposal pass, and take away the rights of a caring community.

Many thanks for your time. I look forward to your response.

Regards,



From: [REDACTED]
To: [Strategic Planning](#)
Subject: Draft Rural Land Use Strategy - CFA letter
Date: Monday, 4 October 2021 9:02:39 AM
Attachments: [image001.jpg](#)
[Letter - Draft Rural Land Use Strategy - CFA - 04-10-21.pdf](#)

Hi,

Please find CFA's comments on the recent draft rural land use strategy attached.

Don't hesitate to contact either [REDACTED] should you have any queries regarding our comments.

Regards

[REDACTED]



[REDACTED]

[REDACTED]

This email is for official use only. The information in this communication is privileged and confidential, intended only for the use of the individual or entity named. If you are not the intended recipient, any dissemination, copying or use of the information is strictly prohibited. Any personal information in this email must be handled in accordance with the Privacy and Data Protection Act 2014 (Vic) and applicable laws. If you have received this transmission in error please inform us by return email and then delete it immediately from your system.



cfa.vic.gov.au

Our patron, Her Excellency the Honourable Linda Dessau AC, Governor of Victoria

CFA Fire Prevention and Preparedness
8 Lakeside Drive Burwood East Vic 3151
Email: firesafetyreferrals@cfa.vic.gov.au

4 October 2021

Strategic Planning
Macedon Ranges Shire
PO BOX 151
Kyneton VIC 3444

Dear Sir/Madam,

COMMENT

Proposal: Draft Rural Land Use Strategy
Location: Macedon Ranges Shire

Thank you for providing CFA with the opportunity to comment on the recently exhibited Draft Rural Land Use Strategy (draft strategy). CFA has reviewed the draft strategy and its associated documents available on Council's website and can provide the following information for your consideration:

Overview

Macedon Ranges is located in an area at risk from bushfire where the landscape leads high to extreme fire behaviour in some locations. It is unclear how the proposed draft strategy has addressed bushfire and relevant policy of the Macedon Ranges Planning Scheme.

Given the extent of outstanding bushfire information, CFA is unable to provide detailed comments on the draft strategy at this stage. However, CFA has reviewed the strategy and can advise that there are a number of areas of concern and that in its current form, the strategy could lead to an increase in bushfire risk.

Engagement

CFA notes that much of the early engagement on this project was undertaken prior to the current bushfire planning scheme controls being in effect, primarily Clause 13.02-1S and Clause 71.02-3. These bushfire policies were updated via Amendment VC140 in 2017. CFA welcomes the opportunity to further discuss this project as it proceeds.

There are a number of complexities involved in preparing a municipal wide bushfire response with a strategy such as this one. CFA recommends that Council consider whether specialist bushfire planning expertise would be useful to assist you in preparing a more comprehensive consideration of bushfire risk in context of the strategy and any future planning scheme amendment process.

Moving Forward

The draft strategy does include some references to bushfire and a few policy responses. Whilst this level of response may have been more common place pre VC140, current

approaches necessitate identifying bushfire risks and demonstrating policy compliance upfront and within all levels of strategic documents.

CFA recognises that the draft strategy includes references to bushfire risk and some policy responses in items such as decision guidelines or application requirements. However, CFA's current practice seeks that a more detailed assessment of bushfire policy is undertaken, particularly in respect of the policy themes seen throughout Clause 13.02-1S. This work should be undertaken at all stages of the planning process from high level strategic documents through to site based development.

Contemplating changes to zones, uses or overlays can change risk profiles, vegetation structure or management opportunities. It can also lead to more people at risk from bushfire or provide opportunities to manage risks beyond the site level or enhance community resilience or safety. It is questions relating to items such as the above or similar that remain outstanding for the draft strategy.

More Information

CFA strongly recommends that the draft strategy be considered in context of the existing bushfire policy setting and provide a more detailed policy response. You are encouraged to consider the following in preparing any changes to the draft:

- Undertaking local and landscape bushfire hazard assessments;
- An assessment of policy contained at Clause 13.02-1S including:
 - How the strategy addresses the bushfire landscape
 - What alternative locations for development have been considered in preparing the strategy?
 - How the proposed strategy considers safer area policies;
 - Whether site based exposure benchmarks have been met or captured in the policy response?
 - Are there any areas of high biodiversity value within areas to be rezoned or have a new/varied overlay applied? What does this mean for management of bushfire risks?
 - Will the proposed strategy lead to an increase in bushfire risk? Why/why not and what policy or bushfire protection measures have been captured that demonstrate your conclusion?
- How any changes to the zone or potential land use may be influenced by or have an influence on bushfire, both hazards and risk?
- How does the proposal consider bushfire in relation to future biolinks, landscape sensitivities and development outcomes? How will the strategy address any conflicts in terms of a policy response?
- How does the proposal address rural tourism and ensure that bushfire risks will be minimised. Whilst policy identifies bushfire risk considerations in the decision guidelines, no objectives or other strategies or policy demonstrate where these activities should be encouraged or more importantly avoided. Emergency management planning will play a key role in these developments where there is an existing entitlement, however, a question also needs to be addressed as to whether these types of development should be minimised in certain higher risk locations.
- How the proposed changes in use could affect bushfire risks or people at risk from bushfire;
- Whether the draft strategy will rely on the implementation of any bushfire protection measures to reduce risks? What are they and how can they be incorporated into the policy response?
- How the draft strategy can better identify and respond to bushfire in Section 2. This section identifies items such as the overarching vision and principles. Bushfire is noted, however it is prioritised alongside other policy considerations. As a consequence of the updates to Clause 71.02, bushfire considerations and the protection of human life are now prioritised over all others . Further consideration

should also be given to what opportunities exist throughout the strategy to better capture strategies and objectives and bushfire.

There were a number of similar projects within the pipeline during the initial phases of engagement for this strategy that do not appear to have progressed. Should these projects or similar strategic planning proposals be back in the current work program, CFA encourages that this work not be undertaken in isolation when contemplating the bushfire policy response.

For example, what is proposed as part of this strategy, is likely to have an influence on the bushfire policy response that may be under consideration for the Distinctive Area Landscape or work associated with updates to the Vegetation Protection Overlay.

CFA would welcome the opportunity to discuss any other projects that are on the agenda, the proposed draft strategy or the above comments and work with you towards building more bushfire resilient and safer communities within Macedon Ranges Shire into the future.

Please don't hesitate to contact either [REDACTED] [REDACTED] to set up a future meeting.

Yours sincerely

[REDACTED]

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Rural Land Use Strategy Limited Public information.
Date: Monday, 13 September 2021 8:34:01 AM

To Macedon Ranges Shire Council

I'm a concerned Resident of [REDACTED] one of the areas designated for rezoning into a Rural Conservation Zone designated in the latest Draft Rural Land Use Strategy.

I was unaware about the impacts of the zoning changes until recently when a neighbour that would be affected by the rezoning alerted me to the changes. Reading the draft I am unable to fully understand what these changes will bring, other than potentially affecting farming use on the land in the future.

Due to the cancelled planning meetings at the [REDACTED] [REDACTED] due to Coronavirus restrictions I believe the Community is lacking the required information to make an informed decision on the changes. To rectify this I would like to schedule a group meeting with a Representative from Macedon Ranges Shire Council and other concerned citizens in the area to clarify what these changes would bring and whether they are in the best interest of the residents of the area.

With thanks [REDACTED]

From: [REDACTED]
To: R.Ball@msrc.vic.org
Cc: [Macedon Ranges Shire Council](#); [REDACTED]
Subject: Draft Rural Land Use Strategy
Date: Friday, 1 October 2021 4:35:43 PM
Attachments: [image001.jpg](#)
[image003.png](#)
[image005.jpg](#)
[image007.jpg](#)
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[image010.jpg](#)
[image012.jpg](#)
[REDACTED]

Dear Rob,
Thank you for providing to Greater Western Water the draft Rural Land Strategy. Attached is our response and contact details for future correspondence.
Regards



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R.Ball@msrc.vic.org
mrsc@msrc.vic.gov.au

Rob Ball
Manager Strategic Planning
Macedon Ranges Shire Council
PO Box 151, Kyneton VIC 3444

Dear Rob,

Thank you for the opportunity to provide feedback on the draft amendments to Macedon Ranges Shire Council's Draft Rural Land Use Strategy. Our values align with the protection of water quality, especially potable water supply, being a fundamental resource in the area.

Greater Western Water (GWW) is very interested in working with Macedon Ranges Shire Council (MRSC) and the community on enabling protection and supply of water and the ongoing support of our rural landscapes and associated uses. Please find specific feedback to the draft strategy in relation to actions and themes that align to some of our priorities in the Macedon Ranges area:

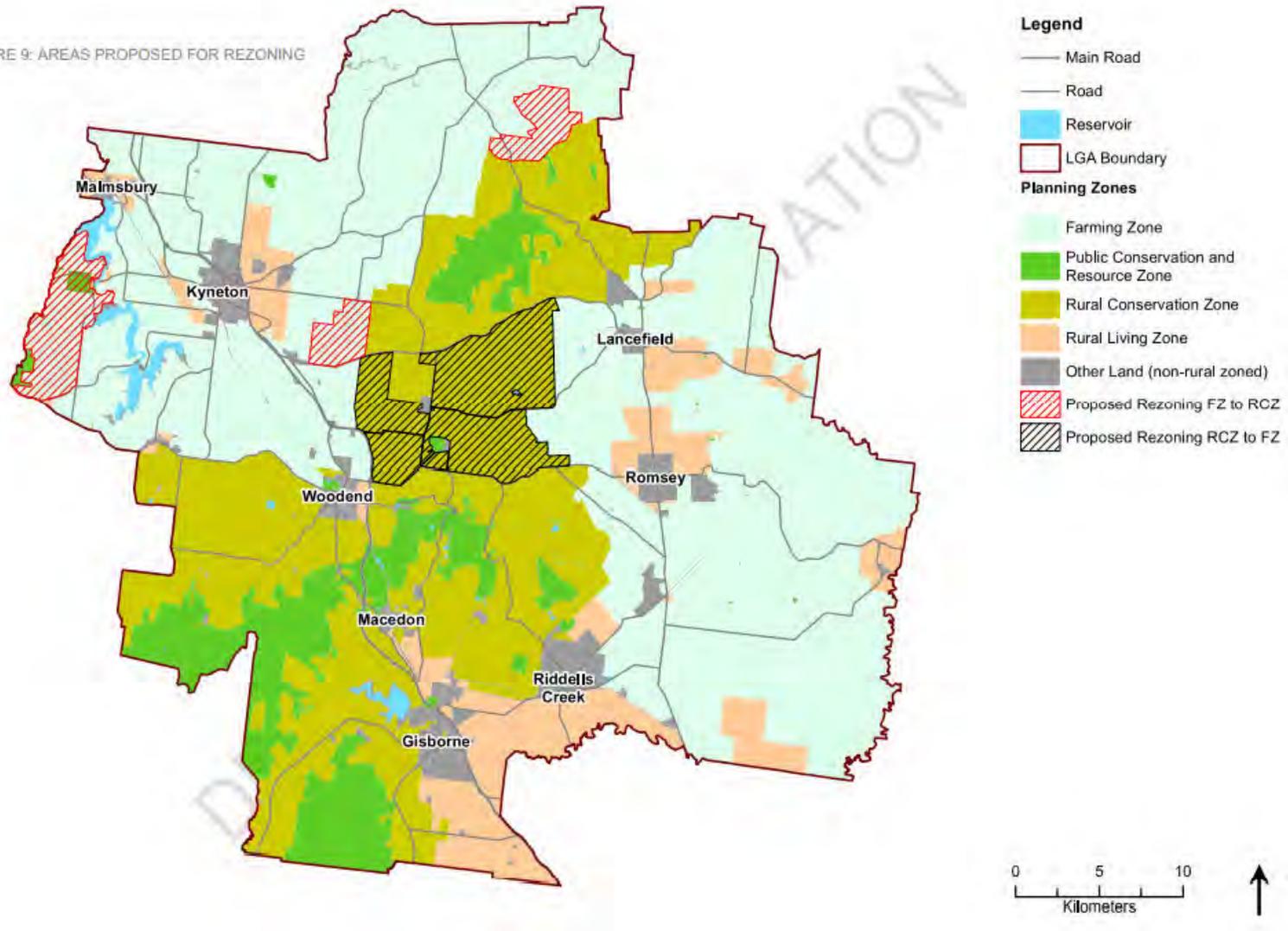
1. GWW is supportive of the objective of enabling agricultural growth opportunities and the increased opportunities this brings for alternative water use (recycled water and stormwater) for agricultural enterprises on rural land in the region. We'd like to discuss opportunities for the area with both council and community consultation to identify fit for purpose water for different agricultural needs.
2. GWW supports the proposed rezoning RCZ to FZ (*page 37 of draft strategy*) to expand agricultural opportunities and increase reuse of recycled water from the Woodend recycled water plant.
3. The Macedon ranges South IWM Plan that was led by MRSC in collaboration with WW, MWC and DELWP has identified the opportunity to supply alternative water for irrigation and farming enterprises to the east of Romsey and Lancefield and expand agricultural productivity. This opportunity could be further expanded upon through the expanded farming zone to the east of Romsey and Lancefield identified in your draft strategy (*please see next page*).

Thank you for the opportunity to comment on the proposed changes to rural land use in the area. Should


 look forward to working closely with MRSC to continue to plan and deliver services to serve the needs of our community, customers and the environment.

Kind regards,

FIGURE 9: AREAS PROPOSED FOR REZONING



From: [REDACTED]
To: [Macedon Ranges Shire Council](#)
Subject: Rural Land Use Strategy
Date: Monday, 4 October 2021 12:14:19 PM

To whom it may concern,

I realise that the date for submissions has past but am requesting that my support of the [REDACTED] submission be registered and I be included in any further Council updates on the proposed Rural Land Use Strategy.

I have read the draft document and that of the [REDACTED] submission and I agree with and support their submission .

The draft is overall disappointing with a seeming focus on tourism and opening up of and exploiting the area for other uses rather than having an emphasis on the protection and conservation of the Shires environment and rural aspect.

This draft lacks alignment with the declared Macedon Ranges Shire Distinctive Area and Landscape legislation. Unlike the Distinctive and Landscape Areas legislation this draft proposal fails to adequately recognise and ensure protection of the Shires environment for future generations.

[REDACTED]

From: [REDACTED]
To: [Macedon Ranges Shire Council](#)
Subject: Submission : Rural Conservation Zone - [REDACTED]
Date: Wednesday, 6 October 2021 5:53:02 PM

Attention: Leanne
 Coordinator Strategic Planning

Dear Leanne,

Further to our recent discussion, I provide the following submission concerning a possible rezoning of an area which includes land where I [REDACTED] currently in a Farm Zone. I understand there are proposals to have the land rezoned as a Rural Conservation Zone.

Background

[REDACTED] upon which there is a house and farm paddocks. My [REDACTED]. My land is also on the [REDACTED] and has some grazing licenses. The property comprises part of my [REDACTED] which in total involve approximately [REDACTED]. On this property I [REDACTED] and I undertake pasture improvement/maintenance and feed hay .

Nearby [REDACTED] or so houses opposite in [REDACTED] (in [REDACTED]) and a subdivision at houses at [REDACTED]. In Macedon Shire there are [REDACTED] a number of houses beyond but not far away.

[REDACTED] from some of the harsh winters and hot summer sun but has mostly open paddocks without vegetation..

I have [REDACTED] who grow vines which grow well in the area . However there are other farmers in the area with [REDACTED]

My [REDACTED] are fenced off from direct access to the [REDACTED] consistent with maintaining water quality.

As I understand it the area is generally subject to a [REDACTED] and has been [REDACTED] previously.

Concerns

The proposed changes to zoning raises a significant long term fire safety hazard. (I do not propose to dwell on the impact which would result from the removal of existing rights and the impact on land values. No doubt those impacts are clear to policy makers . In a free democratic society, as opposed to one controlled by the State, those negative impacts would/should at least be compensated for in some way).

I perceive a substantially increased fire risk from encroaching rural Conservation Zones as the State continues to not appreciate nor manage the annual nature of slow cold burn requirements in forested areas close to human habitation. This risk is made worse by the new flawed regulations concerning recreational use of Crown Water frontages. Farming at least manages under growth ,grass length and weeds.

Recommendation

The area (I understand some 2700 hectares) is said to have high Conservation Value. It has achieved this whilst being zoned for farm use. Leave it zoned as it is. Council already has significant powers in relation to such land use, but farmers should be allowed to farm. With technology, farmers also need to adapt and have the right to change farming methods and ,indeed ,the farm business itself without having to make application to Council at every single turn. Operating a farm business in a Rural Conservation Zone as opposed to a Farm Zone is far more onerous for the farmer when it comes to dealing with change .

Alternatively Council or the State could progressively compulsorily acquire the land it is seeking to turn into a Rural Conservation Zone and extend the forest, allowing landholders who pay rates to farm elsewhere.

Your Sincerely

A solid black rectangular box used to redact the signature of the author.

From: [REDACTED]
To: [Macedon Ranges Shire Council](#); [Strategic Planning](#); [Cr Annette Death](#); [Cr Geoff Neil](#); [Cr Bill West](#); [Cr Dominic Bonanno](#); [Cr Rob Guthrie](#); [Cr Anne Moore](#); [Cr Jennifer Anderson](#); [Cr Janet Pearce](#); [Cr Mark Ridgeway](#)
Subject: Strategic Planning - objection to Proposed planning changes
Date: Thursday, 7 October 2021 7:56:44 PM
Attachments: [REDACTED]
[A1100001.txt](#)

To: Macedon Ranges Shire Council Strategic Planning Committee
Macedon Ranges Shire Councillors

Re proposed planning changes:
right to obtain a planning permit on a 40 hectare block in a farming zone
control the use of different forms of primary production

Please find attached my objection to both these proposals. I am aware the closing date to objections has expired but I request the attached be included, due to unforeseen circumstances.

Thank you to the Councillors who have returned my call over the past couple of days. Apologies, to the poor mobile reception.

[REDACTED]

7th October, 2021

To Macedon Ranges Shire Council
 Attention: Strategic Planning Committee
 Macedon Ranges Shire Council Councillors

I would like to object to:

1. Re: the proposed planning changes to remove the right to obtain a planning permit on a 40 hectare block in a rural farming zone
 - Evidence shows there is no loss of primary production – [REDACTED] years ago [REDACTED] [REDACTED]. At the time 3 lots were general farming land and 1 lot had a trust for Nature Conservation overlay to protect native vegetation which was instigated by [REDACTED]. The [REDACTED] successfully farmed these [REDACTED] acre lots with:
 - grazing beef cattle, tree plantations and beef cattle, egg farmers and beef cattle, and promoting conservation
 - If 40 hectare blocks were to continue, there would be an increased net revenue to the Shire due to the increased improvements to the land including homes, farm buildings, tree shelter belts, conservations farming practices
2. Re: Proposed planning changes in the Shire to try and control the use of different forms of primary production
 - Traditionally most farms have a mix of animal husbandry and cropping to maximise farm income at a satisfactory level. I base this information on my [REDACTED] [REDACTED] of farming and farm budgeting

I question the Council has the expertise to decide what is good for the environment and the farming community. I suggest a true consultative approach which includes obtaining dialogue with dedicated farmers.

I am aware this objection is past the closing date, but request it will be still considered.

I question Macedon Ranges Shire Council notification to the rate payers re the above proposed changes to planning laws, concerning important issues to the farming community. I became aware of the these proposals reading a journalists article in the Weekly Times. In my eyes advertising such proposals on the Shire's web site is insufficient. How do you cater for the cohort who do not manage the internet?

I would invite all Councillors to come to the [REDACTED] area and view the successful [REDACTED] acre farming lots.

I look forward to discussing further

[REDACTED]

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Rural Land Use Strategy
Date: Friday, 1 October 2021 5:18:07 PM
Attachments: [MRSC Letter Proposed Re-zoning 270921.pdf](#)
[ATT00001.txt](#)

Dear Strategic Planning

As discussed by phone last week, we did not hear about the proposed re-zoning of our farm until last week. You advised that we may make a submission. This is attached.

We would appreciate a virtual meeting to discuss.

With Lind regards

[REDACTED]

Macedon Ranges Shire Council
Strategy & Planning
strategicplanning@mrsc.vic.gov.au

30 September 2021

Dear Council

MRSC have released a draft strategy document for land use (Rural Land Use Strategy) dated September 2020. The intention behind the strategy is to better protect the natural environment and waterways by re-zoning farmland to Rural Conservation.

We are responding to those sections of the report that address land in [REDACTED] as we own a [REDACTED]. We note that the proposed changes in the [REDACTED] area are unnecessary, counterproductive and will not achieve the intended strategy.

Why we are objecting

Rural Conservation land may not be farmed without a permit and only two animals may be kept. We cannot build sheds or install rainwater tanks without approval and any change of use must be approved by council. It is the restriction of our rights that is objectionable and completely unnecessary. Why should we need a permit to install a rainwater tank? Ongoing rights for farming activities are very fragile; a two-year hiatus which may be due to illness or any number of factors leads to loss of farming rights. A new permit is required to re-instate, and this is far from guaranteed. Freehold property is a right not a passing concession. Council's proposal removes this right.

New landowners in [REDACTED] purchased freehold farming land with the expectation that they might plant a vineyard or keep a small number of goats, sheep or dogs. Others recently moved to this location to provide a home for their rescued farm animals. These things are rights that come with ownership, not a transient concession which might be taken away by a city-based planner. The price we and all other landowners paid for our land reflects that right.

Council does not seem to understand the significance of what is being proposed. It is the forced imposition of a lesser understood land title. It appears that existing farming activities can be preserved subject to continuous use tests over 2 years. But this is far from clear. We will have to become bush lawyers carrying around State Planning Codes and little-known regulations to understand what we may and may not do on our farms. And these regulations are made and changed regularly; how will we stay up to date? It is a bureaucratic nightmare.

Like us, prospective buyers will not understand the implications of the zoning and this will surely have consequences for land values and the amount that can be borrowed.

Impact on [REDACTED]

The paper ignores the fact that agriculture occurs in the [REDACTED] area. Our business, [REDACTED] is ignored, as is [REDACTED]. Our neighbours have cattle, sheep, goats and pigs but these too are ignored. The proposed re-zoning for [REDACTED] does not fairly balance the different land uses of the area.

The intended strategy in [REDACTED] is to protect the water supply by preventing livestock in the area. However, there is very little livestock on the east side of the [REDACTED]. There are cattle properties on the west side, on land we note is designated farming zone. A rezoning to Conservation is therefore futile, especially when it is considered that even within the Macedon Ranges proposal, none of the farms on the east side of the [REDACTED] are recommended for re-zoning to Conservation. So why single out a relatively small area of land when most of the land fronting the [REDACTED], [REDACTED] retains Farming zoning, as does land abutting the [REDACTED]. The proposal does nothing to protect the waterways but arbitrarily penalises a small group of landowners in the [REDACTED] area.

We support enhancement of the [REDACTED] corridor for wildlife, however it is hard to see how re-zoning would facilitate this outcome. There is already a riparian corridor on either side of the creek. Removal of willows from the creek by the Catchment Management Authority has been conducted over the last decade and extensive native plantings have helped return the creek to much greater flow.

Many residents of [REDACTED] are actively engaged in a phascogale conservation program. It is fundamentally incorrect and wrong to suggest that we, the CMA and Council cannot protect the land for all its values without changing the zoning.

Process

The strategy has caught many land-owners by surprise. Council claims that consultation occurred with the community yet it took place during the pandemic when most of Victoria was in lock-down. Council will also be aware that Australia Post do not deliver to many of the affected properties. [REDACTED] post office boxes have been inaccessible during most of this period. This has affected many [REDACTED] based property owners.

Council claims to have conducted consultation with the community. Yet none of the landowners in [REDACTED] that we spoke to were aware of the proposal until last week when the ABC ran the story. Consultation with the wider community affected by these changes reveals we are far from unique in this situation. Council has grievously failed to consult beyond window-dressing claims.

Alternatives to Conservation Zoning

The strategy paper appears to present rezoning as a foregone conclusion. No alternatives or options to the re-zoning are discussed in the paper. If the intention is to better protect the environment, why did council not seek or offer alternative approaches to the blunt instrument of re-zoning? There are many such options available from native tree-plantings, a phased replacement of septic tanks to on-site treatment plants, forced removal of gorse from private land, additional stream-side buffers and creation of native animal habitat on private land to name a few. Overlays could also have been suggested for [REDACTED]

The report recommends rezoning land within the Cobaw Biolink from Conservation to Farming accompanied by the introduction of an Environmental Significance Overlay. Why was this option not considered for [REDACTED] i.e. retention of the existing Farm zoning with an overlay? If not, why not?

Six zones are available for Councils to apply to farming areas: Farming Zone, Rural Activity Zone, Rural Conservation Zone, Green Wedge Zone, Green Wedge A Zone and Rural Living Zone. The paper did not consider *Rural Activity Zone* for [REDACTED]. It is noted that this zone permits agriculture and allows owners to have up to 5 domestic animals. It is consistent with land use in the area.

The [REDACTED] area should have been assessed for its suitability for:

- (a) *Farming Zone*,
- (b) *Farming Zone* with an Overlay, as was considered for Cobaw,
- (c) *Rural Activity Zone*, and
- (d) *Conservation*.

No such analysis was undertaken, leading to a flawed recommendation.

We further note there is land within the Cobaw Biolink that is predominantly cleared, being used for livestock grazing and held in larger properties. A suite of overlays ensures that new development is consistent with protection of native vegetation and water supply catchments. The strategy recommends this land be rezoned from Rural Conservation to Farming. The report goes on to say rezoning should be accompanied by introduction of an Environmental Significance Overlay to protect the environment.

If this approach is good enough for the Cobaw land, why is it also not appropriate for [REDACTED]? Why has the author skipped the option of overlays as well as Rural Activity Zoning and leapt to Conservation Zone? It does not reflect the current uses of the land as it completely fails to recognise farming activities in the area.

Conclusion

We accept the need to protect the waterways and Biolink wildlife corridor. Indeed this is already occurring and better management of tree plantings by the CMA over the last decade is having a positive impact on the [REDACTED]. However the recommendation is inconsistent with the mix-use of the land in Lauriston, fails to recognise conservation initiatives have already achieved improvements and fails to recognise the concerted conservation efforts of private landholders, in particular in the area North of the [REDACTED] - [REDACTED]. The recommendation to re-zone is heavy-handed, coercive and unnecessary.

No overlay options were considered for [REDACTED] as they were for other parts of the shire. No alternative zones were considered.

This consultation process is completely botched, lacking procedural fairness. We were not consulted. In designing communications, no account was taken of the restrictions imposed by the pandemic.

[REDACTED]

We oppose the strategy in every respect. We do not want any of our rights to be curtailed. We do not want to be forced to seek Council approval for activities that are currently a right attaching to our title.

We submit that the report is inaccurate in respect of the [REDACTED] and request the area be removed from further consideration for re-zoning. We and other landowners in [REDACTED] [REDACTED] would appreciate the opportunity to meet with Council to discuss.

Yours sincerely

[REDACTED]

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Rezoning Objection - [REDACTED]
Date: Thursday, 30 September 2021 2:19:01 PM
Attachments: [Rezoning Objection - \[REDACTED\]](#)

To the Macedon Ranges Shire Council,

We are writing to you as we recently discovered an article in The Age newspaper which led us to find out that our property, located at [REDACTED] will be rezoned.

It is currently categorized as Farming and we understand that the intent of the Macedon Ranges

council is to change it to a Rural Conservation Zone.

We are responding to those sections of the draft strategy document for land use (Rural Land Use

Strategy) dated September 2020 that addresses land in [REDACTED]

Please find attached our formal objection to the proposed rezoning.

Please let me know if you require any further information.

Kind regards,

[REDACTED]

Rezoning Objection – [REDACTED]

To the Macedon Ranges Shire Council,

We are writing to you as we recently discovered an article in The Age newspaper which led us to find out that our property, located at [REDACTED] will be rezoned.

It is currently categorized as Farming and we understand that the intent of the Macedon Ranges council is to change it to Rural Conservation Zone.

We are responding to those sections of the draft strategy document for land use (Rural Land Use Strategy) dated September 2020 that addresses land in Lauriston.

We were not informed or consulted regarding this proposed impact on our land by the council.

We talked to our neighbours on [REDACTED], some who have small farms and we believe that the change in zoning is unnecessary and that it will discourage our efforts to care for the land and the local wildlife by imposing unnecessary draconic restrictions.

We find that this decision will be damaging to both the local environment and the community along the [REDACTED], for the reasons listed below.

Actions we have undertaken to help with land rehabilitation and conservation:

- We moved into this property [REDACTED] years ago and since then we invested over \$30,000 in rehabilitating the land and fighting the Gorse infestation. Gorse, which is a noxious weed very difficult to eradicate, is an enormous problem for most properties along Portwines Rd.
- We have also taken an active role in controlling the rabbit and fox population that was living in the jungle created by the Gorse weeds.
- Have worked with the council to encourage local wildlife to thrive including Phascogales, which now have purposely built nesting boxes on the property.

As a result of our efforts, native animals have returned to our property, with kangaroos and wallabies now having grass to graze on instead of Gorse for example.

Actions we have undertaken to aid bushfire prevention:

- Our property is situated on rocky soil, which means that many gum trees fall every year as the roots are quite shallow.
- In the past 6 months alone, we had over 30 trees being uprooted by storms.
- Without the continuous clearing of these fallen trees and their branches, our property will become a tinder box which would easily ignite during the bushfire season, placing our lives and those of our community at risk.

It is not only a material risk to property, but to the native wildlife as well which would be destroyed in a bushfire, as we have seen in the recent fires that ravaged our country.

Most of these efforts will be forced to stop under the new Rural Conservation Zone rules.

Rezoning Objection – [REDACTED]

Economic impact:

In the immediate future, our family was planning start building a small eco-farm with:

- A small boutique vineyard – in the area which is already clear from native vegetation
- A small number of animals which enable us to create boutique goods with produce from the land

Sadly, with the council changing the zoning from Farming to RCZ, this no longer seems possible.

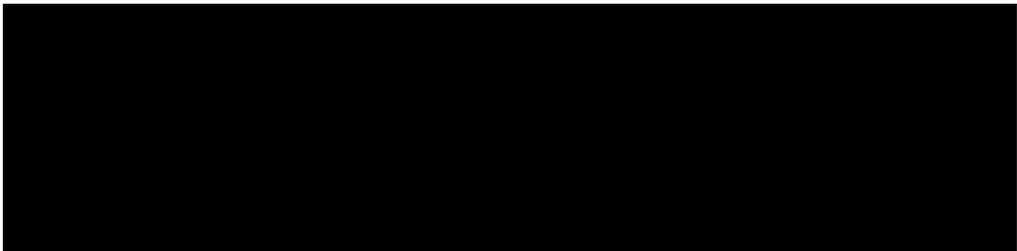
It is unclear to us why the MRSC would try to block such initiatives which allow both native wildlife as well as a small-scale business to coexist.

Lifestyle impact:

We purchased this land to be able to pursue the farming lifestyle. The price we paid for the property reflects the entitlements and rights that come with the Farming zoning. The proposed rezoning to RCZ takes these rights and entitlements away from us.

I hope that you will consider this plea and reconsider the decision to rezone the area along [REDACTED]

Thank you in advance.



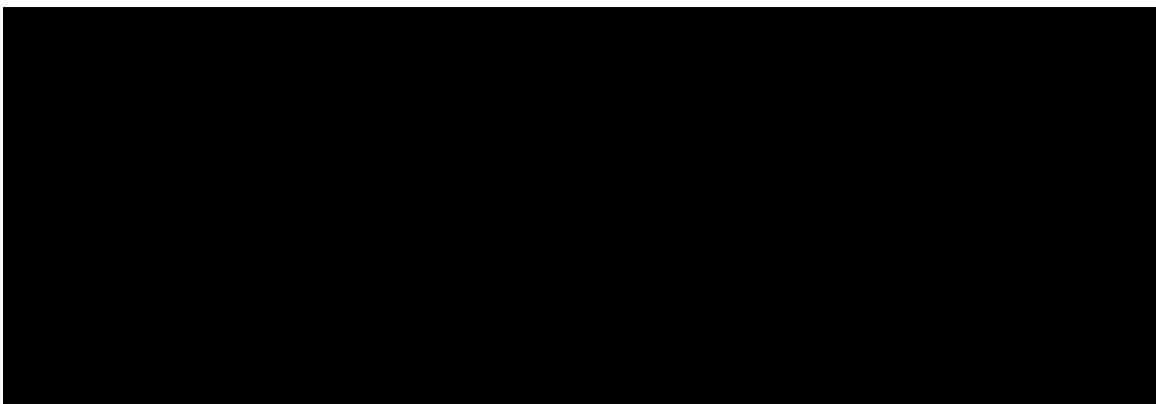
From: [Planning](#)
To: g.strategicplanningunit
Subject: FW: SP-21-00005 - MACR - DRAFT RURAL LAND USE STRATEGY (RLUS) - Response - 11-10-2021 (A4156331).docx
Date: Tuesday, 12 October 2021 1:54:22 PM
Attachments: [SP-21-00005 - MACR - DRAFT RURAL LAND USE STRATEGY \(RLUS\) - Response - 11-10-2021 \(A4156331\).docx](#)
[image002.jpg](#)

Hi Everyone,

Please find attached GMW's response to Rural Land Use Strategy.

Thanks,

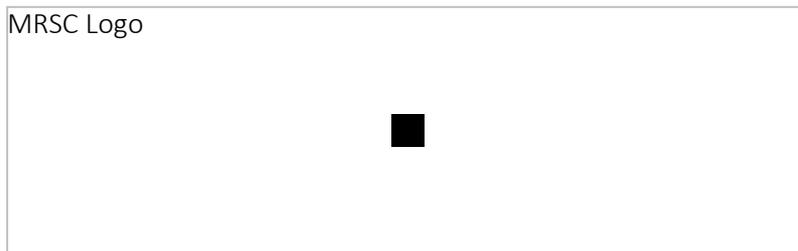




Macedon Ranges Shire Council acknowledges the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, present and emerging.

Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.

MRSC Logo

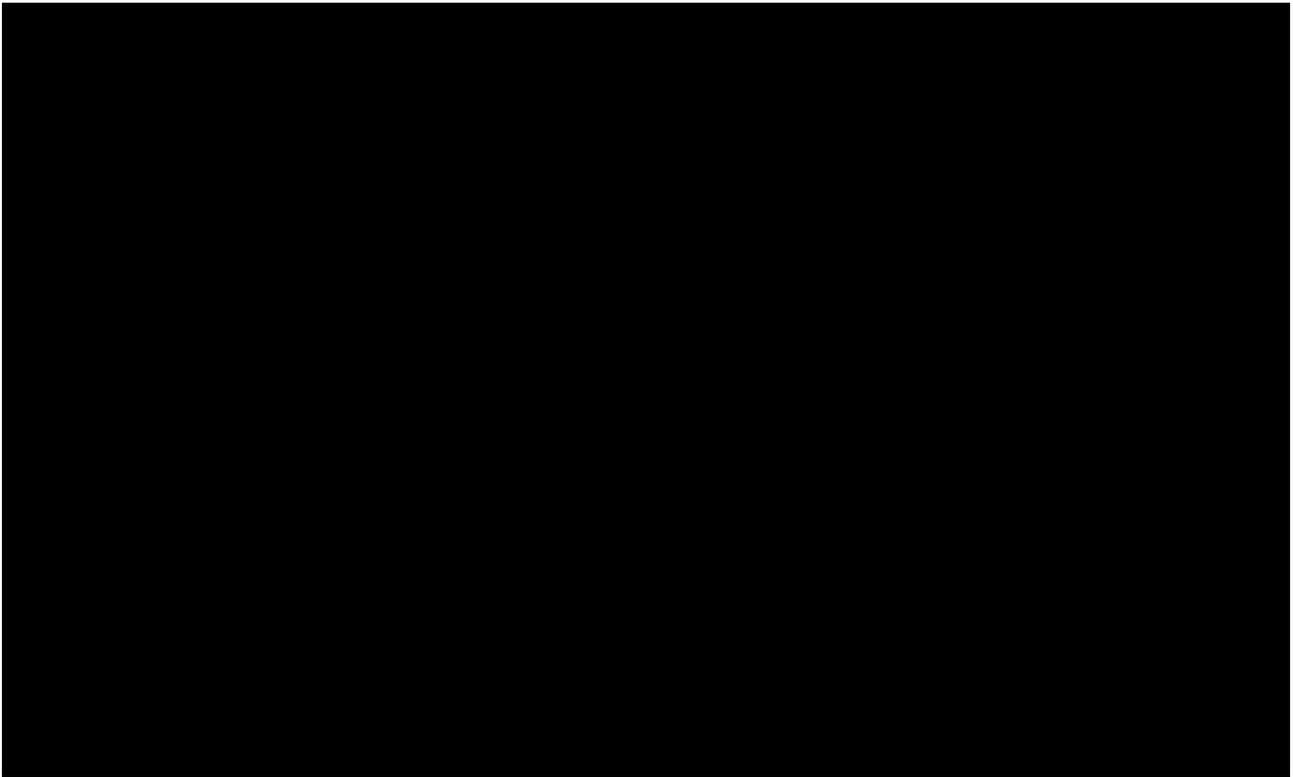


From: 
Sent: Monday, 11 October 2021 11:36 AM
To: Planning <planning@mrsc.vic.gov.au>
Subject: SP-21-00005 - MACR - DRAFT RURAL LAND USE STRATEGY (RLUS) - Response - 11-10-2021 (A4156331).docx

Good morning

I refer to the above application and attach GMW's response for your information.

Kind regards



GMW Ref: SP-21-00005
Doc ID: A4156331

Macedon Ranges Shire Council
Planning Department
planning@mrsc.vic.gov.au

11 October 2021

Dear Sir and/or Madam,

Strategic Planning - Macedon Ranges Shire Council - Draft Rural Land Use Strategy (RLUS)

Application No: MACR- Draft Rural Land Use Strategy
Applicant: Macedon Ranges Shire Council
 Planning Department

Thank you for your letter and information received 20 July 2021 in relation to the above matter.

Goulburn-Murray Water's (GMW) areas of interest are surface water and groundwater quality, use and disposal. GMW requires that development proposals do not impact detrimentally on GMW's infrastructure and the flow and quality of surface water and groundwater. Applicants must ensure that any required water supplies are available from an approved source.

Based on the information provided, GMW has no objection to draft Rural Land Use Strategy.

If you require further information please e-

[REDACTED]

[REDACTED]

Yours sincerely

[REDACTED]

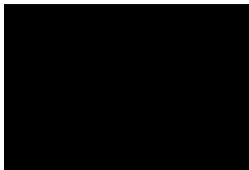
From: [REDACTED]
To: [Leanne Khan](#); [Strategic Planning](#); [Macedon Ranges Shire Council](#); [Rob Ball](#); [REDACTED]
Subject: Rural Land Use Strategy Submission
Date: Thursday, 14 October 2021 10:04:43 AM
Attachments: [Signed Submission RLUS - Oct 2021.pdf](#)

Dear Leanne and Rob,

As discussed, please find attached submission on behalf of [REDACTED] [REDACTED] in regards to the Draft Rural Land Use Strategy.

In you have any question please feel free to contact me.

Kind regards





8 October 2021

Macedon Ranges Shire Council
Rob Ball
Manager Strategic Planning & Environment
PO Box 151
Kyneton 3444

Via Email: strategicplanning@mrsc.vic.gov.au
mrsc@mrsc.vic.gov.au
rball@mrsc.vic.gov.au

Re: Draft Rural Land Use Strategy

Address of land: [Redacted]

Dear Rob,

Please find the following submission responding to Macedon Ranges Shire Council's (Council's) Draft Rural Land Use Strategy, September 2020 (the Strategy).

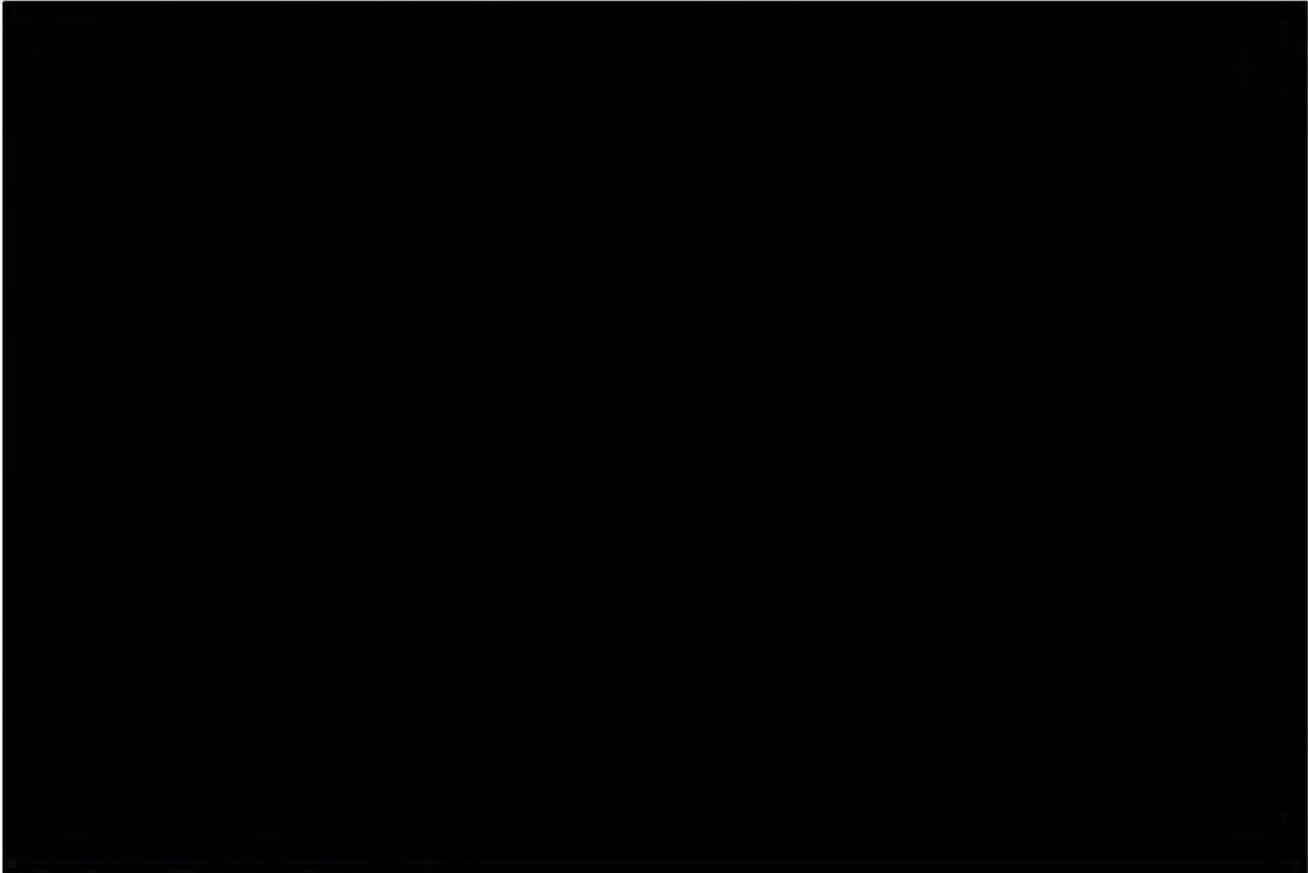
The following submission to the Strategy is made on behalf of [Redacted] in relation to land at [Redacted]. [Redacted] represents the interested parties of [Redacted] and [Redacted] in relation to land at [Redacted] (Subject land) who have an Agreement in place (with the current owners of the land, [Redacted] over [Redacted] (as described on Figure 1). The submission is made independently of [Redacted] and their interests and views relating to the broader landholding [Redacted].



[Redacted] is an innovative Melbourne based developer and manager, specialising in landmark residential and retail property. Our contemporary approach delivers better places today, for thriving communities tomorrow.

Led by founders [Redacted] is proudly built on three core values – Integrity, Commitment and Quality – that help us create future communities for residents who are proud to call them home.

With over [Redacted] we are forging a reputation on our unique ability to integrate residential and retail land uses.



Draft Rural Land Use Strategy

The Strategy States:

This draft Rural Land Use Strategy updates the rural framework plan and policy directions for rural land having regard to the changing nature of rural land use, the strategic and policy context and the unique circumstances associated with Macedon Ranges Shire's peri-urban location.

The Strategy also outlines that its *study area incorporates all private rural land within the Farming Zone and the Rural Conservation Zone in the Macedon Shire.*

The Strategy considers many land-use aspects relating to typical land uses conducted in rural areas highlighting both the land use pressures of a peri-urban region directly abutting Metropolitan Melbourne and the key visions and principles to protect the valued qualities of the area.

The Strategy's overarching principles and policy directions include:

- Housing, rural living and employment will be accommodated in established towns within clearly defined settlement boundaries and non-urban breaks will be maintained between settlements.
- Support and encourage agricultural land uses that strengthen the economy and contribute to the rural landscape.
- Provide for a diverse and sustainable visitor economy compatible with the natural and cultural values of the area.
- Respond to the challenges and threats of climate change and natural hazards with careful planning and mitigation strategies.
- The highest priority in decision making is given to significant landscapes, biodiversity, the environment and water catchments and protecting life and property from bushfire.

This submission strongly supports the overarching principals and policy directions outlined by the Strategy and is supportive of Councils decision to update the previous 2002 Rural Land Strategy.

This submission raises two key matters of concern for further Council consideration and response being:

- In preparing new key strategic policy (the Strategy), which will work in conjunction with other strategic policy documents and, importantly, the Macedon Ranges Planning Scheme, the Strategy must be consistent with the policy direction set out in the Planning Scheme; and
- That the Rural Land Use Strategy must also correctly reflect the current analysis and findings specifically relating to the land capability analysis of rural land.

It is submitted that the Strategy is inconsistent with particular land use directions stated within the Planning Scheme in relation to the future strategy planning work direction for land at [REDACTED] and does not correctly reflect the current land capability assessment of the Farming Zoned land at [REDACTED]

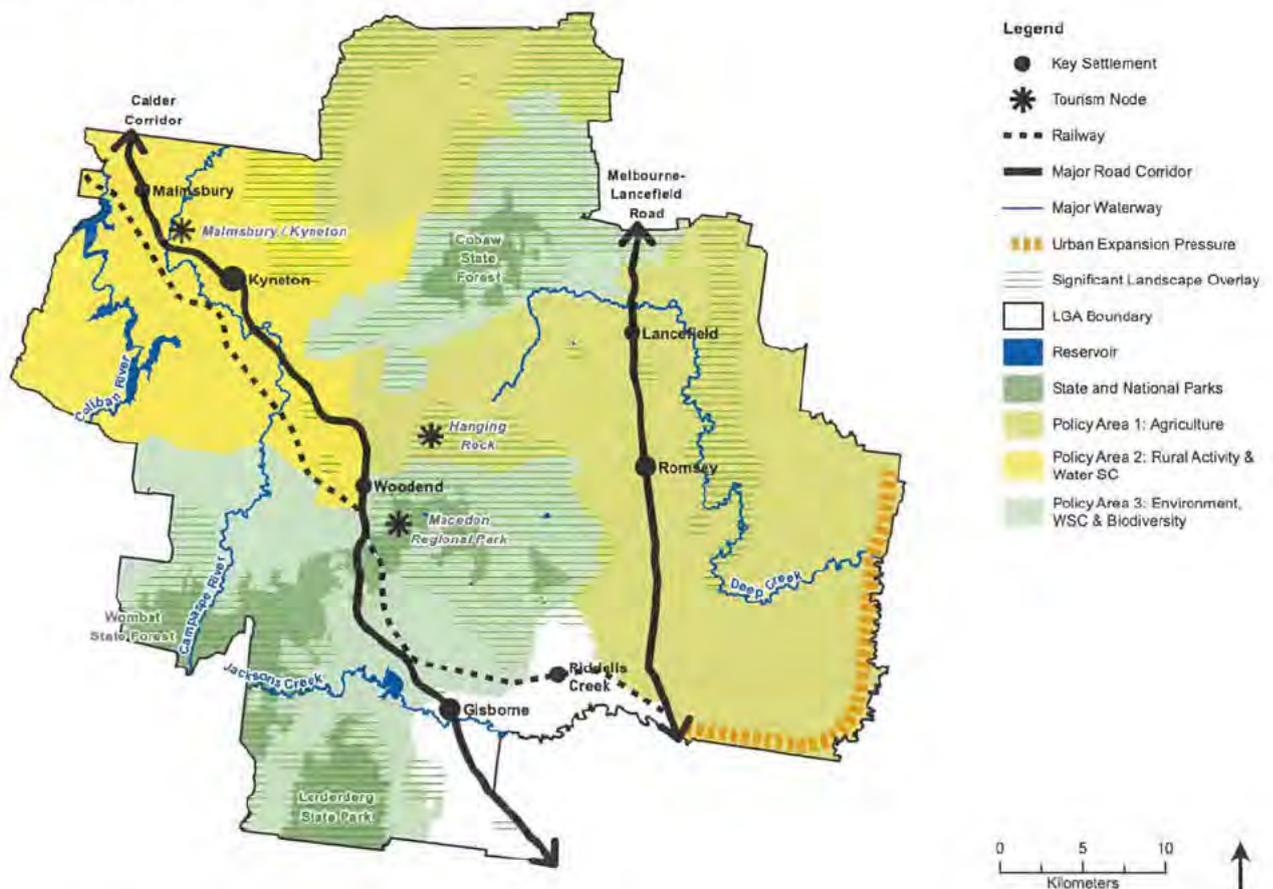
The following submission responds to these issues in detail.

Productive Agricultural Land

The subject land is located within the Farming Zone of the Macedon Ranges Planning Scheme and is designated as land within Policy Area 1: Agriculture of the Rural Framework Plan of the Strategy as detailed in Figure 2. The strategic objective of the Policy Areas 1: Agriculture is to:

Support and promote agriculture and protect productive agricultural land

Figure 2: Rural Framework Plan



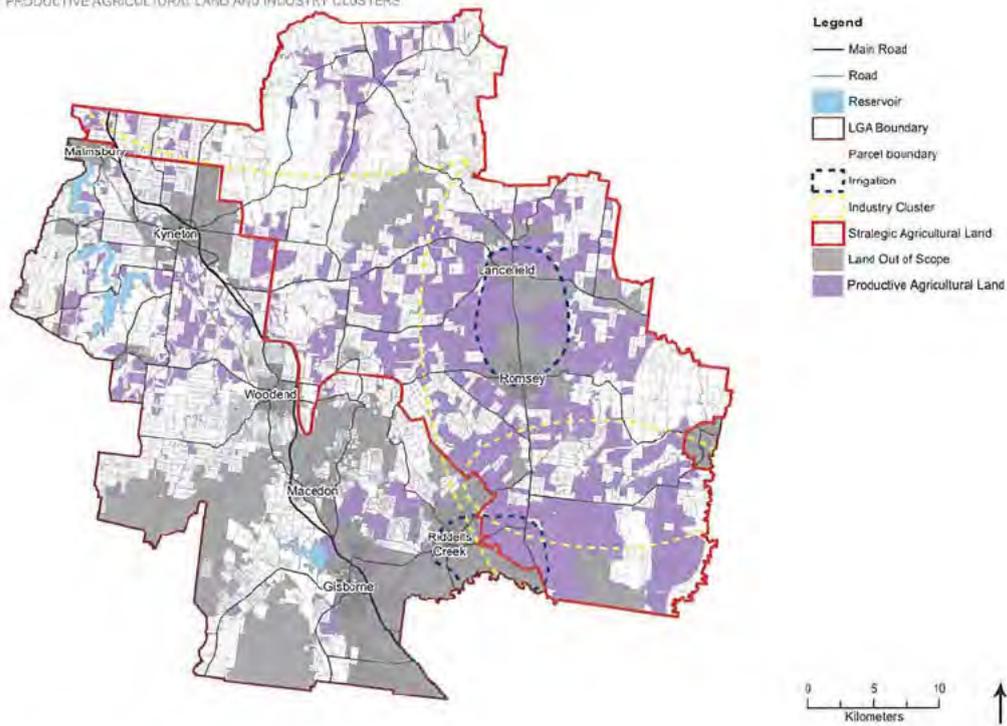
Source: Figure 5 Draft Rural Land Use Strategy

Further to the Rural Framework Plan the Strategy designates [redacted] and land for Irrigation within the Productive Agricultural Land and Industry Clusters articulated in Figure 7.

The Strategy further designates the subject land as *Farming Zone Strategic Agricultural Land* in Figure 8 of the Strategy.

Figure 3: Productive Agricultural Land and Industry Clusters

FIGURE 7: PRODUCTIVE AGRICULTURAL LAND AND INDUSTRY CLUSTERS



Source: Figure 7 Draft Rural Land Use Strategy

Land Capability of Subject land

██████████ commissioned the expertise of ██████████ to undertake an investigation of the land capabilities of the landholding including the subject land for the purposes of understanding the land capabilities and its context when considering Department of Environment, Land, Water and Planning (DELWP) study to identify strategic agricultural land in Melbourne's Green Wedge Zone and Peri urban areas.

The study considers the natural feature characteristics of the ██████████ property to determine the land capability, the forms of agricultural use to which is most suited, expected level of production and sustainability of performance. The study also applies the Department of Environment, Land, Water and Planning (DELWP) identified strategic agricultural land in Melbourne Greens Wedge and Peri Urban Areas. The investigation found:

The land capability for the property is estimated to be 3-4 or "Poor" with the main limitations being soil type, presence of rock, restricted arability and drainage. The arable land is significantly more productive to the stony basalts. However, ██████████ land capability deteriorates due to poorer cropping soils and the interspersed stony basalt land that limits paddock capacity, reduces flexibility of use and lowers productivity.

The DELWP land quality assessment would provide a similar result. Their system would class the land as "4" on the basis that "it is not as inherently capable for intensive soil based agriculture. Extensive agriculture including broadacre cropping, more intensive grazing and non-soil utilisation activities are often most appropriate".

Under both assessments the Study Area cannot be considered Strategic Agricultural Land.

The relevant agricultural quality classifications referred to in the report include:

Class 3

Sound grazing land but limited in versatility. Generally unsuited to cropping either because of contour, lack of topsoil depth, or presence of rock. Fertility levels are moderate to low, growing season limited to 8-9 months. With high inputs, high productivity levels may be achieved.

Class 4

Capable of grazing under moderate to low stocking rates where clearing has occurred. Slopes are moderate to steep, with shallow infertile soils which need care in their management. Fertility levels generally low. Erosion hazard high. Forest is often the best and most stable form of land use.

A copy of the report is attached at Appendix A. We share with you our expert's assessment and the view that the land at [REDACTED] is not considered to be Strategic Agricultural Land. This finding is certainly the reality of the declining agricultural yields particularly on land on the periphery of the landholding due to the conflicting urban land uses.

It is clear that the land at [REDACTED] is not strategic agricultural land and as such no formal designation or protection of the land to preserve agricultural land is necessary. APD Projects strongly objects to the subject land designation by the Draft Rural Land Use Strategy as both *Strategic Agricultural Land* and *Productive Agricultural Land*. We submit that the designation should be amended and the boundary of Strategic Agricultural land be relocated east to align with [REDACTED]

It is further submitted that the islandised nature of the subject land directly adjoins:



The direct interfaces of non agricultural land uses bring about significant urban land-use conflicts, which all have a cumulative detrimental impact on the land's ability to support productive agriculture.

Macedon Ranges Planning Scheme

All of the land subject to this submission is located within the Farming Zone (FZ) of the Macedon Ranges Planning Scheme (the Planning Scheme). The subject land directly abuts 26ha of Township Zoned (TZ) land which is the subject of a Development Plan approval process required by the provisions of the Development Plan Overlay 10 (DPO10), which controls the future development of the urban land at Clarkefield. Directly south of the Township Zone is land contained within the Rural Living Zone (RLZ). It is noted that only land located within the Farming Zone is incorporated within the study area of the Strategy, however, the location known as [REDACTED] is located across these three zones of the Planning Scheme.

Strategic Planning Policy

When considering the current land use strategy applicable to the subject land:

- the Planning Policy Framework of the Macedon Ranges Planning Scheme;
- the Macedon Ranges Settlement Strategy (the Settlement Strategy) and
- The Macedon Ranges Statement of Planning Policy (the Statement) all recognise a broader development future at [REDACTED] beyond the TZ land, specifically requiring an urban expansion strategy to provide the strategic planning direction for [REDACTED] long term future.

Macedon Ranges Statement of Planning Policy

The Statement currently designates [REDACTED] as a Locality/ Hamlet within the projected hierarchy of settlements with a note which states:

**Note: The current status of [REDACTED] has been included in the settlement hierarchy to 2036 until such time as the long-term role of [REDACTED] is determined. The Macedon Ranges Planning Scheme seeks to ensure that allowable development does not compromise the long-term potential for a positive urban outcome, and a strategy that urban expansion in [REDACTED] be considered in the future. Such decision-making would need to be carefully considered in terms of the role of [REDACTED] within the settlement hierarchy, including the provision of suitable infrastructure, services and land capability.*

Macedon Ranges Settlement Strategy

In 2011, Council released its Settlement Strategy for the townships of the municipality.

The Strategy:

... identifies the need for an integrated long term plan to manage the growth and development of the Shire.

The Strategy provides the overall direction for urban growth – consistent with environmental constraints, community aspirations and government policy – until 2036.

As part of its 'Town Specific Recommendations' for [REDACTED] the Settlement Strategy noted:

[REDACTED] currently has a very small population but has a range of existing attributes including a hotel, primary school, sport facilities and most notably a railway station.

... Reticulated sewerage is not currently available in [REDACTED] so unless this could be provided, any development in the Township Zone would need to treat wastewater on site. Given the soil type in the area, this could be expected to require lot sizes in the order of 1ha, resulting in approximately 24 dwellings. If reticulated sewer was made available, potentially 240-300 dwellings could be expected accommodating approx. 670-840 people within the existing Township Zone land.

Urban expansion at [REDACTED] beyond that currently provided in the Planning Scheme may be appropriate in the very long term. This would need to be carefully considered in terms of the role of the Settlement, provision of suitable infrastructure and appropriate urban design.

Municipal Strategic Statement (MSS)

Clause 21.13 – Local Areas and Small Settlements, identifies specific objectives and strategies for the Shires settlements based on the hierarchy and network sought in Clause 21.03 – Strategic Framework Plans. [REDACTED]

Objective 1

To ensure allowable development does not compromise the long-term potential for a positive urban outcome at [REDACTED]

Strategies

1.1 Ensure the development of [REDACTED] on existing zoned land provides for a high quality town centre with appropriate retail and community services and a walkable village community.

1.2 Consider urban expansion in [REDACTED] beyond that currently provided in the planning scheme in the future. This would need to be carefully considered in terms of the role of the settlement, provision of suitable infrastructure and appropriate urban design.

The Macedon Ranges Planning Scheme and all current strategic direction in relation to [REDACTED] calls for the further strategic planning consideration of its future expansion as part of further strategic planning investigation.

We are of the view that land currently contained within the Farming Zone surrounding existing urban zoned land should maintain the ability to allow for future township expansion if planned appropriately and where agricultural activities are not compromised. In the case of [REDACTED] both the Macedon Ranges Planning Scheme and the Statement of Planning Policy identify the need for future strategic planning work to determine an urban expansion strategy beyond the current urban zoned land at [REDACTED]. The result of this future strategic work will determine the extent of land currently zoned Farming for rezoning into an urban zone to facilitate an expanded township.

The Strategy must ensure that its land-use direction aligns and maintains consistency with the Macedon Ranges Planning Scheme. It is recommended that the Strategy must recognise that Farming Zone land at [REDACTED] is not of strategic or productive agricultural land and will be the subject of further strategic planning investigation to determine the extent of the townships future urban expansion. Consequently, this land will not continue to locate within the Farming Zone and will be subject to the application of an alternative zone. The Strategy should correct these references and amend the direction within *Figure 9: Areas proposed for Rezoning* by recognising that this land will be subject to further investigation as part of a future urban expansion strategy of [REDACTED].

Furthermore, it is submitted that the current process being undertaken to update the Strategy should take the opportunity to designate the Farming Zone at [REDACTED] for future rezoning to an urban zone reflecting the Planning Schemes direction for urban expansion.

Conclusion

The Draft Rural Use Strategy must ensure that its land use directions for land within the Farming Zone are consistent with its strategic directions for future urban expansion strategies for the township of [REDACTED]. The Strategy must reflect directions of its Planning Scheme and ensure the orderly planning of its rural land.

Furthermore, it is essential that the Strategy correctly designates land in the Macedon Ranges of strategic agricultural importance and ensures that land that is not of strategic agricultural significance is not designated as such. The subject land at [REDACTED] has been the subject of expert study to analyse its agricultural capacity and has found the land could not be considered as strategic agriculture land due to its poor land capability. It is submitted that the Strategy must also correctly reflect the current analysis and findings specifically relating to the land capability analysis of Farming Zone land at [REDACTED].

[REDACTED]

Yours sincerely,

[REDACTED]

From: [REDACTED]
To: [Strategic Planning](#)
Cc: [Bernie O'Sullivan](#); [Cr Jennifer Anderson](#); [REDACTED]
Subject: Draft for Rural Land Use Strategy
Date: Wednesday, 20 October 2021 11:01:11 AM

My address is [REDACTED]

I have been notified by a neighbor that my property and other neighboring properties are proposed to be re zoned from Farming Zone FZ to Rural Conservation Zone RCZ.

I believe that all owners effected by this proposed re zoning should have been notified and consulted in person.

Could you please advise the following:

-Which landowners and property addresses will be effected in the [REDACTED]

-What is the justification for the zoning change and what are the "special environmental characteristics" for this area?

-What do these changes mean to the effected property owners and the permits required for currently normal farming activities?

-What crops ,livestock and farm activities will be banned under the proposed re zoning?

Please respond to these questions specifically and not just general comment.

I believe that these re zoning changes have been proposed by stealth as effected landholders were not consulted in person. Making profits from rural properties is extremely difficult and re zoning should not place further impediments on land owners.

These proposed changes could also effect the value of our properties.

I reject any proposed re zoning.

[REDACTED]

From: [Edwin Irvine](#)
To: [Strategic Planning](#)
Subject: FW: Draft Rural Land Use Strategy
Date: Thursday, 4 November 2021 11:07:49 AM

Can this be registered as being received as a submission on the RLUS

From: [REDACTED]
Sent: Wednesday, 3 November 2021 2:48 PM
To: Edwin Irvine <Elrvine@mrsc.vic.gov.au>
Cc: Bernie O'Sullivan <bosullivan@mrsc.vic.gov.au>; Cr Jennifer Anderson <janderson@mrsc.vic.gov.au>
Subject: Re: Draft Rural Land Use Strategy

CAUTION: This email originated from outside of Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

[REDACTED]

Dear Edwin,

Thanks for your response on the 21st of October 2021 re the Draft Rural Land use Strategy.

In your email you noted that if there was any change from Farming Zone FZ to Rural Conservation Zone RCZ, agriculture will still be permitted. You also noted that currently farmed land would have "existing use rights" under Clause 63 of the Macedon Ranges Planning Scheme.

Could you please advise who approves the existing use rights or is there no need for formal notification?

I use the total area of [REDACTED] for grazing animals (ie horses, cattle, sheep on rotation and not exceeding say [REDACTED] animals) At present grazing [REDACTED] horses for resale. This grazing is done on a pasture rotation basis. I also crop hay. Could you please advise if this farming meets "existing use rights" and i will not be required to get a permit if a change of zoning occurs.

[REDACTED]

----- Original Message -----

From: "Edwin Irvine" <Elrvine@mrsc.vic.gov.au>
To: [REDACTED]
Cc: "Strategic Planning" <strategicplanning@mrsc.vic.gov.au>
Sent: Thursday, 21 Oct, 2021 At 10:26 AM
Subject: Draft Rural Land Use Strategy

Dear [REDACTED]

My name is Edwin Irvine. I am one of the Strategic Planners at Macedon Ranges Shire Council. I am replying to your email of 20 October regarding the draft Rural Land Use Strategy.

From: [REDACTED]
To: [Edwin Irvine](#)
Cc: [Strategic Planning](#); [Bernie O'Sullivan](#); [Cr Jennifer Anderson](#)
Subject: Draft for Rural Land Use Strategy
Date: Monday, 8 November 2021 5:10:28 PM

[REDACTED]

Dear Edwin,

I was notified by my neighbours 2 weeks ago that my above property and neighbouring properties are proposed to be re zoned from Farming Zone FZ to Rural Conservation Zone RCZ. [REDACTED]) and myself we not notified and had to find out about the rezoning through our Neighbours! Information from MRSC was being sent to an [REDACTED]

All affected by this proposed re zoning should have been notified and consulted in person especially when it effects our livelihood.

This property has been in our family for [REDACTED] Purchased unconditionally. During this time the property has been farmed. This farming involving the Primary Industry of raising of cattle and sheep plus growing various crops.

- What is the justification for this rezoning?
- What and how are the changes going to affect my current farming? Income?

With the proposed rezoning of our property from Farming Zone FZ to Rural Conservation Zone RCZ plus the additional implications of the Significant Landscape Overlay could you please advise:-

- Can I continue farming the property by applying "existing use rights" into the future?
- What is the impact of the Significant Landscape overlay on my property?
- What is the impact on my ability to farm into the future under the Significant landscape overlay?
- What are the long term impacts on my property from these changes?

This proposed rezoning with overlay will devalue our property as farming land is a precious commodity and highly sort after in this community.

Macedon Ranges Shire Council Strategic Planning should consult people in person.

We strongly believe that this property should be left a Farming Zone.

We reject any proposed re zoning.

Please reply in writing.

[REDACTED]



From: Leanne Khan
Sent: Wednesday, 10 November 2021 10:49 AM
To: Edwin Irvine; Kimberley Cook
Subject: FW: Draft Rural Land Use [REDACTED]

Can you register as a followup submission

From: [REDACTED]
Sent: Wednesday, 10 November 2021 10:45 AM
To: Leanne Khan <lkhan@mrsc.vic.gov.au>
Cc: Cr Jennifer Anderson <janderson@mrsc.vic.gov.au>; Bernie O'Sullivan <bosullivan@mrsc.vic.gov.au>
Subject: RE: Draft Rural Land Use Strategy - [REDACTED]

CAUTION: This email originated from outside of Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hello Leanne,
 Thanks for your email dated 28 October 2021 regarding my questions on rezoning.

Could you please give me further details on the following:-

1. You note "(existing use rights do expire etc)"
 - Why do this existing use rights expire?
 - When do the existing use rights expire?

2. When you wrote about Significant Landscape Assessment you included an overhead view of my property which was "crudely outlined in blue".
 To me this implied that the whole of my property was effected by the Significant Landscape Assessment. On page 33 of the Macedon Ranges landscape Implementation document a map vaguely details that the effected area of my property is the tree area. Is this correct or is there a reason why you implied the whole of my property will be effected?

Please reply in writing.
 Yours Sincerely

From: Leanne Khan <lkhan@mrsc.vic.gov.au>
Sent: Monday, 18 October 2021 3:01 PM
To: [REDACTED]
Cc: Strategic Planning <strategicplanning@mrsc.vic.gov.au>
Subject: Draft Rural Land Use Strategy - 26 Chases Lane

Hi [REDACTED]
 Nice to talk to you today.

Please find the link to the draft Rural Land Use Strategy for comment. <https://www.mrsc.vic.gov.au/About-Council/News/Have-Your-Say/Have-your-say-on-the-Draft-Rural-Land-Use-Strategy>

As I mentioned the consultation is closed, but that doesn't stop you from making a submission – please send a submission to strategicplanning@mrsc.vic.gov.au. I would suggest you aim to have in a late submission by the end of the year.

The strategic justification for the recommendation contained in the draft Rural Land Use Strategy is derived from the Biodiversity Strategy 2018 and the Biodiversity Assessment conducted as part of the preparation of the draft Rural Land Use Strategy identifying this area as being an important link between the Cobaw Biolink and the Kyneton Woodlands Biolink.

The investigation area has functional connection (patches are less than ten hectares apart) with the Cobaw State Forest. The vegetation within the investigation area may provide a refuge and buffer for flora and fauna that occupy the Cobaw State Forest such as the Powerful Owl and Brush-tailed Phascogale listed as vulnerable under the FFG Act. The conservation status of the Cobaw State Forest was reviewed in 2019 by the Victorian Environmental Assessment Council. That investigation found that the forest provides important habitat for woodland birds and threatened species and recommended a change in conservation status from State Forest to Conservation Park.

The key findings of the Biodiversity Assessment relevant to this area are as follows: -

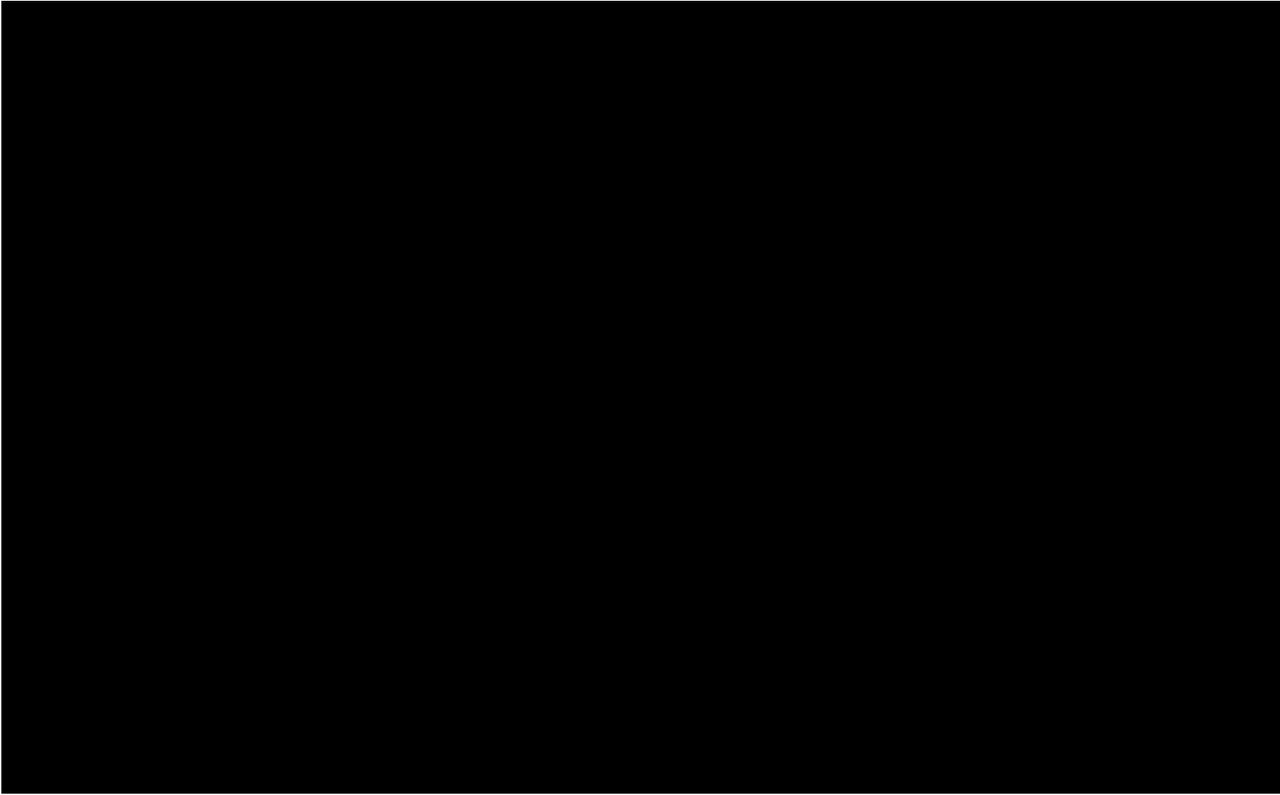
- EVCs found within the investigation area have conservation status of either Endangered or Vulnerable. EVCs in the surrounding area, range in conservation status from Vulnerable to Endangered.
- There are no recorded sightings of threatened species of flora and fauna on private land in the investigation areas though sightings have occurred on surrounding land.
- Limited opportunity for further dwelling development.
- Livestock grazing is the predominant land use
- The investigation area is located within the Cobaw Biolink.
- The scale and proximity of the remnant native vegetation patches and proximity of reserves presents opportunity to achieve significant gains in ecological connectivity to the Cobaw State Forest and Kyneton Woodlands Biolink.
- Land to the east of the investigation area is zoned Rural Conservation for the purpose of creating a biolink between the Macedon and Cobaw Ranges. Land within the investigation area has similar attributes with regard extent of vegetation coverage and would seem to provide a logical extension to the existing Rural Conservation Zone.

As we discussed Existing use rights do apply to your operation, but are limitations to this (existing use rights do expire etc..) I am happy to clarify further about what existing use rights might look like for your property.

In addition we discussed the Significant Landscape Assessment which was largely done in 2018/2019. This can be found here <https://www.mrsc.vic.gov.au/Build-Plan/Planning-For-Our-Future/Shire-wide-Projects/Landscape-Assessment-Study#section-2>

This does recommend the Significant Overlay be applied to your land – as part of the Cobaw Ranges Landscape. I have provided a screenshot for you below (your property crudely outlined in blue)

This project is a little further on with documentation coming to you in the new year for a rezoning.



The postcard we sent you did go to the [REDACTED] [REDACTED] email address.

I realise there is a lot of information to take in here. Please give me a call to discuss anytime.

Kindest Regards

Leanne

Leanne Khan

Coordinator Strategic Planning

Strategic Planning & Environment Department

Macedon Ranges Shire Council

T 03 5421 9672 | E lkhan@mrsc.vic.gov.au | W: www.mrsc.vic.gov.au

Working Together | Honesty | Accountability | Innovation | Respect

Macedon Ranges Shire Council acknowledges the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, present and emerging.

Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.



RECEIVED
08 NOV 2021

Dear Sir/
Madam.

I Do Not

WANT

HOUSE

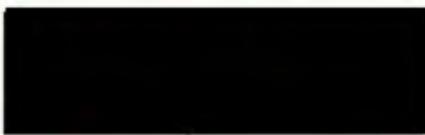
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I LOVE The

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From The City

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Its great
to live on
1 acre on

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Country
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NO HOUSE
BLOCKS.

Thank
you

RECEIVED
08 NOV 2021



Macedon Ranges
Shire Council

P.O. Box 151

Kyneton VIC 16/10/2021

3444



From: [REDACTED]
 To: [Macedon Ranges Shire Council; Strategic Planning](#)
 Subject: Macedon Ranges Rural Land Use Strategy Objection: [REDACTED]
 Date: Thursday, 2 December 2021 8:20:21 AM
 Attachments: [46-Strategic-Assessment-Guidelines_May-2017 \(1\).pdf](#)

Macedon Ranges Shire Council
 Planning Scheme Amendments Department
 PO Box 151, Kyneton VIC 3444

BY EMAIL to: mrsc@mrsc.vic.gov.au and strategicplanning@mrsc.vic.gov.au

Re Objections to the Macedon Ranges Rural Land Use Strategy – Draft for Consultation – September 2020 ('the Draft for consultation')

Dear Sir/Madam,

I am the [REDACTED] ('My Property') which is directly affected by the Draft for consultation.

I note that my Property is over [REDACTED] public land. [REDACTED] my Property is cleared and arable farmland. Only a small amount of native tree cover borders the northern boundary, with two small patches of native trees elsewhere on property. (Much of this has been destroyed in the June 2021 storm). My family has been farming for three generations in the [REDACTED] and our move to Macedon ranges was a strategic one to guarantee high rainfall and feed for the livestock arm of the primary production business.

I wish to make clear to Macedon Ranges Shire Council that I object to the proposal of rezoning of my Property from Farming Zone to Rural Conservation Zone ('the Proposed Rezoning') on the following grounds:

1. The Proposed Rezoning is inconsistency with the Biodiversity Assessment June 2019

As indicated on Page 34 of the Draft for consultation, the recommendation to rezone the my Property from Farming Zone to Rural Conservation Zone is based on a RMCG (2019) Biodiversity assessment ('the Biodiversity Assessment June 2019') which "identified three areas with significant biodiversity values that warranted rezoning from Farming Zone to Rural Conservation Zone (Figure 9)". Copy of this Biodiversity Assessment June 2019 is attached to this letter for your convenience.

1.1. My property is part of the [REDACTED] of the investigation on Pages [REDACTED] Biodiversity Assessment June 2019. The conclusions of the [REDACTED] investigation note that :

- "There are no recorded sitting's of threatened species of flora and fauna on private land in the investigation area"
- "Grazing is managed across of the area with ground cover maintained at appropriate stocking rates"
- "Land as generally well managed with evidence of weed control."
- "The following overlays apply to the land: Environmental Significance overlay (Eppalock Proclaimed Catchment Schedule 4), Bushfire Management Overlay and Land subject to Inundation Overlay."

1.2. It is obvious from the reading of the key Finding on Page 7 of the Biodiversity Assessment June 2019, that my Property is only considered to have "significant biodiversity values" because the land to the east of the investigation area is zoned Rural Conservation and the rezoning would "provide a logical

Strategic Assessment Guidelines

for preparing and evaluating planning scheme amendments

Planning Practice Note 46

MAY 2017

Minister's Direction No. 11 Strategic Assessment of Amendments requires a planning authority to evaluate and discuss how an amendment addresses a number of strategic considerations. What should be considered as part of the direction is explained in this practice note.

The Strategic Assessment Guidelines provide a consistent framework for preparing and evaluating a proposed planning scheme amendment and its outcomes.

Under the Minister's Direction, not all amendments require an assessment against the strategic considerations. This practice note also outlines how some minor amendments only require a brief assessment against the strategic considerations.

Amendments that do require assessment should use the *Strategic Assessment Guidelines* in all stages of the amendment process and be evaluated against the strategic considerations.

Do I need to respond to every consideration?

A response against each strategic consideration is not always necessary.

If any of the strategic considerations are not relevant to your amendment, you should provide a brief reason why.

How do I decide how much justification is needed against each consideration?

The level of justification needed for each consideration and the amendment overall should be proportional to the impact the amendment will have. Minor amendments are not equated to provide a detailed analysis against the guidelines and generally not equated to be supported by detailed strategic studies.

Which practice notes should be considered in preparing and assessing an amendment?

Some planning issues outlined in the *Victoria Planning Provisions* (VPP) tools have specific planning practice notes that provide guidance. All relevant planning practice notes should be considered in association with the *Strategic Assessment Guidelines* when preparing an amendment to ensure consistency and best practice.

The *Strategic Assessment Guidelines checklist on page 6* is a handy tool that can be used as a guide when preparing an assessment of an amendment.

Amendments that do not require an assessment against the strategic considerations

Minister's Direction No. 11 does not apply to classes of amendment prescribed in regulation 9A of the Planning and Environment Regulations 2015. This exemption applies regardless of whether the amendment is prepared under section 20A or another provision of the *Planning and Environment Act 1987* (the Act).

Although an assessment against these guidelines is not required, a planning authority must still have regard to the requirements of section 12 of the Act.



Amendments that *only* require a brief assessment against the strategic considerations

Types of amendments that may be suitable for a brief assessment include:

- changes in schedules that reduce permit requirements
- minor changes that involve a small number of lots or a minor ordinance change which is consistent with state and local policy
- applying a land management overlay where the easement basis for its application, for example, the application of a Floodway Management Overlay where information is available to show that the land is subject to flooding
- rezoning of land to reflect its current use or ownership, for example, the rezoning of land into Public Park and Recreation Zone when the land has been acquired by local government or the rezoning of land from the Comprehensive Development Zone to an appropriate standard zone once the development is completed

The strategic assessment should be straightforward and brief and only considerations that are relevant need address.

Amendments that *do* require a full assessment against the strategic considerations

A full assessment against the strategic considerations should be made for amendments that include:

- major changes in policy
- introduction or extension of a zone or overlay that would produce a different or new and use or development outcome
- major changes to the ordinance or mapping that involve a large number of lots

Planning authorities can contact the relevant State Government regional planning office for assistance when determining the level of justification required to support the amendment and which strategic considerations need address.

The strategic considerations

The questions under each strategic consideration are prompts to assist the response to the strategic considerations. It may not be necessary to respond to all the questions under each strategic consideration.

The checklist included in this practice note can be used to assist the preparation and assessment of an amendment.

1. Why is an amendment required?

- What does the amendment intend to do and what is the desired outcome?
- How does it intend to do it?
- Is it supported by any state or local study or report?
- Is the planning scheme the most appropriate means of controlling the issue or achieving the desired outcome, or can another existing regulatory or administrative process deal with the issue? For example, can the matter be dealt with by a local law or other non-statutory tool (such as pre-application meetings, community education, information sheets and council newsletters)?

Guidance to planning scheme users such as how to make an application for a residential development or best practice urban design guidelines should be non-statutory documents rather than a planning scheme control.

- Will the planning policy provisions on to be introduced result in a good planning outcome?
- Will the amendment have a net community benefit?
- Will the community benefit outweigh the cost of the new requirements?
- Does the amendment repeat provisions already in the scheme? If so, what additional value will the amendment provide?
- Is the matter already dealt with under other regulations such as the Building Regulations? For example, the energy rating requirement for residential dwellings.



The types of environmental, social and economic issues that need to be considered are dependant on the nature and scope of the amendment issues may include

- the key effect on air, and water quality of the area
- potential impact on buffers and thresholds, and the key effect on community amenity
- the key effect on the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity)
- the key effect on sites with significant historic, architectural, aesthetic, scientific and cultural values
- the key effect on natural resources including energy, water, and flora and fauna
- the key effect on the economic well-being of the community
- potential changes to the economic and social fabric of the existing community
- the vitality and viability of existing agricultural, industry, tourism and commercial activities surrounding areas
- the key effect on future public and private sector investment in the immediate and surrounding areas
- the key effect on the range of goods and services in the immediate and surrounding areas
- the key effect on potential capacity for growth of the immediate and surrounding areas, including the key effect on the opportunities for expansion, improvement or redevelopment
- the impact on employment in the area
- the impact of key changes in travel patterns for shopping, employment and social and leisure activities
- the impact on transport movement, services and infrastructure, including public transport
- the key effect on community infrastructure in the immediate and surrounding areas
- the key effect on public infrastructure in the immediate and surrounding areas
- potential changes to the attractiveness and physical condition of the immediate and surrounding areas
- the key effect on the attractiveness, amenity and safety of the public realm
- the achievement of high quality urban design and architecture

2. Does the amendment implement the objectives of planning and address any environmental, social and economic effects?

- Does the amendment implement the objectives of planning in Victoria (sections 4(1) and 12(1)(a) of the Act)?
- Does the amendment adequately address any environmental, social and economic effects (sections 12(2)(b) and (c) of the Act)? The normal way of assessing the social and economic effects is to consider whether or not the amendment results in a net community benefit

An environmental, social and economic assessment should include an evaluation of the costs and benefits to businesses and the community arising from any amendment of the amendment

3. Does the amendment address relevant bushfire risk?

An amendment must be assessed to determine whether the changes proposed would result in any increase to the risk to life as a property, property, community infrastructure and the natural environment from bushfire

- Does the amendment meet the objective and give effect to the strategies to address Bushfire risk in the State Planning Policy Framework (Clause 1305-1 of the planning scheme)?
- Has the view of the relevant fire authority been sought in formulating the amendment? If the relevant fire authority has provided advice this should be summarised in the explanatory report
- Is the amendment consistent with the local Planning Policy Framework objectives and strategies that apply to bushfire risk? Is local policy for bushfire risk management equated to support the amendment?

4. Does the amendment comply with all the relevant Minister's Directions?

- Does the amendment comply with the requirements of the Minister's Direction on the [Form and Content of Planning Schemes](#) (section 7(5) of the Act)?
- Does any other Minister's Direction apply to the amendment under section 12(2)(a) of the Act? If so, has it been complied with?
- Is the amendment accompanied by a detailed information equated by a direction?



5. Does the amendment support or implement the State Planning Policy Framework (SPPF)?

To ensure planning schemes fulfil the objectives of planning in Victoria, planning authorities must take into account and give effect to the general principles and specific policies contained in the SPPF.

- What objectives and strategies of the SPPF are relevant and how are they relevant?
- Does the amendment oppose support or give effect to the objectives and strategies of the SPPF?
- Are there any competing SPPF objectives? If so, how have they been balanced in favour of net community benefit and sustainable development (Clause 10.02 of the planning scheme)?
- Does the amendment support or give effect to any relevant adopted state policy?

6. How does the amendment support or implement the Local Planning Policy Framework (LPPF) and, specifically, the Municipal Strategic Statement (MSS)?

The LPPF sets a local and regional strategic policy context for a municipality to complement the MSS and local planning policies.

Municipal Strategic Statement

The MSS contains the strategic planning objectives of the council and the strategies employed to achieve them. There should be a clear link between the objectives and outcomes sought by the MSS and the requirements applied in the scheme. When preparing an amendment to the planning scheme, the planning authority must take the MSS into account (section 12(2)(ab) of the Act). Questions that should be addressed include:

- How does the amendment seek to implement or support the MSS?
- Does the amendment seek to change the objectives or strategies of the MSS? If so, what is the change?
- What effect will any change to the MSS have on the rest of the MSS?
 - Is the amendment consistent/inconsistent with the strategic directions set out in the MSS?

- What is the cumulative effect of this amendment on the other objectives in the MSS? For example, how will the introduction of a Heritage Overlay affect the housing or economic development objectives of the municipality?

Local Planning Policy

A local planning policy is a tool for day-to-day decisions making in relation to a specific decision in the planning scheme. It helps the responsible authority and other users of the scheme to understand how a particular decision is likely to be exercised.

If the amendment seeks to introduce or amend a local planning policy:

- Does the local planning policy
 - respond to a demonstrated need?
 - implement an objective or strategy in the MSS?
 - relate to a specific decision or group of decisions in the scheme?
 - assist the responsible authority to make a decision?
 - assist any other person to understand whether a proposal is likely to be supported or not?
- Does the amendment affect any other existing local planning policy or too?
- Is a local planning policy necessary? Or is the issue adequately covered by another planning tool (e.g. overlay) or decision guideline?

[Planning Practice Note 8: Writing a Local Planning Policy](#) provides format, content and language guidance for introducing a new or changing an existing local planning policy.

7. Does the amendment make proper use of the Victoria Planning Provisions?

The application of zones, overlays and local provisions must have a clearly discernible basis in the SPPF or LPPF.

- Does the amendment use the most appropriate VPP tool to achieve the strategic objective(s) of the scheme? (For example, is an appropriate zone or overlay used?) How does the selected tool give effect to the intended outcome?
- Does the amendment affect, conflict with or duplicate another existing provision in the planning scheme that deals with the same land use or development? If so, have the provisions been reconciled?



- Does the content capture matters that do not specifically relate to the purpose or objectives of the content or matters that should not be dealt with under planning?
- Does the amendment make any existing provisions in the planning scheme redundant? If so, does the amendment remove the redundant provisions?
- Is the amendment consistent with any relevant planning practice note?

Planning practice notes provide best practice guidance about the use and application of many VPP tools, explanation and guidance about statutory processes and recommended structure and wording of statutory documents

8. How does the amendment address the views of relevant agencies?

The amendment must address the views of any relevant agency

- Have the views of any relevant agency been addressed?

9. Does the amendment address the requirements of the *Transport Integration Act 2010*?

Planning authorities, acting under the *Planning and Environment Act 1987*, are an interface body under the *Transport Integration Act 2010* (TIA)

The TIA equates a planning authority to have regard to a set of transport system objectives and decisions on making policies where a planning scheme amendment is likely to have a significant impact on the transport system

- Is the amendment likely to have a significant impact on the transport system, as defined by section 3 of the *Transport Integration Act 2010*?

If so, explain how the amendment addresses the transport system objectives and decisions on making policies set out in Part 2, Divisions 2 and 3 of the TIA Document you assessment and provide a short summary in the explanatory report

The TIA also equates a planning authority to have regard to any *statement of policy principles*

- in which it is specified; or
- that specifies powers or functions which the planning authority is exercising

A statement of policy principles would set out future objectives and decisions on making policies for an interface body to have regard to

- Are there any applicable statements of policy principles prepared under section 22 of the *Transport Integration Act 2010*?

If so, assess how the amendment addresses any specified policy principles that apply to the proposed Document you assessment and summarise them in the explanatory report

- You can check if a statement of policy principles has been issued by going to the transport integration Act webpage of the Department of Economic Development, Jobs, Transport and Resources at economicedevelopment.vic.gov.au/transport/egsaton
- Use the information regarding the interface body obligations available at the same location

10. What impact will the new planning provisions have on the administrative costs of the responsible authority?

The introduction of new or amended planning scheme elements can often have significant resource implications for a council. Quantifying the resource implications of an amendment on the council is a relevant operational consideration

Councils must be able to document the key resource cost of implementation and administration of a proposed change to the planning scheme

- What are the cost implications for a responsible authority in implementation and administration of the new planning provisions including
 - the estimated increase in number of planning permit applications
 - planning staff resources
 - other miscellaneous costs including legal or other professional advice, for example, heritage advice
 - capacity to consider the new application with the prescribed time



Strategic Assessment Guidelines checklist

This checklist is a tool that provides a quick snapshot of the above-mentioned information that may be useful to use when preparing an amendment assessment.

Strategic consideration	Yes	No	N/A	Comment	
Why is an amendment required?	<ul style="list-style-type: none"> • What does the amendment intend to do and what is its desired outcome? • How does it intend to do it? • Is it supported by or is it a result of any strategic study or report? • With the planning policy, provisions or control result in the desired planning outcome? • Will the amendment have a net community benefit? • Will the community benefit outweigh the cost of the new control? • Does the amendment repeat provisions already in the scheme? • Is the planning scheme the most appropriate means of controlling the issue or can other existing regulatory or process mechanisms deal with the issue? • Is the matter a ready deal with under other regulations? 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
Does the amendment implement the objectives of planning and address any environmental, social and economic effects?	<ul style="list-style-type: none"> • Does the amendment implement the objectives of planning in Victoria? (Refer to section 4 of the <i>Planning and Environment Act 1987</i>) • Does the amendment adequately address any environmental effects? • Does the amendment adequately address any social effects? • Does the amendment adequately address any economic effects? 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
Does the amendment address relevant bushfire risk?	<ul style="list-style-type: none"> • Does the amendment meet the objective and give effect to the strategies to address the risk to life as a priority, property, community infrastructure and the natural environment from bushfire in the State Planning Policy framework (Clause 13.05.1 of the planning scheme)? • Has the view of the relevant fire authority been sought in formulating the amendment? • Is the amendment consistent with the local Planning Policy framework objectives and strategies that apply to bushfire risk? • Is local policy for bushfire risk management required to support the amendment? 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	



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extension to the existing Rural conservation Zone”.

1.3. As the Draft consultation proposes to rezone the land to the east of the Carlsruhe investigation area from existing Rural conservation Zone to Farming Zone, there is absolutely no logic in the proposed rezoning.

1.4. The Biodiversity Assessment June 2019 and the Draft consultation propose to create biolinks between Cobaw-Macedon and Cobaw-Kyneton woodland by the rezoning of my Property, however the rezoning of [REDACTED]

[REDACTED] In fact, under the proposed changes this Rural Land Use Stratis cutting off the Cobaw-Macedon Biolink by the rezoning of RCZ properties to FZ properties directly south and south-east of my Property.

2. The Proposed Rezoning is inconsistent with the first strategic objective of the Draft consultation

The Strategic Objective 1 on Page 20 of the Draft consultation is to support and promote agriculture and protect productive agricultural land, including a “*protection of strategic agricultural land is important to give business confidence to invest for the long term*”.

2.1. Significant farm land

I note that [REDACTED] in the Draft. As such should be protected as such and remain Farm zone land.

2.2. Long term investment

I also note that the Proposed Rezoning would have a very negative impact on the business confidence to invest for the long term:

2.2.1. I am concerned the Rural conservation zone proposed will further dilute valuable productive farms by the 40ha subdivision aspect of the proposal. Please note that farms > 40ha require Agribusiness Loan application for finance

2.2.2. The process for attaining finance to purchase farmland to run a primary production business requires detailed business planning, forecasting and a clear plan for expenditure, improvements and increased productivity to ensure the business/farm meet its financial obligations to the financier. Agribusiness loans require repayment within <15 years.

2.2.3. I find it difficult to believe any agribusiness banker would accept a finance application when the business plan relies on council permits for primary production business activities.

2.2.4. Council is selling this to affected property owners through Clause 63 of the Victorian Planning scheme (Existing uses). Unfortunately, the right to farm expires after 2 years of inactivity with a particular aspect of farm activity.

2.2.5. Farming is difficult and dynamic and we need to adapt/pivot/diversify due to seasonal constraints and other unforeseen issues. A Primary production Business cannot be at the mercy of council permits to conduct/run our business as required to meet our financial obligations and feed family.

3. The Proposed Rezoning will have a negative effect on private sector investment.

I refer to the **attached** Strategic Assessment Guidelines for preparing and evaluation planning scheme amendments and note that one of the main strategic considerations when contemplating planning scheme amendments is the effect on private sector investment.

3.1. It is clear that the Proposed Rezoning will not only effect my ability to meet my financial obligation but also make the property for future owners less

appealing and possibly unattainable. This I believe will have a direct impact on land value for farms > 40ha.

3.2. Nowhere in the Draft Submission has there been any research etc into cost value impact on rezoning to large farms. No mention of compensation/ rate reductions

3.3. In correspondence with MRSC Planning they have detailed in email that every farm is unique and may be required to fence off native vegetation on farm, waterways etc. No mention from MRSC or in the draft plan that states council will not only pay for these works but also compensate the property owners financially for lost of land(fenced off to stock)

3.4. If sections of property are fenced of which then generates the requirement for new water infrastructure in dams etc; who pays for this?

4. The Proposed Rezoning is not the most appropriate means to achieve the desired outcome

I refer to the Strategic Assessment Guidelines for preparing and evaluation planning scheme amendments and note that "*the planning scheme must be the most appropriate means of achieving the desired outcome*", however I note that:

4.1. The Draft consultation fails to explain clearly what is its desired outcome. This is obvious from the use of vague terms such as "Significant environmental values" throughout the document and most importantly in the Strategic Implications on Page 32 of the document.

4.2. The Draft consultation fails to explain why the proposed rezoning is the most appropriate means of achieving these "Significant environmental values". For example, it fails to explain why this outcome cannot be achieved through the existing overlays.

4.3. [REDACTED] environmental significance overlays which I feel is enough to ensure the protection of any native flora and fauna found on the property.

5. Insufficient process and investigation

5.1. I would like to point out that only a small generic pamphlet was posted to every property owner in Macedon Ranges. Despite been directly affected by the Proposed rezoning, I did not receive any letter from the Shire regarding the Draft consultation and only became aware of this by a local Estate agent.

5.2. Why was I not contacted directly by MRSC for consultation as an effected landowner in the rezoning proposal?

5.3. The justification given for my property being selected for rezoning was around protecting biodiversity and vulnerable flora and fauna. Absolutely no onsite surveys were conducted and no consultation with myself was conducted in the decision-making process.

5.4. The Draft consultation was drafted, reviewed release for approval, issued and finalised by one person, a consultant from [REDACTED]

I thank you for considering each of my above objections and trust that you will agree that the Proposed Rezoning should be rejected.

Regards

[REDACTED]

Strategic Planning
Macedon Ranges Shire Council
PO Box 151
KYNETON VIC 3444
via email: strategicplanning@mrsc.vic.gov.au

15 December 2021

Dear Strategic Planning team

Submission to the Draft Rural Land Use Strategy

████████████████████ in making a submission to the draft Rural Land Use Strategy (RLUS) for the Macedon Ranges Shire Council. ████████████████████ that is responsible for creating and delivering the ██████████ farm model.

██████████ is an industrial-scale farming enterprise delivering mixed farming through technological innovations and utilising food subscribers to underpin commercial viability. ██████████ is founded upon five core operating objectives:

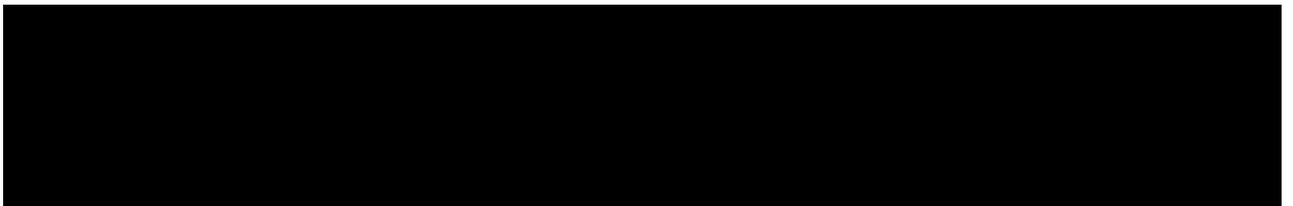
- Shared equity in food production, processing, distribution, and recovery.
- Regenerative organic agricultural practices.
- Ecological regeneration measured against the United Nations Sustainable Development Goals.
- Food security delivered by farmland held in perpetuity.
- Circular food economy leveraging off a resident multi-skilled workforce and technological innovation.

The COVID-19 pandemic throughout 2020-2021 demonstrated the fragility of the global food supply chain and highlighted the need to support alternate models that underpin a more resilient, secure and sustainable local food supply chain.

While the existing agricultural and supermarket model is working, it is not sufficient as a standalone model that can deliver a resilient and sustainable domestic food supply chain that offers both security and affordability.

To meet future food demands while overcoming the current challenges in our current global agri-industrial food system, we have to find innovative solutions and make immediate changes. In this submission we contend that:

- 1. Historic land use planning and migration policies have led to a one-size-fits-all agricultural model that is failing to deliver adequate food security or affordability.**
- 2. The ██████████ addresses food security and affordability at a local level, in locations that are well served by transport and located in a peri-urban setting where access is convenient.**
- 3. The fundamental principles of the RLUS can be supported by the ██████████.**
- 4. The RLUS could be amended to provide greater recognition for the role of alternate farming enterprise models in sustaining and enhancing Melbourne's food security.**



1 Background

Food security and Melbourne's food bowl

Melbourne's food bowl is an essential source of fresh food and produce. In 2015, it had the capacity to meet around 41% of Greater Melbourne's food needs, and over 80% of its fresh vegetable needs. However, due to the increasing pressures of population growth, urban sprawl and climate change, the capacity of Melbourne's food bowl to meet the increasing demand is failing¹.

Melbourne is predicted to reach a population of at least 8.6 million by 2066. The continual increasing population growth trend will cause the capacity of Melbourne's food bowl volume to fall from 41% to 18% once the state reaches 7 million people².

Rapid population growth and regional migration trends in Victoria are resulting in limited housing supply and affordability in peri-urban and regional townships. The situation restricts agricultural workers from entering the housing market close to employment opportunities. Furthermore, agricultural land continues fuelling housing supply through its transition to urban land uses where it is proximate to Melbourne and other major regional centres. This further compounds population growth pressures and contributes to the fragmentation and loss of viable agricultural land and associated businesses.

Existing model

Concurrently, the stronghold of broadacre farming and mass supermarket production creates a dichotomy whereby industrial agribusiness and its contrasting typology of localised urban agriculture (i.e., community gardens) are the only visible options to the public domain and supported under current policy settings.

More specifically, policies at all levels of government continue to support Australia's position as a net exporter of food with import dependencies on many foods, inputs for primary production, processing additives and packaging materials.

Demand and pressure are further inflicted on food production through the current supermarket model which generally has a catchment of 5000-7000 households with no considerable plans for the reduction of food loss (generally during production, storage, processing, and distribution) and food waste (food that is of good quality and fit for consumption but does not get consumed because it is discarded).

Alternative models

In the face of climate change and more recently the COVID-19 pandemic, disruptions to the global food supply chain have called in to question the role of local food systems in building resilience to withstand and recover from shocks.

With the weaknesses of the global agri-industrial food system exposed, opportunities have arisen for governments to advocate for more reliable and sustainable local food supply chains that offers both food security and affordability. This has resulted in the emergence of alternative agricultural models and supply chain innovations that operate to increase regional self-sufficiency and food security, an example of this is Urban Health Farms which in the below simple diagram demonstrates the potent capacity for innovative technology to deliver high productivity utilising less water, less land and streamlined production techniques:

¹ A Foodprint Melbourne Report March 2019: https://fvas.unimelb.edu.au/_data/assets/pdf_file/0014/3030260/Foodprint-Roadmap-resilient-sustainable-foodbowl-report_Online.pdf

² A Foodprint Melbourne Report March 2019: https://fvas.unimelb.edu.au/_data/assets/pdf_file/0014/3030260/Foodprint-Roadmap-resilient-sustainable-foodbowl-report_Online.pdf

OUR DISRUPTION

Through ultra-advanced quality control and proprietary technology, Farms can confidently say our resulting produce is of an exceptional and unmatched quality. Our produce is fresher, higher in vitamins and retains more nutrients for the consumer, while using less resources and increasing yields.

	TRADITIONAL	GREENHOUSE	URBAN HEALTH FARMS
GROWTH PROCESS	70 days	40-50 days	21 days
NUMBER OF CROPS PER M²	18	25	25-300
CROP CYCLES	season	season	365 days
WATER USAGE	35 L	15 L	1.5 L
PESTICIDES/ HERBICIDES	often	occasionally	never
LOCATION	open field	restricted	everywhere
POST-HARVEST HANDLING	high	medium	low

Figure 1 - Food Disruption Table / Source: <https://>

To date, key alternative strategies implemented at the local government level have primarily been limited to the coordination of regular local produce markets, development of planning controls to protect productive land, and supporting the establishment of productive community gardens. While these strategies demonstrate a clear intent to build local food system resilience, there is a limited ability to respond to structural issues within the food production system, and more impactful action is required.

Mixed farming models at industrial agri-business scales have emerged globally as a more responsive solution. Agricultural production is facilitated, and outputs increased through advanced technology that is operated by a multi-skilled on-site workforce to ensure the farm is not dependent upon external labour, provides access to affordable housing, improved occupational health and safety outcomes, and employment security. Produce is distributed to a large food subscriber catchment at market prices which generates direct food access that is not dependent on the supermarket model or global supply chains. The creation of a food-based circular economy also allows for a meaningful reduction in food miles, and food loss and food waste.

The [REDACTED] is founded upon shared equity in a food-based circular economy and sustained by regenerative organic agricultural practices. [REDACTED] is creating a co-operative farming enterprise model that addresses food security and affordability domestically. The model is enabled by locations well served by transport and located in a peri-urban setting where access to and by urban consumers is convenient.

[REDACTED] is a food-based circular economy, secured by farmland co-owned and co-operated as a regenerative organic food system. [REDACTED] is an alternative food model within the peri-urban fringe of Melbourne that fills the gap between farmers markets and major supermarket chains.

[REDACTED] is not a form of micro-farming, rather it is a business with annual revenue in excess of \$50,000,000 that joins post-2020 technologies with pre-1945 farming practices, where on-farming workforces supported a thriving agriculture industry.

It is structured to have a resident, flexible multi-skilled workforce of up to 125 growers and makers curating and producing nutritional food on 2,000HA. This food feeds 5,000+ urban eater households (subscribers who subscribe to personalised food that is delivered weekly. Furthermore, they contribute flexible labour as required for regenerative agriculture and ecosystem work

This model ensures that the food subscribers drive demand which in turn drives the commercial viability of the farming enterprise. The on-farm workforce is to comprise of Growers, Makers, Techs, Movers, Recovers, Restorers, Creatives, and Managers - all trained and credentialed. The workforce is equipped with the latest technologies and multi-skilled to do their work and to help at least four other members of the team.

The workforce being targeted is in the 25-35 age bracket which will bring skilled labour to the [REDACTED] sites. This strategic approach has the ability to draw skills to the regions and peri-urban areas as a counterbalance to the impact of the migration of predominantly retiree aged population relocating to rural lifestyle properties.

The [REDACTED] model significantly increased productivity, which in turn is supported by an increase in the on-site workforce. The [REDACTED] model is summarised and compared to an existing farm in in the table below.

Model Applied to Existing Farm in MRSC	Existing Farm in MRSC
Size: 720HA	Size: 720HA
Produces: <ol style="list-style-type: none"> 1. Grains 2. Pulses 3. Nuts 4. Fruit 5. Vegetables 6. Leafy greens 7. Honey 8. Poultry 9. Beef 10. Lamb 	Produces: <ol style="list-style-type: none"> 1. Feed 2. Lamb 3. Wool
Sells to: <ul style="list-style-type: none"> • 5,000 families 	Sells to: <ul style="list-style-type: none"> • Global wool market • Bendigo sales yard
Workers: <ul style="list-style-type: none"> • 50 full time multi skilled flexible co-owners 	Workers: <ul style="list-style-type: none"> • 2 full time multi skilled flexible owners • 12 seasonal workers (30 days per year)
Notes: <ul style="list-style-type: none"> • Land is ~ 80% productive and regenerative • Utilises new infrastructure (grow houses, process and packaging, etc) • Incorporates a full suite of the latest technology 	Notes: <ul style="list-style-type: none"> • Land is ~ 20% productive and well maintained • Utilises existing infrastructure • Utilises some of the latest technology

Table 2 – [redacted] model compared to existing farm

3 Draft RLUS

The draft RLUS will update the rural framework plan and policy directions for rural land. The draft has regard for the changing nature of rural land use, the strategic and policy context. This is due to the unique circumstances associated with Macedon Ranges Shire's peri-urban location.

3.1 Strategic Guidance

The RLUS is heavily influenced by state government growth strategies and plans including Plan Melbourne 2017 – 2050, the Loddon Mallee Regional Strategic Plan and Loddon Mallee South Regional Growth Plan. These plans highlight population growth, the desire to live in a rural area and the Shire's proximity and commutability to Melbourne. Located in regional centres they are considered to be key drivers of rural land use change within Macedon Ranges. These plans set out high level principles and strategic objectives to guide the formulation of responses to drivers of change in the Shire's rural areas:

Settlement and population growth

- Maintain non-urban breaks between urban areas
- Accommodate housing and employment in established towns
- Manage settlement and rural living to avoid negative impacts on agriculture, biodiversity, landscape, infrastructure, and service delivery
- Clearly define settlement boundaries within which settlement and rural living are contained
- Ensuring people and property are protected from natural hazards and the impacts of climate change.

Agriculture

- Ensure settlement avoids areas of productive agricultural land or land with potential for agricultural production
- Protection of productive agricultural land and promotion of agriculture and other rural industries
- Facilitate investment in new opportunities and high value agriculture
- Facilitate industry adaptation to climate change.

3.2 Opportunities

It is noted that the draft RLUS identified several opportunities for improvement including:

- Consistency with the 2002 Rural Land Strategy principles and the Macedon Ranges Statement of Planning Policy
- The current Rural Framework Plan needs to be updated to respond to recent trends and regulation changes
- Reviewing the boundaries to the Rural Conservation Zone and Farming Zone to ensure that zones align with preferred land use and development outcomes.
- Address legacy issues, particularly small lots in the Farming Zone
- Provide additional guidance to assess planning permit applications in the Farming Zone and Rural Conservation.

3.3 Engagement

The Macedon Ranges council engaged with the public through landholder surveys.

Key findings from the surveys of landholders in the Farming Zone include:

- *50% of landholders earn income from the land*
- *70% earn less than \$70,000 per annum or less than 30% of household income*
- *High land values inhibit farm expansion*
- *Future business opportunities include produce sales and accommodation.*

Key findings from the surveys of landholders in the Rural Conservation Zone include:

- *Most owners of vacant land want to build a dwelling in the future*
- *The property is the primary place of residence for 88% of landholders that own a property with a dwelling*
- *20% of landholders earn income from the land, primarily from agriculture*
- *Future business opportunities include agriculture and tourism*

4 Submission

Agriculture is an economic sector that plays a significant role in the landscape and identity of Macedon Ranges and its attraction as a tourism destination. Protection of Strategic Agricultural Land is important to give businesses confidence to invest for the long term. Agriculture will be more diverse both in scale and type as farm businesses adapt to the challenges, this is particularly the case with land use conflict and farm viability.

The position that the RLUS takes on the matter of dwellings in the Farming Zone is that land in the Farming Zone is for farming, not for urban development or housing development. We support this approach and note that the FoodVillage model supports many strategies or objectives of the RLUS including:

- *Discourage the proliferation of dwellings not associated with agriculture*
- *Ensure that the development of dwellings does not prejudice existing and future agricultural or forestry activities on surrounding land*
- *Limit the further fragmentation of rural land by subdivision.*
- *Provide for the incremental growth of farming enterprises.*
- *Prevent small lot subdivision to meet personal and financial circumstances or to create lots for 'rural lifestyle' purposes.*
- *Ensure that agricultural land is maintained for the cost-effective production of food and raw materials*

Notwithstanding this, we note that some strategies or objectives of the RLUS could be construed as being at odds with the principal foundations on which the [REDACTED] model of industrial scale mixed farming is based, including:

- *Ensure the cost-effective servicing of towns and communities by avoiding the impacts of a dispersed population base.*
- *Provide a consistent basis for considering planning permit applications for the use and development of dwellings in rural areas.*

To ensure the RLUS provides appropriate consideration and support for alternative farming models such as FoodVillage, we make the following suggestions about amendments or inclusion to RLUS that would provide a framework for considering, and in the right context, supporting such outcomes. These include:

- Recognise the importance of alternative farming models to deliver more reliable and sustainable local food supply chains that increase food security and affordability.
- Identify support for mixed-farming methods within the region, in particular where the use of sustainable and innovative technology supports increased production capacity.
- Provide additional guidance to assess planning permit applications in the Farming Zone and Rural Conservation that support the provision of permanent on-farm accommodation where it is demonstrated to support agricultural productivity.

These changes would support FoodCircle's vision of a resilient and sustainable domestic food supply chain that offers both security and affordability.

We thank the Macedon Ranges Shire Council for the opportunity to make this submission on behalf of [REDACTED] and would be pleased to meet and discuss our suggested changes to the RLUS in more detail. Should you have any questions please contact [REDACTED] or the undersigned on [REDACTED].

Yours sincerely

A large black rectangular redaction box covering the signature area.