



Agriculture Victoria

Department of Jobs, Precincts and Regions

9 June 2020

Awais Sadiq
Coordinator Statutory Planning
Macedon Ranges Shire Council
PO Box 151,
Kyneton VIC 3444

Dear Awais

RE: Application to amend a planning permit PLN/2014/243 to include the use and development of a dwelling and deletion of Condition 4
Land at: 386 Youngs Road, Malmsbury, Allotment 289A, 289B & 289C Parish of Lauriston
Your Ref: PLN/2014/243

Thank you for the opportunity to comment on the planning application to amend a planning permit for retrospective permission to convert a farm shed to a dwelling located at 386 Youngs Road, Malmsbury.

The advice provided in this letter relates to:

1. Planning context.
2. Farm Management Plan.
3. Strategic objectives and protection of agricultural lands.

1. Planning context.

The subject land is within the Farming Zone (FZ, Clause 35.07). The property is affected by the Environmental Significance Overlay (ESO4) and Heritage Overlay (HO150).

The planning report provides the context that the dwelling is to support succession planning and management of a multi-generational farming operation that manages over 500 acres of land, the majority of which is leased and unavailable for dwellings. A manager's residence in support of this size of farming operation and to support effective succession planning may be justified, however it is noted that the house on the adjoining property (owned by the parents) was stated to be leased out. This undermines the assertion that the dwelling is required when an existing dwelling could be made available for the stated purpose.

It appears that the ESO and HO do not impact on the ability of the land to support the proposed grazing animal production.

2. Farm Management Plan.

The Macedon Ranges Planning Scheme, Clause 21.07-1 Agriculture, provides that an application to use or develop land must be accompanied by: a report that comprehensively justifies the proposed development is required for the continuation or enhancement of the agricultural use of the land.

The farm management plan demonstrates that grazing animal production is an appropriate land use for the site and outlines weed management and land improvement plans as well as targets for stocking and pasture production rates. This may be considered to meet the needs of an integrated farm management plan as required by the decision guidelines for the zone.

Agriculture Victoria considers that the farm management plan does not address the need for a dwelling in association with the grazing animal production land use and fails to provide the context of the larger farm operation that may justify such a dwelling.

For Agriculture Victoria to make a detailed assessment of the application there is a need to provide additional detail as to the cattle operation infrastructure. The required detail would typically include;

- handling facilities such as cattle crush, scales, working yards.
- Watering and feeding facilities.

Agriculture Victoria recommends that the applicant be formally requested to provide further information to address the matters raised above.

3. Strategic objectives and protection of agricultural lands.

The Macedon Ranges Shire Council as the responsible authority will have to make a determination as to whether the dwelling is reasonably required for this proposed enterprise and the commerciality of the proposal. Livestock should be checked regularly for health and welfare, pasture availability, access to water and for other husbandry reasons.

The objectives and standards of Clause 21.07-1 Agriculture, of the Macedon Ranges Planning Scheme is relevant to this application, with particular reference to;

- Strategy 1.4, to ensure proposed development demonstrates how it relates to the ongoing productive use of the land for agricultural purposes and does not promote rural lifestyle development.,
- Strategy 6.3, to ensure any use of the land for residential activity is secondary or ancillary to the primary agricultural use of the land.
- Objective 6, To facilitate productive agricultural activity and ensure new development is related to the ongoing, productive use of the land for agriculture.

In meeting the objectives of the clause, it is recommended that any permit issued that allows the use and development of a dwelling in the Farming Zone is in association with agricultural production, protects against the potential for further subdivision of the land and ensures the use does not compromise farming activity in the area.

If a permit was to be granted it is recommended by Agriculture Victoria that conditions be placed on the permit to protect agricultural land that:

- Prior to the use of the dwelling commencing, Allotment 289A, 289B & 289C Parish of Lauriston be consolidated into one title.

And through a binding agreement which ensures:

- The development and continued use for the rural dwelling in the Farming Zone has been permitted on the basis that the dwelling is reasonably required for the operation of the agricultural activity conducted on the land in accordance with an endorsed agricultural production business plan or approved alternative, and the dwelling will only be used on that basis.
- The lot cannot be subdivided to create an additional lot and cannot be used for any further dwelling.
- That the owner acknowledges and accepts the possibility of nuisance from adjoining agricultural operations including animal production, spray drift, agricultural machinery use, pumps and associated hours of operation necessary for agricultural production.

Conclusion:

This letter of advice is provided to Council to assist their assessment of the above planning permit application and any requirement in seeking further information from the applicant as part of its assessment process. The information provided should be considered as advisory in nature to inform Council's determination as the Responsible Authority. Please provide a copy of the outcome for our records.

Please contact me if you require any further clarification.

Regards



Ann McDowell

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