

22.07 RURAL ZONES POLICY12/01/2012
C44(Part 2A)**22.07-1 Farming Zone and Rural Activity Zone**12/01/2012
C44(Part 2A)

This policy applies to all land in the Farming Zone and Rural Activity Zone

Policy basis

This policy builds on local strategy in clause 21.10-2 of the Municipal Strategic Statement (MSS) which states that rural land subdivision and the construction of houses on high quality agricultural land should only be undertaken where the sustainability of the agricultural resource is not undermined. It also builds upon local strategy which promotes a diverse economy based mainly upon varied agricultural production and processing, tourism and business and service industries.

Research undertaken by Agriculture Victoria in 2001 highlights that most rural land in the Baw Baw Shire is highly suitable for both intensive horticultural and broadacre pasture based farming due to its fertile soil types, high rainfall, temperate climate, varied topography and proximity to markets. The productive use of this land has resulted in agricultural production being the most significant contributor to the economy of the Shire. Clause 21.10-2 of the MSS highlights the importance of maintaining the contribution made by agriculture to the economy of the Shire.

The current lot pattern in the Shire has largely resulted from the subdivision of the original Crown Allotments which were mainly created in the late 1800s. In more recent times, this has been regulated through planning schemes. The significantly different subdivision provisions included in the former planning schemes is now reflected by the varied lot pattern around the Shire. A more intensive lot pattern is evident in the area of the former City of Warragul (which had a minimum lot area of 16 hectares) whilst a more extensive lot pattern is evident in the area of the former Narracan Shire (which had minimum lot areas of 50 and 60 hectares).

Whilst the development of dwellings in rural areas has been integral to the development of the Baw Baw Shire as a farming area, in more recent times there have been increasing pressures for subdivision and residential development of rural land, primarily for rural lifestyle rather than for farming purposes. The increasing pressures for land for rural lifestyle purposes has the potential to significantly impact on the way agricultural land is used in the Shire, particularly in regard to the continuation of broadacre farming such as dairying, and its contribution to the economy of the Shire.

The increasing number of dwellings in rural areas also has the potential to alter the rural landscape of the Shire. Maintaining the rural character of the Shire by protecting the rural environment and landscape is one of the Baw Baw Shire Council's core strategic objectives.

Objectives

- To support the contribution of agriculture to the Shire's economy.
- To retain the potential for large scale, broadacre based farming enterprises.
- To encourage a diverse range of agricultural activities, which do not rely upon large landholdings (being lots in the same ownership which adjoin each other or are separated only by a stream, stream reserve, or unmade or unused government road or rail reserve).
- To support tourism use and development in the Rural Activity Zone that is compatible with agricultural production and/or the environmental attributes of the area.
- To discourage subdivision and development and use of dwellings which would result in further fragmentation of productive agricultural land.

- To ensure that the development of dwellings and the creation of small lots for existing dwellings minimises the loss of productive agricultural land and does not prejudice activities associated with agricultural production.
- To protect the rural character of the Shire by minimising the visual intrusion of new buildings on the natural landscape, particularly hill top/ridgeline development.

Policy

Exercising discretion

All subdivisions

For all rural subdivisions, it is policy to:

- Require a written submission explaining how the proposal meets the zone purposes and decision guidelines and the objectives of this policy.
- Encourage subdivision which creates or retains lots over 40 hectares.
- Require a land capability assessment to be provided to substantiate that proposed lots less than 1 hectare can satisfy the requirements of the Environmental Protection Authority's Guidelines for Environmental Management Code of Practice – Onsite Wastewater Management.

Dwelling excisions

Where the subdivision involves the creation of a small lot for an existing dwelling, it is policy to:

- Discourage the excision of a dwelling from an existing lot of less than 40 hectares unless the proposal involves the consolidation of remaining lots within a land holding or where the purpose of the subdivision is to make the residual lot available only for agricultural production and the applicant agrees to enter into a Section 173 agreement to prohibit a dwelling on the residual lot.
- Ensure that any small lot created for an existing dwelling has a maximum size of 2 hectares, except if the dwelling is directly associated with the management of an established intensive agricultural enterprise on the land comprising horticulture, crop raising or intensive animal husbandry as defined in the planning scheme.
- Discourage the creation of a small lot for an existing dwelling where it would be located within 100 metres of a farming activity node [dairy shed, effluent ponds, stock yards, etc], within the buffer distance of a use listed in clause 52.10 of the scheme or within the buffer distance of an approved broiler farm or cattle feedlot.
- Require any permit issued to be subject to a condition that a Section 173 Agreement be entered into requiring that each lot not be able to be used for any further dwelling.
- Require a plan to be submitted showing the location of all buildings on the land and on adjacent land in proximity to the small lot, the purpose of the buildings and the purpose for which the land and adjacent land is utilised.
- Require that any building used as the basis for the creation of a small lot for an existing dwelling, satisfies the definition of a dwelling in the planning scheme, has existing use rights as a dwelling and is in a habitable condition.

Re-subdivision

Where the subdivision involves the re-subdivision of existing lots, it is policy to:

- Support a proposal where it involves the realignment of boundaries between two lots and the boundaries are realigned so that less than 10 per cent of either lot is involved and the total size of the lots is less than 40 hectares.

- Discourage re-subdivision within a land holding, which comprises of more than one lot, where it would increase the overall subdivision potential of the land, unless a Section 173 agreement is entered into to restrict the additional subdivision potential.
- Support a re-subdivision of land where it would create a lot greater than 40 hectares in area.
- Encourage any small lot proposed primarily for rural living purposes to be 2 hectares or less in area.
- Support re-subdivision of lots which are proposed to contain an established rural business, where the area of the existing lot is excess to the requirements of the business.
- Limit to two the number of small lots created through the re-subdivision of a landholding comprising more than two lots, where they are proposed primarily for rural living purposes.
- Discourage re-subdivision proposals, which would result in fragmentation of a large farm holding, or abandonment of primary production on most of the land.

Subdivision of land located within, abutting or divided by an Urban Growth Boundary

Where the subdivision includes land located within, abutting or divided by an Urban Growth Boundary around any town in the Shire, it is policy to:

- Require the applicant to demonstrate that the subdivision is consistent with any Development Plan prepared for the area or, if there is no Development Plan prepared, to demonstrate that the subdivision would not compromise future potential residential development on the land.
- Ensure that subdivision of land within an Urban Growth Boundary does not increase the potential for conflict between the use of that land and the use of land abutting the Urban Growth Boundary for agricultural purposes.
- Ensure that subdivision of land abutting an Urban Growth Boundary does not increase the potential for conflict between the use of that land and the future use of land within the Urban Growth Boundary for residential purposes.

Dwellings

It is policy to:

- Require a proposal for a dwelling to be accompanied by a business plan and/or farm plan that justifies that the dwelling is an integral but ancillary part of the use of the land for a commercial farming purpose or for an approved tourism business that is intended to be carried out by the applicant.
- Discourage a proposal for a dwelling unless it can clearly be demonstrated through a business plan or farm management plan that it is required for a commercial farming purpose or for an approved tourism business. In general, a dwelling will not be supported if the farming enterprise comprises only small scale extensive animal husbandry unless it can be demonstrated that there are special management requirements relating to the grazing stock.
- Where a proposed dwelling would be an ancillary part of the use of the land for a commercial farming purpose, assess a business plan or farm plan, submitted with the proposal, having regard to issues including suitability of lot size, availability of a suitable water supply, suitability of topography and other natural features, as indicators of the site's inherent potential for a commercial farming operation,.
- Require any rural dwelling, together with its domestic outbuildings, yards, pool, garden, primary and secondary waste water envelopes etc to be contained within a 2000 square metre envelope.
- Require the owner of the lot on which the dwelling is proposed, to enter into an agreement under Section 173 of the Planning and Environment Act 1987, which ensures

that the lot cannot be subdivided to create an additional lot and cannot be used for any further dwelling.

- Require consolidation of vacant lots within the property (being lots in the same ownership which adjoin each other or are separated only by a stream, stream reserve, or unmade or unused government road or rail reserve) on which the dwelling is proposed, where the property comprises of more than one lot.
- Discourage new dwellings being developed less than 100 metres from a neighbouring house, a group of two existing houses or a farming activity node [stock yards, dairy shed, effluent treatment ponds etc].
- Consider a proposal for a new dwelling adjacent to two existing dwellings (being dwellings within 100 metres of each other) as constituting a ‘concentration’ or ‘proliferation’ of dwellings in the area when considering the Dwelling Issues Decision Guidelines under clause 35.07-6 of the Farming Zone.
- Discourage new dwellings being developed on lots where wastewater cannot be retained and treated within the lot through use of a conventional on site septic tank system.
- Discourage new buildings being located in visually prominent positions, including on ridgelines and hilltops. Where proposed buildings may be visible, ensure that they are visually blended into the landscape, through the use of non-reflective exterior material and cladding.

Tourism uses/developments in the Rural Activity Zone

The Rural Activity Zone has been applied to a number of areas of the Shire primarily to support rural based tourism, whilst protecting the Shire’s agricultural, natural resource and landscape assets.

The areas where the zone has been applied were mainly identified through the Baw Baw Rural Area and Tourism Precincts Final Report - April 2011. These Precincts are shown on the Baw Baw Rural Area Tourism Precincts map, which forms part of this clause. It is policy to encourage high quality tourism development within each of these Precincts with the preferred tourism uses for each being as follows:

Grand Ridge Road Precinct

- Accommodation (including backpackers’ lodge, camping and caravan park, group accommodation and host farm).
- Primary produce sales
- Winery

Jindivick – Rokeby – Neerim South Precinct

- Accommodation (including backpackers’ lodge, camping and caravan park, group accommodation, host farm and residential hotel).
- Conference centre, function centre
- Restaurant
- Primary produce sales
- Winery

Drouin East – Labertouche Precinct

- Accommodation (including backpackers’ lodge, camping and caravan park, group accommodation, host farm, and residential hotel).
- Conference Centre, function centre
- Restaurant
- Primary produce sales

- Winery

Noojee Precinct

- Accommodation (including backpackers' lodge, camping and caravan park, group accommodation and host farm).
- Nature based tourism supported by the Baw Baw Shire Council Nature-Based Tourism Development Strategy - 8 September 2006.
- Primary produce sales
- Winery

Erica – Rawson Precinct including Aberfeldy

- Accommodation (including backpackers' lodge, camping and caravan park, group accommodation and host farm), provided that it is of a scale and in a location where it will not result in any significant cumulative impact on water quality in the Tyers River Water Supply Catchment.
- Nature based tourism supported by the Baw Baw Shire Council Nature-Based Tourism Development Strategy - 8 September 2006, provided that it is of a scale and in a location where it will not result in any significant cumulative impact on water quality in the Tyers River Water Supply Catchment.
- Primary produce sales
- Winery

In assessing cumulative impact on water quality in the Tyers River Water Supply Catchment consideration will be given to:

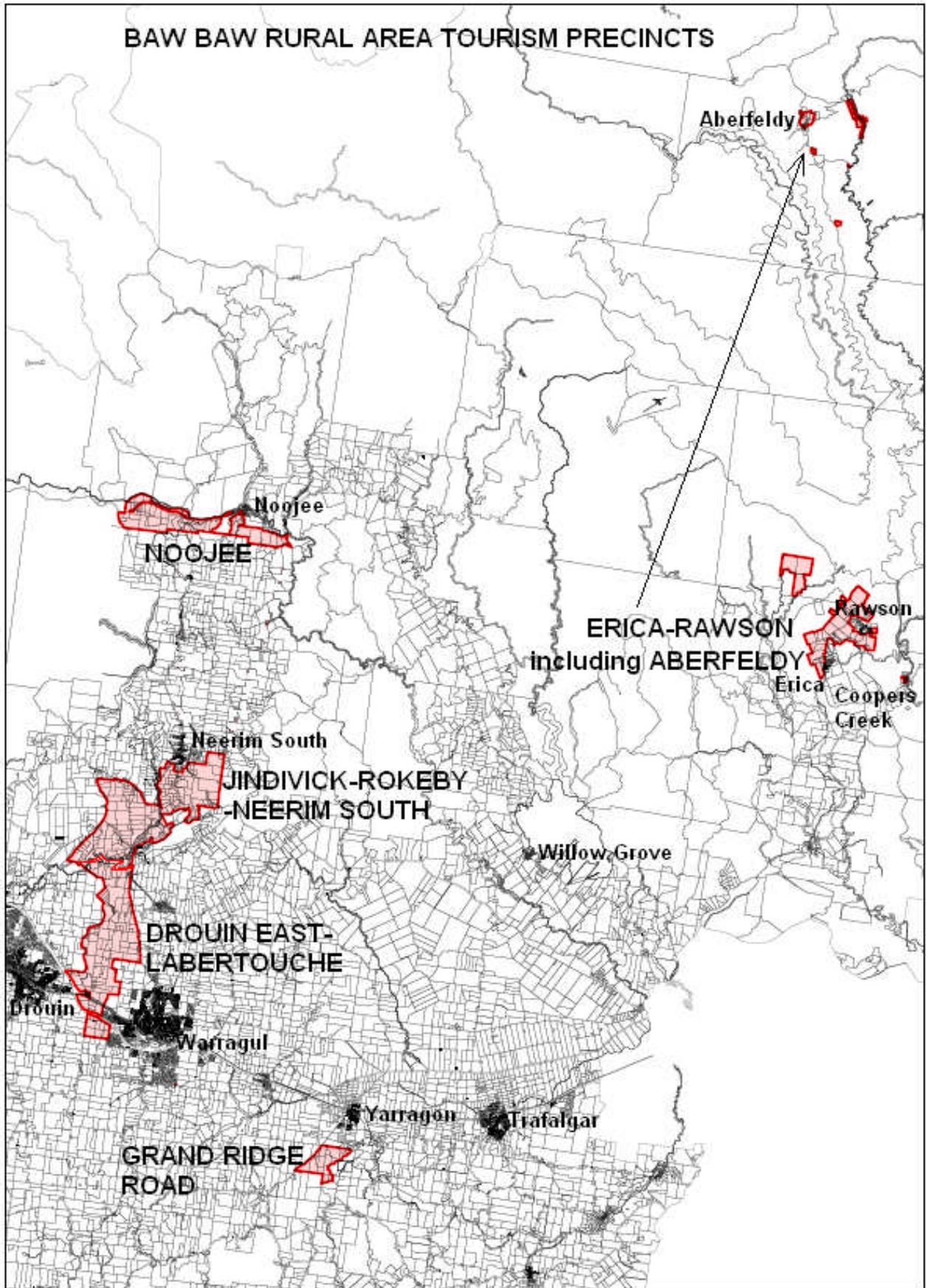
- The proximity of the land to a water supply reservoir and/or waterway.
- The time taken for water from the site to travel to a water supply reservoir.
- The quality of the soil.
- The slope of the land.
- The existing lot and dwelling pattern in the vicinity of the site.
- Any site remediation and or improvement works that form part of the application.
- The intensity and size of the development or use proposed and the amount of run-off that is likely to be generated.

Decision guidelines for tourism use/development

- All applications for use or development of land for tourist development will be assessed according to the policy objectives of this clause and the Tourist development policy at clause 22.05-2.

Reference Documents

- Baw Baw Rural Area and Tourism Precincts Final Report - April 2011.
- Baw Baw Shire Council Nature-Based Tourism Development Strategy - 8 September 2006.
- Baw Baw Shire Council Economic Development Strategy 2009 -2011.



22.07-2 Rural Living Zone12/01/2012
C44(Part 2A)

This policy applies to all land in the Rural Living Zone.

Policy basis

The settlement pattern within the Baw Baw Shire has established over the period dating from the 1800's, during which time the extent and nature of planning for settlements has changed significantly. Prior to the introduction of the Baw Baw Planning Scheme, the former planning schemes allowed the establishment of a number of small rural residential settlements outside established townships, which have mainly been developed with dwellings. Prior to this a number of small semi-residential settlements were established through the creation and sale of crown allotments.

The Rural Living Zone has been applied to a number of these older, small rural settlements to recognise their established residential use and to recognise that they are no longer viable areas for agricultural production. However, in many cases, due to the more remote location of these settlements from serviced townships and other services, it would be inappropriate to allow for their expansion, particularly having regard to the guidelines under Minister's Direction No. 6 - Rural Residential Development.

Objectives

- To recognise existing residential settlements in rural areas which lie outside established townships.
- To limit further residential development in rural settlements which do not comply with the guidelines under Ministerial Direction No.6.

Policy*Exercising discretion*

It is policy to:

- Discourage rezoning of land which would result in the expansion of existing Rural Living Zone areas which:
 - Are not supported by existing, serviced urban development.
 - Would impact on productive agricultural land.