

ATTACHMENT TO AGENDA ITEM

Ordinary Meeting

15 August 2017

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**TREWINS ROAD, TALLYGAROPNA - INVESTIGATION OF FRAGMENTED
FARMLAND**

CITY OF GREATER SHEPPARTON

FINAL REPORT

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1 INTRODUCTION

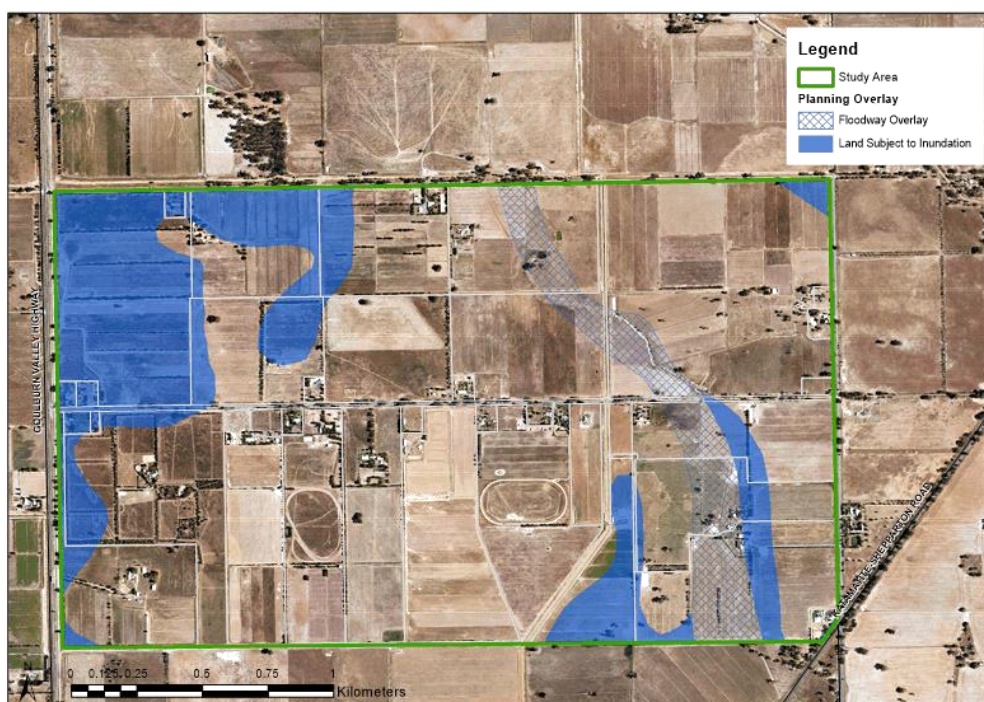
1.1 Background

The *Campaspe, Greater Shepparton and Moira Regional Rural Land Use Strategy, 2008* (RRLUS) was adopted by the Greater Shepparton City Council in 2010. At an Ordinary meeting in July 2010 Council agreed to implement the findings and recommendations of the RRLUS into the Greater Shepparton Planning Scheme. This was completed under Amendment C121 in September 2012. The Planning Panel that reviewed submission to Amendment C121 recommended further investigation of areas such as at Trewins Road, Tallygaroopna due to fragmentation of land.

The Trewins Road study area is located approximately two kilometres south of Tallygaroopna (Figure 1) and covers approximately 500 hectares. Tallygaroopna is a small town with a primary school, service station, post office / newsagency, public hall and population of around 300.

The study area is bounded by the Goulburn Valley highway to the west and Katamatite-Shepparton Main road to the east. The study area is currently zoned Farming Zone Schedule 1 and is partially covered by the Land Subject to Inundation Overlay and Flood Overlay.

Figure 1: Trewins Road Study Area.



1.2 Purpose

The purpose of the study is to review the current subdivision, ownership and land use patterns across the Trewins Road study area, assess the suitability of the land for commercial agriculture and provide recommendations on the most suitable planning tools to manage this area into the future.

1.3 Approach

The review drew on desktop analysis of lot, property and ownership data provided by Council as well as aerial photography. A site visit was also undertaken on 15 December 2016. A brief review of relevant strategies, policy and the planning scheme was also undertaken. The report was provided to all landowners in Trewins Road and time made available for them to meet with the project team.

2 ASSESSMENT FINDINGS

2.1 Land analysis

Property size, ownership and dwellings

The analysis of the lot, property and ownership data found that:

- There are 34 lots held in 30 properties with common ownership (Figure 2).
- 12 properties are under five hectares and all but one has a dwelling. (Figure 3)
- Most of the remaining properties are between 20 to 40 hectares (Figure 4)
- There are 34 dwellings across the 34 lots (Figure 5)
 - Six properties have two dwellings
 - 6 lots are vacant.

The lot size and arrangement suggests a legacy of house lot and dwelling excisions. Dwellings on larger lots are mostly sited in the middle of the lot or setback from the road frontage.

Land use / Site Inspection

Agriculture, mostly fodder crops, is the dominant land use across the study area (Figure 2). Twenty two of the 30 properties have an irrigation entitlement and an irrigation channel runs along the southern boundary and then through the study area (Figure 5). Of the 506 ha within the study area, around 90% is used for agriculture and 2% for rural residential. In addition, there are two horse training tracks (also used for grazing livestock), a dog grooming home business and a recently constructed dwelling also provides truck parking / storage.

TREWINS ROAD, TALLYGAROPNA - INVESTIGATION OF FRAGMENTED FARMLAND

Figure 2: Land use

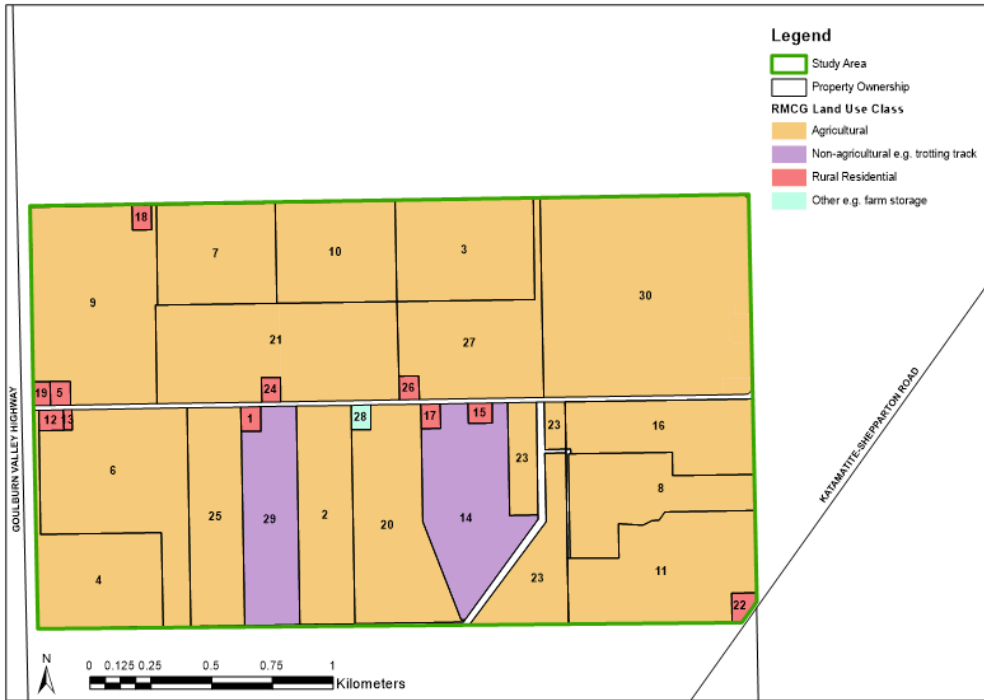
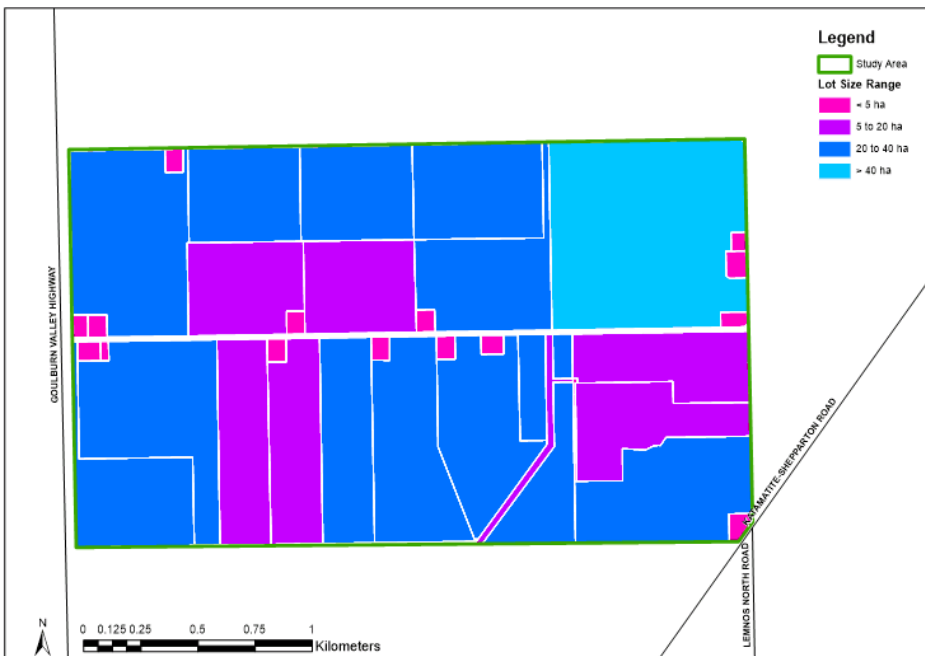


Figure 3: Lots



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Figure 4: Properties

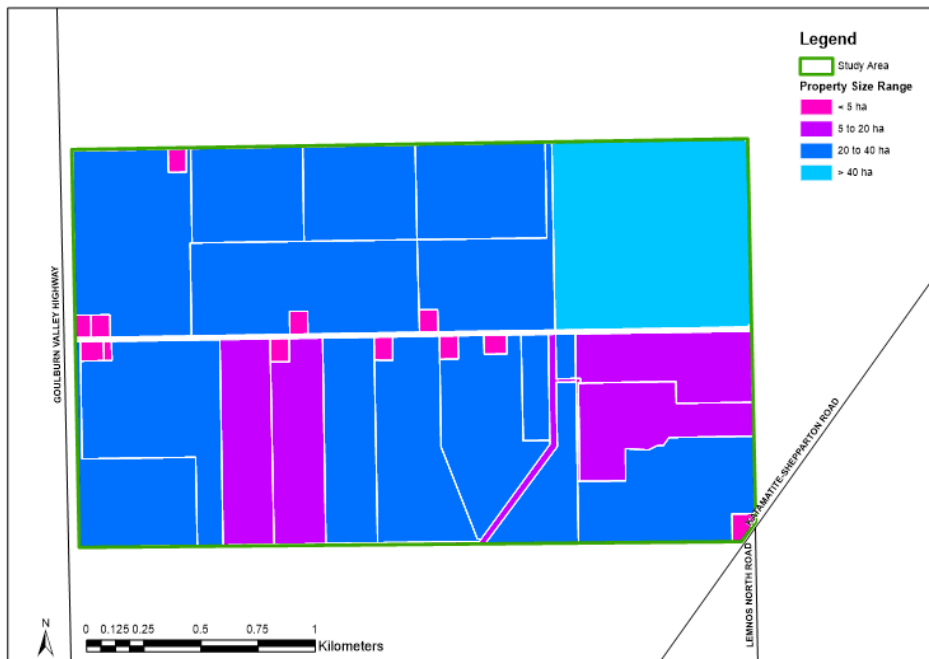


Figure 5: Dwellings and vacant lots



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Photos of the Study area



Looking north - west



Trewins Road (eastern end)



Looking south west



Looking south west



Irrigation channell



Rural residential & truck storage



Recent dwelling construction



Home business

TREWINS ROAD, TALLYGAROPNA - INVESTIGATION OF FRAGMENTED FARMLAND



Trewins Road (western end)



Looking north-west

2.2 Key findings

Land on the northern side of Trewins Road is less fragmented than the southern side. Land on the northern side is held in larger properties and there is fewer dwellings. Apart from the small house lots, the land is being used predominantly for agriculture.

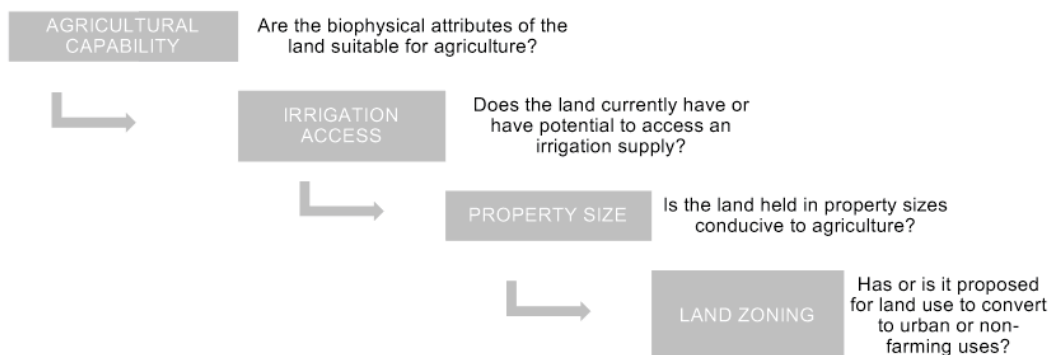
Land on the southern side of Trewins Road is more fragmented with more, small properties and more dwellings than the northern side. In addition to agriculture, land uses include horse training tracks, home business and rural residential.

3 AGRICULTURAL POTENTIAL

The approach to assessing the agricultural potential of the study areas drew on the definition of productive agricultural land in the Planning Practice Note: Applying the Rural Zones. The Practice Note recommends that Councils seek to protect productive agricultural land for agriculture and prevent unplanned loss due to permanent changes in land use. Productive agricultural is defined in the Practice Note as generally having one or more of the following characteristics:

- ☞ Suitable soil type including consideration of soil structure, texture, drainage, topography, fertility
- ☞ Suitable climatic conditions such as rainfall, temperature and evaporation
- ☞ Suitable agricultural infrastructure, in particular irrigation and drainage systems
- ☞ A present pattern of subdivision favourable for sustainable agricultural production.

For this study, a structured process of elimination was followed to establish the productive potential of rural land (Figure 6). Firstly, the agricultural capability of the land was determined. Then land with access or potential to access irrigation water was determined, followed by land held in lots suited to agriculture and finally land that has or is proposed to be converted to non-farming uses was identified.

Figure 6: approach to analysis of productive agricultural land

- Agricultural capability - The irrigation suitability of land in the study area has been mapped¹ as Class 4 (heavy textured soils liable to salinity problems and suitable for irrigation of cereals, summer crops, annual and perennial pastures).
- Irrigation access – the land has access to an irrigation supply
- Property sizes – small properties in the study areas range in size between 0.2 and 6 ha and not conducive to the types of agriculture to which the land is suited. All other properties range in size between 19 and 70ha. These properties are conducive to the types of types of agriculture to which the land is suited. While some of these properties may not be large enough to generate a sufficient income to support a farming family, they are suited to amalgamation with other properties. Fewer dwellings and larger property sizes on the northern side of Trewins Road increases its productive potential compared to the southern side of Trewins Road.
- Land zoning – The zoning and policy context for the study area strongly supports its ongoing use for agriculture.

Based on this assessment:

- The small properties under 6 ha have very low agricultural potential
- Properties on the northern side of Trewins Road have medium to high agricultural potential
- Properties on the southern side of Trewins Road have medium agricultural potential

4 POLICY CONTEXT

The policy context that applies to land within the investigation area is summaries here.

4.1 State Policy

Clause 11.10 Hume regional growth

Objective - To develop a more diverse regional economy while managing and enhancing key regional economic assets.

Strategies relevant to this review include:

¹ Goulburn Murray Water (2006) Shepparton Irrigation Atlas

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- Plan for a more diverse and sustainable regional economy by supporting existing economic activity and encouraging appropriate new and developing forms of industry, agriculture, tourism and alternative energy production.
- Facilitate rural tourism activities that support agricultural enterprises such as cellar door and farm gate sales and accommodation in appropriate locations.
- Avoid encroachment from rural residential settlement and other land uses that are non-complementary to agriculture in areas identified as strategic agricultural land and direct proposals for settlement to existing centres and townships.
- Support agricultural production through the protection and enhancement of infrastructure and strategic resources such as water and agricultural land, including areas of strategic agricultural land.

Clause 14 Natural Resources

Objective - Protect productive farmland which is of strategic significance in the local or regional context and encourage sustainable agricultural land use.

Strategies

- Ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use.
- Consult with the Department of Economic Development, Jobs, Transport and Resources and utilise available information to identify areas of productive agricultural land.
- Take into consideration regional, state and local, issues and characteristics in the assessment of agricultural quality and productivity.
- Permanent removal of productive agricultural land from the State's agricultural base must not be undertaken without consideration of its economic importance for the agricultural production and processing sectors.
- In considering a proposal to subdivide or develop agricultural land, the following factors must be considered:
 - The desirability and impacts of removing the land from primary production, given its agricultural productivity.
 - The impacts of the proposed 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.
 - The compatibility between the proposed or likely development and the existing uses of the surrounding land.
 - Assessment of the land capability.
- Subdivision of productive agricultural land should not detract from the long-term productive capacity of the land.
- Where inappropriate subdivisions exist on productive agricultural land, priority should be given by planning authorities to their re-structure.
- In assessing rural development proposals, planning and responsible authorities must balance the potential off-site effects of rural land use proposals (such as degradation of soil or water quality and land salinisation) which might affect productive agricultural land against the benefits of the proposals. Planning for rural land use should consider:
 - Land capability; and
 - The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.

4.2 Local policy

Clause 21.04-1 Settlement

The Greater Shepparton Housing Strategy 2011 (GSHS) outlines Council’s approach to housing delivery and growth in the municipality and provides the basis for the objectives, strategies and policy guidelines outlined below. It provides for sufficient land supply to accommodate housing demand within a consolidated and sustainable development framework. In doing so, it defines settlement boundaries for the extent of urban expansion to ensure the sustainability of the urban community and the well being of productive agricultural land.

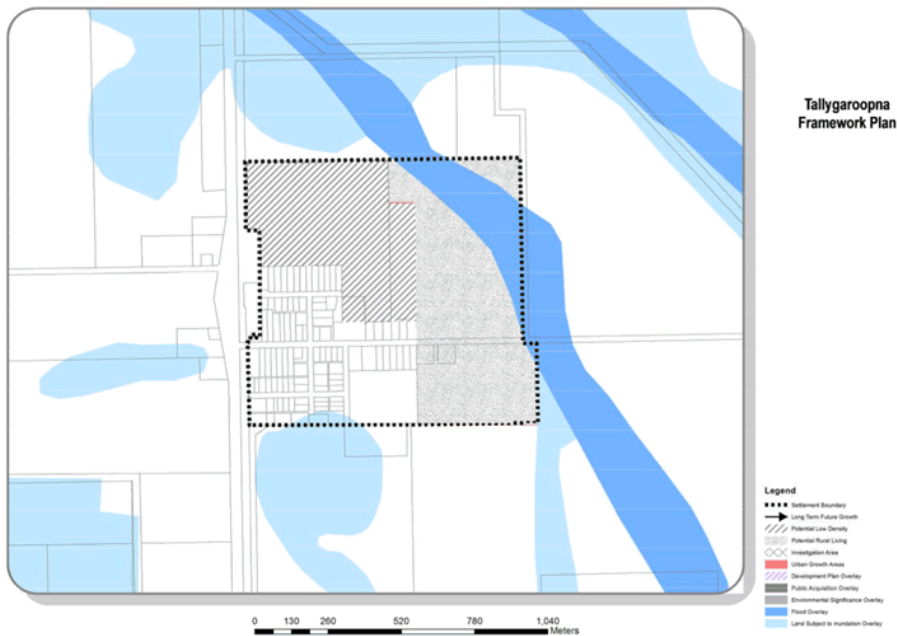
It is expected that the urban areas of Shepparton and Mooroopna along with the four major growth areas will accommodate the majority of new residential development, with remaining growth distributed throughout Tatura, Murchison, Merrigum, Dookie, Congupna, Katandra West, Tallygaroopna, Toolamba, and Undera. The location and timing of new development will be reviewed annually in accordance with the monitoring and evaluation framework contained in the GSHS.

Settlement Boundaries

The Framework Plans include a ‘settlement boundary’ for each urban area and town based on the Growth Management Plans within the GSHS. Residential growth outside the nominated settlement boundaries will generally not be supported.

The Tallygaroopna Framework Plan identifies areas with potential for low density residential and rural living with the settlement boundary.

Figure 7: Tallygaroopna Framework Plan



21.06-1 Agriculture

The MSS states that:

Irrigated primary production and the processing of that product underpin the municipality and the Region's economy and the region's workforce is heavily dependent on the agricultural sector. It is increasingly evident that prospective agricultural investment is jeopardized, deterred, or completely lost by land uses and developments that have the potential to compromise the scale and location of such investment. In particular, agricultural investment is far less likely where land is already fragmented in ownership with housing dispersed throughout.

The RRLUS characterizes the study area as a consolidation area. Clause 21.06-1 provides the following description of consolidation areas: *Consolidation areas being areas that support existing farm businesses to operate and expand. Consolidation areas typically include land with good soils and include many of the former closer settlement areas, but their lot sizes are no longer reflective of current farm sizes. Consolidation areas are considered to provide opportunities for development of growing agricultural enterprises that can, over time, expand and consolidate through a process of property restructure. In this regard 'consolidation' includes the consolidation of land or the consolidation of farming enterprises through acquisition of non-contiguous land to increase farm size. The development of additional dwellings threatens expanding agricultural enterprises and accordingly, new dwellings within these areas are discouraged. The use of re-subdivision and excisions within consolidation areas will be considered in recognition that the excision of a dwelling from a farm can provide businesses an opportunity to consolidate property holdings based on the value of land for agriculture.*

Important principles that have been applied in the rural areas are:

- *The minimum subdivision size is to be less or equal to the minimum dwelling size in order to avoid expectations and perceptions that there will be an automatic entitlement to erect a dwelling on all newly created lots in the Farming Zone.*
- *Small lot subdivisions should not create any additional entitlements for a dwelling nor should they create an opportunity for a dwelling without a planning permit.*

Objectives and strategies relevant to the area include:

Objectives

- To ensure that agriculture is and remains the major economic driver in the region.
- To facilitate growth of existing farm businesses.
- To facilitate growth of new agricultural investment.
- To provide for small scale, specialized agriculture.

Strategies

- Identify 'growth', 'consolidation' and 'niche' areas in the Farming Zone.
- Encourage growth and expansion of existing farm businesses and new investment in 'growth' and 'consolidation' areas.
- Encourage opportunities for smaller scale, specialized agriculture in 'niche' areas.
- Discourage land uses and development in the Farming Zone, Schedule 1 that would compromise the future agricultural use of the land, including farm related tourism.
- Encourage tourism in the Farming Zone, Schedule 2 that is carefully managed to prevent conflict and impact on agricultural operations.
- Encourage value adding and new enterprises for agricultural production.
- Encourage the preparation of Whole Farm Plans for on farm earthworks.

Clause 21.06-2 Subdivision in Rural Areas

This clause provides policy guidance for assessment of planning permits in rural areas

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.
- To provide for the incremental growth of farming enterprises.
- To discourage "small lot" subdivision unless the balance lot is at least the minimum lot size and is of a size sufficient to support a viable agricultural enterprise.
- To ensure that small lot subdivisions do not prejudice surrounding agricultural activities.
- To ensure that small lots have access to adequate infrastructure including access to all weather roads.
- To prevent small lot subdivision to meet personal and financial circumstances or to create lots for 'rural lifestyle' purposes.
- To prevent the creation of irregular shaped lots.
- To prevent "serial" small lot subdivisions from the one lot.

Strategies

- Discourage small lot subdivisions except where:
 - Restructure is an outcome;
 - No new opportunities for additional dwellings below the minimum specified in the schedule to the Farming Zone; and
 - The impact on neighbours and existing or potential agricultural use of nearby land is minimised.
- Discourage small lot subdivision, except where the proposal assists in the use, sale, reduction in number of lots, transfer or preservation of the land for agricultural purposes.

Policy Guidelines - Small Lot Subdivision Criteria

An application for a small lot subdivision of a lot containing a dwelling or the re- subdivision of existing lots should meet the following criteria:

- The lot containing the dwelling is to be no greater than 2ha in area unless there is a need for a larger parcel to take account of natural or public infrastructure features;
- The "balance" lot is of an area that complies with the minimum lot size for the zone;
- The existing dwelling is habitable; and
- The dwelling has existing use rights pursuant to Clause 63.

Exercise of discretion

It is policy to:

- Require the applicant to enter into an agreement under Section 173 of the Act which prevents:
 - The construction of a dwelling on the 'balance' lot unless, when combined with other land, the area satisfies the minimum lot size for the construction of a dwelling in the zone; and

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- The further subdivision of any lot created other than in accordance with the minimum lot size for subdivision in the zone.
- Discourage applications for a re-subdivision to realign lot boundaries if they:
 - Rely on freehold land which was previously a road reserve, channel, utility lot, crown land or similar; and
 - Create a dwelling opportunity where none previously existed.
- Support applications for a re-subdivision to realign lot boundaries will only be permitted for the purpose of making minor adjustments including to take account of topographical or public infrastructure features.

21.06-3 Dwellings in Rural Areas

This clause provides policy guidance for assessment of planning permits for dwellings in rural areas

Objectives

- To discourage new dwellings unless it can be demonstrated that it is required for the agricultural use of the land.
- To ensure that new dwellings support rural activities and production and are not to meet lifestyle objectives, which may conflict with the rural use of the land.
- To avoid potential amenity impacts between rural activities and dwellings in rural areas.

Strategies - Dwellings in Rural Areas

- Discourage the establishment of dwellings not associated with or required for the agricultural use of the land.
- Discourage dwellings on old and inappropriate lots where amenity may be negatively impacted by farming activities, or where dwellings may inhibit rural activities.
- Discourage dwellings which are proposed to meet personal or financial circumstances or to create dwellings for 'rural lifestyle' purposes.
- Discourage the clustering of new dwellings unless they do not limit the productive use and development of surrounding land.

Policy Guidelines - Dwellings in Rural Areas Criteria

An application for a dwelling in the Farming Zone, Schedule 1 (FZ1) and Farming Zone, Schedule 2 (FZ2) should meet the following criteria:

- The dwelling is required for the operation of the rural use of the land.
- The agricultural use is established on the land prior to the construction of a dwelling (or an Integrated Land Management Plan under Clause 35.07-6 in place).
- The dwelling is located on a lot of at least 2ha in area.
- The dwelling is located on a lot created after 1st January 1960.

Exercise of discretion

It is policy to:

- Discourage the construction of new dwellings on any land that is not suitable for the on-site disposal of septic tank effluent.
- Discourage the construction of new dwellings on any land with a water table within one metre of the surface when waste water is to be treated and retained on site.

- Require the applicant to enter into an agreement under section 173 of the Act to:
 - Ensure that the dwelling is used in conjunction with agricultural production;
 - 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
 - Acknowledge the impacts of nearby agricultural activities.
- Discourage a second dwelling unless it is demonstrated that it is necessary to support a viable agricultural enterprise.
- Discourage the occupation of the second dwelling until the agricultural use with which it is associated has commenced.
- Require the applicant to enter into an agreement under Section 173 of the Act for a second dwelling (including a caretaker's house, a manager's house or a dwelling for agricultural workers) to prohibit the further subdivision of the land around the dwelling.

Decision guidelines

When deciding an application for a dwelling, and in addition to the decision guidelines in the zone, the responsible authority will consider the following matters:

- The relationship between the proposed dwelling and the agricultural activity on the land.
- Evidence including an Integrated Land Management Plan under Clause 35.07-6 (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 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 planning history of the land.
- 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 on future development options.

ZONE

The study area is zoned Farming Zone - Schedule 1 and has a minimum subdivision area of 40 hectares and a minimum area for which no permit is required to use land for a dwelling - 60 hectares

OVERLAYS

The Flood and Land Subject to Inundation Overlay apply to some land within the study area (Figure 1).

4.3 Amendment C121

Amendment C121, which came into effect on 19 September 2012, implemented the findings and recommendations of the RRLUS into the Greater Shepparton Planning Scheme and was referred to an Independent Planning Panel for consideration of submissions.

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Land within the study area is characterised as a transition area by the RRLUS. Two submissions to the panel specific to the Trewins Road precinct raised the following key points to support the areas rezoning to FZ3 (Niche):

- The landholders within the identified precinct request that their land be included within the FZ3 niche category with the aim of retaining the precinct at its current land tenure pattern and facilitating new investment in innovative and emerging agricultural enterprises.
- Trewins Road better fits the attributes of FZ3 – Niche and does not fit FZ2 – Transition as per the amendment mapping.

The RRLUS defined Niche areas as:

Niche areas being those areas with productive potential based on existing lot configuration and opportunities for smaller scale and specialized agriculture. Niche areas include those rural areas with productive potential due to soil type, property size or water access. The opportunity for properties within these areas to expand in response to general market trends is limited however due to land value and existing development as most lots are smaller with dwellings. Niche areas are productive farming areas and not rural living areas. Niche areas may involve activities such as spraying and frost fans etc. New dwellings within the niche area can be considered where associated with farm business activity. Given the existing size and lot configuration, it is envisaged that subdivision would rarely be required. The minimum subdivision size in these areas has been set at 40ha and a dwelling needs a planning permit on all land less than 40ha in area.

It is considered that the Trewins Road area rather than a niche farming area is better characterised as a 'legacy area' i.e. past excisions and dwelling development has resulted in fragmentation. However, the extent of the fragmentation, generally contained to the southern side of Trewins Road does not warrant a change to the zone.

Regarding the Trewins Road, Tallygaroopna area, the Panel provided the following comments

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.

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.

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.

This assessment report supports Panel's comments. Under the current policy context, there is be no material difference between FZ1 or FZ2 for land within the Trewins Road precinct as all vacant lots are under the minimum lot size threshold and the same planning permit decision guidelines for dwellings apply in FZ1 and FZ2. No lots meet the subdivision minimum lot size threshold.

5 CONCLUSIONS

The desktop assessment and site inspection found that:

- Land on the northern side of Trewins Road is less fragmented than the southern side. Land on the northern side is held in larger properties and there is fewer dwellings. Apart from the small house lots, the land is being used predominantly for agriculture.
- Land on the southern side of Trewins Road is more fragmented with more, small properties and more dwellings than the northern side. In addition to agriculture, land uses include horse training tracks, home business and rural residential.
- The lot sizes and arrangement suggest a legacy of house lot and dwelling excisions.
- The agricultural potential of land within the precinct ranges from very low to high:
 - Properties under 6 ha have very low agricultural potential
 - Properties on the northern side of Trewins Road have medium to high agricultural potential
 - Properties on the southern side of Trewins Road have medium agricultural potential

Based on this review of the land within the study area and the policy context, the following conclusions are made.

- A change from characterisation of the land from Transition to Niche and subsequent rezoning from FZ1 to FZ2 will not increase opportunities for subdivision or lots for which no permit would be required for a dwelling.
- The types of agricultural activities encouraged by the Niche characterisation do not require a change of zone to be supported in the study area.
- The desire of residents, expressed in submissions, to retain the current land tenure pattern, is achieved by the current policy position.
- While land on the southern side of Trewins Road has been fragmented by past excisions and dwelling development, the extent of this fragmentation does not warrant a change to the zoning.

6 CONSULTATION

This report was sent to all land owners on Trewins Road and on the 7th of June, a drop-in session was held to provide an opportunity for land owners to meet with the Consultant and Council staff and discuss the report findings. Four parties came to the drop-in session:

- F. Fitzpatrick
- G Apted and J Kilmartin
- Mr and Mrs Singh
- Mr and Mrs Lohse.

Ms R Allan also spoke to Grace Docker (GSCC) by phone.

A number of mapping anomalies were raised and these have been addressed in this version of the report. Most participants came to the session to confirm why the report was prepared and the implications for their individual circumstances. A number sought clarification on what would be required in an application for a planning permit for a dwelling. Other comments are summarised here:

- There was general agreement that they would like to see Trewins Road unchanged
- Rezoning to FZ2 was not being sought

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The report findings and conclusions are not changed as a result of the consultation.

GREATER SHEPPARTON
GREATER FUTURE



MINUTES

FOR THE
GREATER SHEPPARTON CITY COUNCIL

ORDINARY COUNCIL MEETING

HELD ON
TUESDAY 17 JULY 2012
AT 1.00PM

IN THE COUNCIL BOARD ROOM
90 WELSFORD STREET

COUNCILLORS:

Cr Michael Polan (Mayor)
Cr Chris Hazelman (Deputy Mayor)
Cr Cherie Crawford
Cr Geoff Dobson
Cr Jenny Houlihan
Cr Milvan Muto
Cr Kevin Ryan

VISION

GREATER SHEPPARTON
AS THE FOOD BOWL OF AUSTRALIA,
A SUSTAINABLE, INNOVATIVE
AND DIVERSE COMMUNITY
GREATER FUTURE



6. MANAGEMENT REPORTS

FROM THE SUSTAINABLE DEVELOPMENT DIRECTORATE

6.4 Amendment C121 (Regional Rural Land Use Strategy) – Consideration of Panel Report and Adoption of Amendment

Disclosures of conflicts of interest in relation to advice provided in this report
No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest in relation to the matter under consideration.

Summary

Amendment C121 to the Greater Shepparton Planning Scheme proposes to implement the recommendations of the *Regional Rural Land Use Strategy October 2008* (RRLUS), which was a joint project between the Greater Shepparton City Council, the Moira Shire and the Shire of Campaspe. The RRLUS was adopted by the Council at the Ordinary Council Meeting on 16 November 2010.

Amendment C121 was tabled at the Ordinary Council Meeting on 19 June 2012 for adoption. The recommendation put to the Council included the following minimum lot sizes in the Farming Zone:

- i. FZ1 – 60ha subdivision, 80ha 'as of right' dwelling and
- ii. FZ2 – 40ha subdivision, 40ha 'as of right' dwelling

This motion was lost.

At this Council Meeting, an alternate recommendation was foreshadowed. This alternate recommendation included the following minimum lot sizes in the Farming Zone:

- i. FZ1 – 40ha subdivision, 80ha 'as of right' dwelling and
- ii. FZ2 – 40ha subdivision, 40ha 'as of right' dwelling

This motion was also lost. As a result, no motion was carried at this meeting.

The Council Officers' recommendation that was put before the Council at the Ordinary Council Meeting held on 19 June 2012 is being tabled again at the Ordinary Council Meeting on 17 July 2012. This motion was lost at the June Ordinary Council Meeting, therefore no determination was made regarding the matter. For Council to have a formal position on a matter a motion must be moved and a resolution passed.

Greater Shepparton City Council Local Law No. 2 does not prevent a Council Officer's recommendation being re-listed at a future meeting. It also does not specify a timeframe in which the motion can again be put before the Council. Under Section 82 of Local Law No. 2, for a *Notice of Motion put by a Councillor that is Lost*, a similar motion cannot be put before the Council for at least three months, however this recommendation being re-listed is from Council Officers, for which no timeframe applies.

In accordance with Section 27 of the *Planning and Environment Act 1987*, the Council must consider the Panel's report before deciding whether or not to adopt an amendment. Under Section 29 of the Act, the Council may adopt all or part of an amendment, with or without changes or can abandon the amendment under Section 28 of the Act. Section 31 of the Act requires the Council to submit the amendment to the Minister for Planning for approval.

Much discussion has arisen regarding proposed minimum lot sizes in the FZ and the four options put for consideration at the June Ordinary Council Meeting are no longer under



6. MANAGEMENT REPORTS

6.4 Amendment C121 (Regional Rural Land Use Strategy) – Consideration of Panel Report and Adoption of Amendment (Continued)

discussion. There appears to be consensus regarding the inability to delineate between dry and irrigated land, however the minimum lot sizes have been heavily disputed. The debate regarding minimum lot sizes has focused solely on the two likely options outlined in this report and as a result, the other options put to the June Council Meeting have been excluded from consideration. The two options now being considered are those which were put for adoption at the June Council Meeting, being the original recommendation and the alternate recommendation as outlined above.

The minimum lot sizes included in the alternate recommendation (as above) effectively break the nexus between subdivision and 'as of right' dwellings – an important outcome of the RRLUS which is further supported in the Panel Report (page 111). The Panel are in strong support of ensuring there is no expectation that a house can be developed 'as of right' on new lots created through subdivision in the Farming Zones. Subdivision primarily makes possible the transfer ownership of land which, in rural areas, is to facilitate the productive agricultural use of that land. There should be no right to the development of a dwelling attached to a subdivision.

The minimum lot sizes included in the alternate recommendation (as above) provide a much improved outcome when compared with the pre-interim controls (with minimum lot sizes varying from 10ha to 80ha), as well as the adopted Council position at Panel (40ha minimum lot sizes for both subdivision and 'as of right' dwellings across all proposed Farming Zones). However, a minimum lot size of 40ha for subdivision in the proposed Farming Zone 1 was not supported by the Independent Planning Panel and the Panel Report stated that this change lacked strategic justification (page 41 and page 95 of the Panel Report).

The original recommendation – with minimum lot sizes of 60ha for subdivision and 80ha for 'as of right' dwellings in FZ1 and 40ha for both subdivision and 'as of right' dwellings in FZ2 – was recommended in the Panel Report as the appropriate approach if no delineation between dry and irrigated land could be prepared (page 113). These minimum lot sizes also effectively break the nexus between subdivision and 'as of right' dwellings and provide a reasonable compromise between the smaller lot sizes requested by land owners and the larger lot sizes initially exhibited. These lot sizes are close to the adopted Council position at Panel and are significantly lower than the current interim controls.

The current Schedule to the Farming Zone includes interim provisions relating to minimum lot sizes for 'as of right' dwellings and subdivisions. These were to exist while the draft RRLUS was placed on public exhibition and the associated planning scheme amendment was being finalised. These provisions expired on 26 June 2012.

A letter was sent to the Minister for Planning on 9 May 2012 requesting a Ministerial Amendment to extend the Schedule to the Farming Zone to extend the expiration date for the interim planning provisions related to minimum lot sizes for subdivision and 'as of right' dwellings. This was done prior to Council resolution due to the limited timeframe between the Ordinary Council Meeting on 19 June 2012 and the expiration of the interim controls on 26 June 2012. This request, however, was made conditional upon the Council resolving to seek this extension at the June Ordinary Council Meeting.

Following the June Ordinary Council Meeting, as no motion was carried, a letter was sent to the Minister for Planning on 20 June 2012 to withdraw the initial request for a



6. MANAGEMENT REPORTS

6.4 Amendment C121 (Regional Rural Land Use Strategy) – Consideration of Panel Report and Adoption of Amendment (Continued)

Ministerial Amendment to extend the interim controls. As a result, the interim controls lapsed on 26 June 2012 and controls have reverted to pre-interim provisions.

RECOMMENDATION

That having considered the Independent Planning Panel Report for Amendment C121 to the Greater Shepparton Planning Scheme, in accordance with Section 27(1) of the *Planning and Environment Act 1987*, the Council:

1. adopt the recommendations of the Independent Planning Panel including the amended Local Planning Policy Provisions with some changes
2. adopt Amendment C121, with changes as recommended by the Panel, in regard to the minimum lot sizes where the delineation of irrigated and dry land cannot be determined, being:
 - i. FZ1 – 60ha subdivision, 80ha 'as of right' dwelling; and
 - ii. FZ2 – 40ha subdivision, 40ha 'as of right' dwelling;
3. not adopt the recommendation that further work is required to be undertaken, with the exception of a review of the area around Trewin's Road, Tallygaroopna as potential FZ2 due to the fragmentation of land in that area
4. not adopt the recommendation that lot sizes for subdivision or 'as of right' dwellings be linked to permanent water entitlements as a basis for decision making
5. for the purpose of the *Planning and Environment Regulations 2005*, section 10(e)(ii), provide the following reasons to the Minister for not adopting all of the recommendations of the Panel:
 - i. the ability to delineate between irrigated land and dry land is limited as the irrigation footprint for the region is constantly changing.
 - ii. this view is supported by G-MW, whose letter dated 16 May 2012 advises that such a delineation is not a practical or feasible option.
 - iii. significant strategic work for Amendment C121 has already been undertaken through the preparation of the RRLUS and this Amendment. Any future Planning Scheme Amendment associated with rural land in the municipality will be subject to further strategic work at the time of preparation of that amendment.
6. seek to reinstate the interim controls relating to minimum lot sizes for 'as of right' dwellings and subdivisions in the Farming Zone until the new provisions are approved by the Minister for Planning.
7. in accordance with Section 31 of the *Planning and Environment Act 1987*, submit Amendment C121 to the Minister for approval.



6. MANAGEMENT REPORTS

6.4 Amendment C121 (Regional Rural Land Use Strategy) – Consideration of Panel Report and Adoption of Amendment (Continued)

Moved by Cr Ryan

Seconded by Cr Crawford

That having considered the Independent Planning Panel Report for Amendment C121 to the Greater Shepparton Planning Scheme, in accordance with Section 27(1) of the *Planning and Environment Act 1987*, the Council:

1. adopt the recommendations of the Independent Planning Panel including the amended Local Planning Policy Provisions with some changes
2. adopt Amendment C121, with some changes as recommended by the Panel, but without the delineation of irrigation and dry land and with minimum lot sizes being:
 - i. FZ1 – 40ha subdivision, 60ha 'as of right' dwelling; and
 - ii. FZ2 – 40ha subdivision, 40ha 'as of right' dwelling;
3. not adopt the recommendation that further work is required to be undertaken, with the exception of a review of the area to the south of Trewin's Road, as potential FZ2 due to the fragmentation of the land in that area
4. not adopt the recommendation that lot sizes for subdivision or 'as of right' dwellings be linked to permanent water entitlements as a basis for decision making
5. for the purpose of the *Planning and Environment Regulations 2005*, section 10(e)(ii), provide the following reasons to the Minister for not adopting all of the recommendations of the Panel:
 - i. There are already a high proportion of intensive rural enterprises existing on rural land in the region, resulting in an existing lot size distribution that is largely at or below the 40ha minimum.
 - ii. The 40ha minimum lot sizes are consistent with the default for the Farming Zone in the Victorian Planning Provisions;
 - iii. 40ha minimum lot sizes increases the pre-interim provisions relating to the Intensive Rural and Intensive Agriculture areas, in accordance with the broad thrust of the strategy;
 - iv. The minimum lot sizes in FZ1 effectively breaks the nexus between subdivision and 'as of right' dwellings, ensuring there is no expectation that a house can be developed 'as of right' on new lots created through subdivision in the Farming Zones, which is still generally in accordance with the principle recommended in the Panel Report.
 - v. the ability to delineate between irrigated land and dry land is limited as the irrigation footprint for the region is constantly changing.
 - vi. this view is supported by G-MW, whose letter dated 16 May 2012 advises that such a delineation is not a practical or feasible option.
 - vii. Significant strategic work for Amendment C121 has already been undertaken through the preparation of the RRLUS and this Amendment. Any future Planning Scheme Amendment associated with rural land in the municipality will be subject to further strategic work at the time of that amendment



6. MANAGEMENT REPORTS

6.4 Amendment C121 (Regional Rural Land Use Strategy) – Consideration of Panel Report and Adoption of Amendment (Continued)

6. seek to reinstate the interim controls relating to minimum lot sizes for 'as of right' dwellings and subdivisions in the Farming Zone until the new provisions are approved by the Minister for Planning.
7. in accordance with Section 31 of the *Planning and Environment Act 1987*, submit Amendment C121 to the Minister for approval.

Cr Muto left the room at 2.01pm

Cr Muto returned to the room at 2.01pm

Moved by Cr Dobson

That the motion be put.

In accordance with clause 92 of Council's *Local Law No. 2 Processes of Local Government and Common Seal*, the Chair was unable to accept the motion as Cr Dobson had already spoken to the motion.

The motion was put and carried.

Background

Amendment C121 to the Greater Shepparton Planning Scheme proposes to implement the RRLUS. The Strategy and associated amendment have been prepared in conjunction with the Moira Shire Council (Amendment C51) and the Shire of Campaspe (Amendment C69).

Amendment C121 generally proposes to implement the findings of the *Regional Rural Land Use Strategy October 2008* (RRLUS). Specifically, Amendment C121 proposes the following changes to the Greater Shepparton Planning Scheme:

- Amends the Schedule to the Farming Zone (at Clause 35.07) to introduce new Farming Zone categories and prescribe minimum lot sizes for subdivisions and dwellings within each category;
- Amends the Municipal Strategic Statement (MSS) at Clauses 21.01, 21.02, 21.04, 21.05, 21.06, 21.08 and 21.09 to make reference to the RRLUS;
- Introduces the Rural Conservation Zone (RCZ) provisions and associated Schedule from the Victorian planning Provisions at Clause 35.06;
- Amends the Planning Scheme maps to rezone land from the Farming Zone to the new Farming Zones, or to the Rural Conservation Zone.

Amendment C121 seeks to secure and promote the future of agriculture across the region through modifications to the Greater Shepparton Planning Scheme. At the same time, Moira Shire Council is progressing Amendment C51 and the Shire of Campaspe is progressing C69 to their respective Planning Schemes in order to achieve the desired outcomes across the wider region – an important outcome of the Strategy.



6. MANAGEMENT REPORTS

6.4 Amendment C121 (Regional Rural Land Use Strategy) – Consideration of Panel Report and Adoption of Amendment (Continued)

Independent Planning Panel Report

Following exhibition of Amendment C121, all submissions received by the Council were referred to an Independent Planning Panel in accordance with Section 23 of the *Planning and Environment Act 1987*. The Panel Report was received by the Council on 27 March 2012. The Panel Report supports the intent of the RRLUS and Amendment C121, recommending that the amendment be adopted subject to the outlined changes.

The key conclusions and recommendations from the Panel Report relevant to Greater Shepparton City Council are attached (see *Attachment 1 – Tables of Recommendations*).

Officers' Recommendations

Following consideration of the Panel Report, the Council is required to make a determination on the adoption of Amendment C121. The Independent Planning Panel is an impartial body appointed by the Minister for Planning, who makes the final decision on whether or not an amendment will be approved. Under Section 29 of the *Planning and Environment Act 1987*, the Council must consider the recommendations of the Panel and determine how the amendment is to be adopted.

At the June Ordinary Council Meeting, four options were put forward for consideration:

- 1) Adopt with all changes outlined in the Panel Report;
- 2) Adopt with some changes outlined in the Panel Report, with minimum lot sizes being:
 - i. FZ1 – 60ha subdivision, 80ha 'as of right' dwelling and
 - ii. FZ2 – 40ha subdivision, 40ha 'as of right' dwelling
- 3) Adopt without changes outlined in the Panel Report
- 4) Abandon the amendment.

Option 2 was recommended by the Council officers. At the Council Meeting, an alternate recommendation was foreshadowed. This recommendation was not one that had been outlined in the June Council Report for consideration, with minimum lot sizes being FZ1: 40ha subdivision / 80ha 'as of right' dwelling and FZ2: 40ha subdivision / 40ha 'as of right' dwelling. Following this Council Meeting, two options are now being considered. These two options are:

- 1) Adopt with some changes outlined in the Panel Report, with minimum lot sizes being:
 - i. FZ1 – 60ha subdivision, 80ha 'as of right' dwelling and
 - ii. FZ2 – 40ha subdivision, 40ha 'as of right' dwelling
- 2) Adopt without changes outlined in the Panel Report, with minimum lot sizes being:
 - i. FZ1 – 40ha subdivision, 80ha 'as of right' dwelling and
 - ii. FZ2 – 40ha subdivision, 40ha 'as of right' dwelling

It is the recommendation of the Council officers that Option 1 be adopted by the Council. This option effectively provides a consistent, acceptable control with regard to minimum lot sizes and removes the ambiguity associated with irrigated and dry land delineation. It also provides a reasonable compromise between the smaller lot sizes requested by land owners and the larger lot sizes initially exhibited. These lot sizes are close to the adopted Council position at Panel and are significantly less than the current interim controls. This option does not undermine the intent of the RRLUS, and provides certainty for agricultural land across the region.



6. MANAGEMENT REPORTS

6.4 Amendment C121 (Regional Rural Land Use Strategy) – Consideration of Panel Report and Adoption of Amendment (Continued)

Option 1:

This option is the same as the recommendation put to the Council at the June Ordinary Council Meeting (previously Option 2).

The amendment can be adopted with some of the changes outlined in the Panel Report. Council officers suggest that the recommendations regarding minimum lot sizes for subdivision and as of right dwellings be adopted as follows:

	Minimum lot size for subdivision	Minimum lot size for 'as of right' dwelling
FZ1 – Growth & Consolidation	60ha	80ha
FZ2 – Niche	None specified (40ha default)	None specified (40ha default)

These minimum lot sizes do not delineate between dry and irrigated land. Due to the current uncertainty associated with irrigation in the region, it is difficult to clearly distinguish and map the actual irrigation footprint for the region as it is not static: water rights can be purchased and sold annually and land outside the declared irrigation district can be irrigated using groundwater and other means. Please see attached (*Attachment 2 – Copy of G-MW letter*) a letter from Goulburn-Murray Water supporting this recommendation.

This option recognises the fact that larger lot sizes for dwellings are necessary in the Farming Zone, as outlined in the RRLUS. In particular, this change is essential to avoid potential land use conflicts in the Farming Zone, such as dwellings not associated with farming activities, in order to promote and protect genuine agricultural practices (such as crop spraying and late night harvesting) and to further protect the capacity of land owners in the Goulburn Valley to produce food.

This option, with the minimum lot size for an 'as of right' dwelling in the FZ1 being 80ha, allows assessment of applications for dwellings in the Farming Zone by statutory planning officers. As a result, the construction of a dwelling on a lot below the minimum lot size threshold will not be prohibited, but will require a planning permit. This will not automatically result in a refusal, it simply means that in such cases it is possible for the proposal to be appropriately assessed having regard to the relevant planning considerations.

The lot sizes outlined in this option provide a reasonable compromise between the other lot sizes considered throughout the preparation of the Strategy and this amendment. The current (interim) minimum lot sizes are 100ha (Intensive) and 250ha (Broadacre) for both subdivisions and 'as of right' dwellings. Proposed minimum lot sizes exhibited for this amendment ranged from 40ha to 100ha (Irrigated) and 40ha to 250ha (Dryland). Following exhibition, the proposed minimum lot sizes for both 'as of right' dwellings and subdivision in all zones was reduced to 40ha as the result of Council resolution.

The Panel Report (page 41 and page 95) noted a lack of strategic justification for the 40ha minimum lot sizes in the both RRLUS and associated documentation, and did not support this change. It was also noted in the Panel Report that the 40ha minimum was inconsistent with the position of both Moira Shire and the Shire of Campaspe.



6. MANAGEMENT REPORTS

6.4 Amendment C121 (Regional Rural Land Use Strategy) – Consideration of Panel Report and Adoption of Amendment (Continued)

The lot sizes outlined in this option are close to the adopted Council position at Panel and are significantly less than the current interim controls. They are also consistent with the positions adopted by both Moira Shire and the Shire of Campaspe. This effectively provides a reasonable compromise without undermining the intent of the RRLUS, and provides certainty for agricultural land across the region.

A significant amount of strategic work has been undertaken to ensure that the RRLUS is comprehensive and complete. Council officers do not agree with the recommendation of the Panel that more strategic work is required as part of the amendment and this recommendation should not be supported by the Council.

The Panel Report (page 112) also recommends linking minimum lot sizes for subdivisions and 'as of right' dwellings to permanent water entitlements as a basis for decision making. This recommendation cannot be implemented as water entitlements are held unassociated with land.

The remaining recommendations regarding other aspects of the RRLUS to be incorporated into the Planning Scheme, including text changes in the Local Planning Policy, are supported (see *Attachment 3 – Draft revised MSS documentation*).

Option 2:

At the June Ordinary Council Meeting, an alternate recommendation was foreshadowed. The minimum lot sizes for subdivision and 'as of right' dwellings outlined in this recommendation had not previously been considered by the Council officers. The following analyses the implications associated with the alternate recommendation.

The Council may disagree with the changes outlined in the Panel Report and decide to adopt the amendment with changes not outlined in the Panel Report. This means that the amendment would be adopted with different provisions regarding minimum lot sizes for subdivisions and 'as of right' dwellings. In this case, Council officers suggest that the recommendations regarding minimum lot sizes for subdivisions and 'as of right' dwellings are adopted as follows:

	Minimum lot size for subdivision	Minimum lot size for 'as of right' dwelling
FZ1 – Growth & Consolidation	40ha	80ha
FZ2 – Niche	None specified (40ha default)	None specified (40ha default)

These minimum lot sizes, as in Option 1, do not delineate between dry and irrigated land, and break the nexus between subdivision and 'as of right' dwellings, which is an appropriate approach (see *Attachment 2 – Copy of G-MW letter* and page 111 of the Panel Report), however is not supported by Council officers as there is less strategic justification to support the minimum lot size for subdivision in the FZ1.

The minimum lot sizes included in this option effectively break the nexus between subdivision and 'as of right' dwellings – an important outcome of the RRLUS which is further supported in the Panel Report (page 111). The Panel, as discussed in the Panel



6. MANAGEMENT REPORTS

6.4 Amendment C121 (Regional Rural Land Use Strategy) – Consideration of Panel Report and Adoption of Amendment (Continued)

Report, are in strong support of ensuring there is no expectation that a house can be developed 'as of right' on new lots created through subdivision in the Farming Zones.

Future Farming: Improving Rural Land Use (the Independent Report to the Minister for Planning, December 2009), notes that minimum lot sizes for subdivision and development in the Farming Zone aims to draw a distinction between permitted and discretionary dwellings and constrains the division of rural land. This report (page 40) also states that subdivision primarily makes possible the transfer of ownership of land which, in rural areas, is to facilitate the productive agricultural use of that land. There should be no right to the development of a dwelling attached to a subdivision.

As per Option 1, with the minimum lot size for an 'as of right' dwelling in the FZ1 being 80ha, this allows assessment of applications for dwellings in the Farming Zone by statutory planning officers. As discussed in Option 1, this limits the potential for land use conflicts in the Farming Zone, such as dwellings not associated with farming activities, in order to promote and protect genuine agricultural practices and to further protect the capacity of land owners in the Goulburn Valley to produce food.

Although this option does achieve some of the objectives of the RRLUS and includes some changes as outlined in the Panel Report, these minimum lot sizes are difficult to justify. The Independent Planning Panel stated in the Panel Report (page 41 and page 95) that a 40ha minimum lot size for subdivision across the proposed Farming Zones lacked strategic justification. There is clear direction from the Panel Report that the position of the Council following exhibition of the amendment (40ha minimum lot size for subdivision across all Farming Zones) did not reflect the pre-interim controls, was not

supported by any of the strategic work undertaken as part of the RRLUS or the Amendment, and was inconsistent with the position of both the Shire of Campaspe and Moira Shire (page 41 and 95). For these reasons, Option 1 is the preferred option recommended by the Council officers.

Both Moira Shire and the Shire of Campaspe have adopted minimum lot sizes as outlined in Option 1. The Panel Report (page 41), refers to the underlying principle that the three Municipalities involved in the RRLUS take a consistent regional approach with regard to minimum lot sizes as was the original intent of the Strategy, and the 40ha minimum lot size for subdivision across both proposed Farming Zones contradicts this approach. The Panel Report expressed no support for the 40ha minimum lot size for subdivision across the proposed Farming Zones, and it is therefore unlikely that the Minister for Planning would approve these provisions.

A significant amount of strategic work has been undertaken to ensure that the RRLUS is comprehensive and complete. Council officers do not agree with the recommendation of the Panel that more strategic work is required as part of the amendment, and this recommendation should not be supported by the Council.

The Panel Report (page 112) also recommends linking minimum lot sizes for subdivisions and 'as of right' dwellings to permanent water entitlements as a basis for decision making. This recommendation cannot be implemented as water entitlements are held unassociated with land.



6. MANAGEMENT REPORTS

6.4 Amendment C121 (Regional Rural Land Use Strategy) – Consideration of Panel Report and Adoption of Amendment (Continued)

The remaining recommendations regarding other aspects of the RRLUS to be incorporated into the Planning Scheme, including text changes in the Local Planning Policy, are supported (see *Attachment 3 – Draft revised MSS documentation*).

Assessment under the Planning and Environment Act 1987

Under Section 12(1)(a) and (b) of the *Planning and Environment Act 1987*, the Council, as the planning authority, must implement the objectives of planning in Victoria and provide sound, strategic and coordinated planning of the use and development of land in its region. This amendment seeks to implement the objectives of planning in Victoria through the provision and protection of sustainable agricultural land across the region.

All Amendment C121 procedures comply with legislative requirements for amendment preparation, exhibition, submission consideration, panel stage and adoption in accordance with the *Planning and Environment Act 1987*.

Under section 29 of the Act, the planning authority must consider the Independent Planning Panel's Report before deciding whether to adopt the amendment with or without changes.

A planning authority adopts or abandons an amendment under sections 28 and 29 of the Act, with or without changes.

Risk management

In accordance with section 27 of the *Planning and Environment Act 1987*, the Council is required to consider the Independent Planning Panel's report before deciding whether or not to adopt the amendment. The Council is not required to adopt the recommendations of the Panel under the Act. As the Panel is appointed by the Minister for Planning, and is required to make recommendations based on net community benefit in the interests of all Victorians, it is possible that not accepting the Panel's recommendations could result in the amendment not receiving approval from the Minister for Planning, resulting in significant financial and resource costs for the Council.

Policy implications

There are no conflicts with existing Council policy.

Financial implications

In association with Campaspe and Moira Shire Councils, the Greater Shepparton City Council has financed the preparation and exhibition of the RRLUS and the associated amendment, including the costs associated with the Independent Planning Panel. These costs have been shared between the three Councils involved. The *Planning and Environment (Fees) Interim Regulations 2011* sets the statutory fees for the preparation, exhibition and adoption of planning scheme amendments.

The total costs of the Panel process amount to approximately \$118,000 – this amount was shared between the three Councils implementing the Strategy. Although the upfront costs of the Strategy and associated amendment are considerable, Amendment C121 seeks to secure and promote the future of agriculture across the region, resulting in positive financial directions for the municipality.



6. MANAGEMENT REPORTS

6.4 Amendment C121 (Regional Rural Land Use Strategy) – Consideration of Panel Report and Adoption of Amendment (Continued)

It is relevant to note that no budget has been requested for the implementation of the *RRLUS* for the 2012/13 financial year. Costs are unknown at this stage and will be established at a later date. The long term recommendations outlined in the Panel Report will result in significant financial and resource costs to the Council. No budget has been allocated to undertake this additional work resulting from the Panel recommendations.

Victorian Charter of Human Rights and Responsibilities Act 2006 implications

This Planning Scheme Amendment has been assessed in accordance with the requirements of the *Planning and Environment Act 1987* and the Greater Shepparton Planning Scheme. The assessment is considered to accord with the *Victorian Charter of Human Rights and Responsibilities Act 2006*. No human rights were negatively impacted upon through the amendment process, including during the exhibition, consideration of submissions and panel hearing stages. The rights of all individuals and groups with regard to Freedom of Expression, Right to be Heard, Entitlement to Participate in Public Life and Property Rights were upheld.

Legal / statutory implications

All procedures associated with Amendment C121 comply with legislative requirements for amendment preparation, exhibition, submission consideration, panel stage and adoption under the *Planning and Environment Act 1987*. The amendment is:

- Consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act;
- Complies with Minister's Direction No 11, *Strategic Assessment of Amendments* and accompanying practice note, *Strategic Assessment Guidelines – revised August 2004*.

Under the provisions of section 27 of the *Planning and Environment Act 1987*, the Council must consider the Independent Planning Panel's Report before deciding whether or not to adopt the amendment.

Consultation

Extensive community consultation and exhibition has been undertaken for both the *RRLUS* and Amendment C121. The amendment was placed on exhibition from 17 February 2011 until 14 April 2011. Notices appeared in the Government Gazette, Shepparton News and Tatura Guardian.

Notice was posted to individual land owners as well as to relevant referral authorities and Prescribed Ministers during the exhibition of the amendment. Community Information Sessions were held at three locations – Katandra, Shepparton & Tatura – to give landowners an opportunity to discuss the amendment with Council Officers.

The Panel Report notes that the statutory requirements associated with the Amendment exhibition process were satisfied and exceeded.

Strategic links

Greater Shepparton 2030 – Strategy Plan:

Direction 4: Economic Development – *“Promote economic growth, business development and diversification, with a focus on strengthening the agricultural industry.”*

Council Plan:

Strategic Objective 4 – *Economic Development*



6. MANAGEMENT REPORTS

6.4 Amendment C121 (Regional Rural Land Use Strategy) – Consideration of Panel Report and Adoption of Amendment (Continued)

“Objective 20: Develop and pursue strategies to protect and enhance our irrigation based agricultural economy.”

“In the next four years:

- *Finalise and adopt a Regional and Rural Land Use Strategy”*

Any other strategic links:

There are no other strategic links.

Attachments

1. Tables of Recommendations
2. Copy of G-MW letter
3. Draft revised MSS documentation