

**22.05**

05/06/2014

~~C80~~[Proposed](#)[C90](#)**RURAL DWELLINGS**

This policy applies to applications for the use and development of dwellings in the Farming Zone

**Policy basis**

South Gippsland Shire contains some of the most productive agricultural areas in Victoria and provides a substantial proportion of Victoria's milk as well as beef, prime lamb and vegetables. Agriculture and its associated processing and service industry underpin the Shire's economy. The future outlook for agriculture in the Shire is strong with the advantages of high rainfall, soil and land types suited to producing a wide range of agricultural commodities. With issues of climate change and water scarcity at hand, there is likely to be increasing demand for the Shire's high quality agricultural land from producers in less fertile areas. Existing farming activities in the Shire will need to have the capacity to grow and expand and will require access to affordable land unencumbered by unwanted infrastructure.

The settlement and subdivision history of the Shire has left a legacy of small lots scattered amongst larger farming lots. There are approximately 12,000 lots in the Farming Zone, including a large number of small lots in old Crown Townships and remnant vacant lots arising from early subdivisions. These lots are often isolated, or in strips along road sides and surrounded by agricultural uses. Multi-lot farms (tenements) are the most common structure of land tenure in the Shire, with commercially viable production areas being formed by the aggregation of smaller lots.

The Shire's significant environmental and landscape assets make the area attractive for rural residential lifestyles. The northern and western areas of the Shire are particularly popular for rural living, primarily due to the proximity to Melbourne and the area's attractive pastoral and forested landscapes. There is a significant level of *ad hoc* rural lifestyle development already in the rural areas of the Shire. The conversion of agricultural land into rural residential land use activities results in a net loss to agriculture due to permanent land use changes. In the absence of a planned approach to rural residential development, detrimental impacts on the landscape, environmental and agricultural values of the Shire may arise.

**Objectives**

- To discourage the proliferation of dwellings not associated with agriculture on lots over 4.1 hectares.
- To discourage the proliferation of dwellings on lots over 4.1 hectares where the agricultural use of the land does not require the presence of a land manager.
- To ensure that the development of dwellings on rural land does not prejudice existing agricultural activities on surrounding land.
- To ensure that agricultural land is maintained for the cost-effective production of food and raw materials.
- To retain the open farmed landscape as the defining visual characteristic of the Shire.
- To ensure the cost-effective servicing of towns and communities across the Shire by avoiding the impacts of a dispersed population base.
- To provide a consistent basis for considering planning permit applications for the use and development of dwellings in rural areas [including old and inappropriate subdivisions](#).

**Policy****Development of dwellings on lots in association with or without Agriculture**

The use and development of dwellings where not genuinely required for the ongoing operation of a commercial agricultural activity can have adverse implications on agricultural output through the conversion of land to residential or hobby-farm use. Applications will therefore require substantial demonstration that any new dwelling on a lot of over 4.1 hectares is genuinely required for the enhancement and ongoing growth of agricultural production in South Gippsland.

It is policy that:

- The grant of a permit for a dwelling in the Farming Zone is strongly discouraged unless any of the following apply:
  - The dwelling is proposed for rural-residential purposes on a lot less than 4.1 hectares;
  - The dwelling is proposed in association with agriculture on a lot greater than 4.1 hectares in area;
  - The dwelling is proposed on a lot that is predominantly occupied by remnant Native Vegetation (remnant vegetation or regrowth over 15 years old and at least 50% cover); or
  - The lot conforms with a Restructure Plan in the Schedule to Clause 45.05.
- It must be clearly demonstrated that the dwelling on a lot over 4.1 hectares is genuinely required to carry out a long-term agricultural activity on the land.
- New dwellings on lots over 4.1 hectares will only be approved in order to support rural activities and production and are not to meet rural lifestyle objectives that may be in conflict with the rural use of the land.
- An application for a dwelling on a lot over 4.1 hectares must demonstrate net benefit to agricultural productivity on the land.
- Development of the land for the purposes of a dwelling should be compatible with and not adversely impact upon:
  - Any existing agricultural activities on surrounding land;
  - The environmental characteristics of the surrounding area;
  - The rural character and landscape values of the area, including visual impact; and
  - Natural systems, water quality or water quantity in the locality.
- Dwellings in association with Extensive Animal Husbandry (grazing), and calf rearing, on lots between 4.1 to 40 hectares are strongly discouraged.
- Dwellings in association with agricultural activities on lots over 4.1 hectares other than Extensive Animal Husbandry (grazing), or calf rearing will be assessed taking into account the following:
  - Whether a dwelling is reasonably required on the land having regard to the size, intensity and ongoing nature of the proposed agricultural activity;
  - Whether the dwelling is secondary to the use of the land for agriculture (as opposed to the agricultural activity being secondary to the use of the land for a dwelling);
  - Whether the land requirements of the proposed agricultural activities compromise the commercial agricultural activities of the existing farm through a reduction in the size of the existing farm, which may include a tenement or multi-lot holding;

- Whether the agricultural activity can be reasonably managed from an off-site location; and
- Whether the objectives of planning will be assisted by the use of permit conditions or section 173 Agreements to require the construction of supporting agricultural infrastructure.

### **Development of second and subsequent dwellings**

In assessing an application for a second or subsequent dwelling on a lot or in connection with a multi-lot farming property, in addition to the requirements above it is policy that:

- Second and subsequent dwellings on lots less than 40 hectares will be strongly discouraged;
- Second and subsequent dwellings on multi-lot farming properties should be located on the same lot as the existing dwelling;
- Consideration be given to the need for consolidation of existing lots in order to ensure that the dwelling(s) remain connected to the agricultural use of the land; and
- Consideration be given to the need for a section 173 Agreement to prevent the excision of the dwelling from the land through subdivision.

### **Development of dwellings in association with native vegetation and biodiversity outcomes**

It is policy that:

- Dwellings in association with the management of biodiversity and native vegetation on lots less than 40 hectares will only be supported where all of the following circumstances apply:
  - The lot is predominantly occupied by remnant native vegetation or regrowth at least 15 years old, where there is no or highly limited potential for an agricultural activity to occur; and
  - There is no or limited native vegetation removal required to facilitate the construction of a dwelling with associated bushfire protection measures, including those required to implement the defensible space and vehicle access requirements of the planning scheme.
- Where a permit is granted, a condition of the permit will require that the landowner enter into a section 173 Agreement or similar binding mechanism for the developments and implementation of a land management plan which provides for the ongoing protection and management of the native vegetation and biodiversity on site. This will also include the ongoing vegetation management associated with maintaining defensible space.

### **Development of lots in old and inappropriate subdivisions ~~Crown townships/ settlements~~**

It is policy that:

- ~~A permit must not be granted to use or develop land for a dwelling under Section 2 of the Table of uses to Clause 35.07-1 if the lot is ~~within an historic Crown township or settlement~~ old and inappropriate subdivision in the Farming Zone unless the site comprises parcels (and where relevant closed, unused road road reserves) consolidated in accordance with the relevant Restructure Plan in the Schedule to Clause 45.05. This includes the following Farming Zone areas:~~
  - ~~Welshpool/ Hedley~~
  - ~~Port Franklin~~
  - ~~Hoddle~~
  - ~~Whitelaw~~

~~Newcastle~~  
~~Bennison~~  
~~Jeetho~~  
~~Jumbunna~~  
~~Outtrim~~

### Application Requirements

An application for a dwelling must include:

- A site analysis outlining notable features of the site and surrounding area including topography, vegetation, existing buildings and works, roads (made and unmade), utility services, easements, soil type and other relevant features;
- A whole farm plan with any application to use and develop a lot for a dwelling in association with an agricultural activity;
- A report that addresses this policy;
- A detailed set of plans, drawn to scale, showing:
  - Site layout, including property access;
  - Floor plans and elevations;
  - External building materials and colours; and
  - Location of wastewater system and effluent fields
- A report that demonstrates how the design and layout of the proposed development addresses local policies at Clause 21.07-42 Housing design and Clause 21.07-73 Rural residential development.

An application for a dwelling in an old and inappropriate subdivision where the Restructure Overlay is applied must additionally include the information required by the Incorporated document *Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire, August 2016* listed in the Schedule to Clause 81.01.

### Policy reference

*Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire, August 2016*

*South Gippsland Rural Land Use Strategy, 2011*

### Reference Documents

~~*Infrastructure Design Manual (Vers 4, March 2013) (as amended)*~~

~~*Healthy By Design 2012 (as amended)*~~

~~*The South Gippsland Housing and Settlement Strategy, 2013*~~

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**Objectives**

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- New dwellings on lots over 4.1 hectares will only be approved in order to support rural activities and production and are not to meet rural lifestyle objectives that may be in conflict with the rural use of the land.
- An application for a dwelling on a lot over 4.1 hectares must demonstrate net benefit to agricultural productivity on the land.
- Development of the land for the purposes of a dwelling should be compatible with and not adversely impact upon:
  - Any existing agricultural activities on surrounding land;
  - The environmental characteristics of the surrounding area;
  - The rural character and landscape values of the area, including visual impact; and
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  - Whether a dwelling is reasonably required on the land having regard to the size, intensity and ongoing nature of the proposed agricultural activity;
  - Whether the dwelling is secondary to the use of the land for agriculture (as opposed to the agricultural activity being secondary to the use of the land for a dwelling);
  - Whether the land requirements of the proposed agricultural activities compromise the commercial agricultural activities of the existing farm through a reduction in the size of the existing farm, which may include a tenement or multi-lot holding;

- Whether the agricultural activity can be reasonably managed from an off-site location; and
- Whether the objectives of planning will be assisted by the use of permit conditions or section 173 Agreements to require the construction of supporting agricultural infrastructure.

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#### **Development of lots in old and inappropriate subdivisions**

It is policy that:

A permit must not be granted to use or develop land for a dwelling under Section 2 of the Table of uses to Clause 35.07-1 if the lot is in an old and inappropriate subdivision in the Farming Zone unless the site comprises parcels (and where relevant closed, unused road reserves) consolidated in accordance with the relevant Restructure Plan in the Schedule to Clause 45.05.

#### **Application Requirements**

An application for a dwelling must include:

- A site analysis outlining notable features of the site and surrounding area including topography, vegetation, existing buildings and works, roads (made and unmade), utility services, easements, soil type and other relevant features;
- A whole farm plan with any application to use and develop a lot for a dwelling in association with an agricultural activity;

- A report that addresses this policy;
- A detailed set of plans, drawn to scale, showing:
  - Site layout, including property access;
  - Floor plans and elevations;
  - External building materials and colours; and
  - Location of wastewater system and effluent fields
- A report that demonstrates how the design and layout of the proposed development addresses local policies at Clause 21.07-2 Housing design and Clause 21.07-3 Rural residential development.

An application for a dwelling in an old and inappropriate subdivision where the Restructure Overlay is applied must additionally include the information required by the Incorporated document *Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire, August 2017* listed in the Schedule to Clause 81.01.

### **Policy reference**

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