

# Golden Plains Rural Land Use Strategy

## FINAL REPORT

Adopted by Council January 2008

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Golden Plains Shire Council

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## List of abbreviations

ABS	Australian Bureau of Statistics
CMA	Catchment Management Authority
DPI	Department of Primary Industries
DSE	Department of Sustainability and Environment
FZ	Farming Zone
LPPF	Local Planning Policy Framework
LPP	Local Planning Policy
MSS	Municipal Strategic Statement
RAZ	Rural Activity Zone
RCZ	Rural Conservation Zone
RLZ	Rural Living Zone
RDV	Regional Development Victoria
VCAT	Victorian Civil and Administrative Tribunal

## List of references\*

Rowan J N, Russell L D, Ransom S W, Rees D B (Ed), 2000, Land Systems of Victoria, January 2000 Edition 3, Version 2, DNRE, State of Victoria

Golden Plains Planning Scheme, 2007

Golden Plains Environment Implementation Plan 2002-2003

Corangamite CMA, Corangamite Regional Catchment Strategy 2003-2008

The Victorian Code of Practice for Broiler Farms 2001

Victorian Code of Practice Piggeries 1992

DSE, 2006, Rural Residential Guidelines

Neil Noelker and Associates, 2003, Home Based Business in the Golden Plains Shire 2003

ABS, 2006, Catalogue 1290.0 Australian and New Zealand Standard Industrial Classification (ANZSIC)

*\*Refer to Appendix A for further references*

## List of VCAT cases

1. Gayford Investments v Golden Plains [2000] VCAT 1142 (31 May 2000)
2. McKay v Golden Plains SC (Red dot) [2005] VCAT 1273 (30 June 2005)
3. Sharkey Noel v Golden Plains SC [2001] VCAT 2220 (30 November 2001)
4. Kos v Golden Plains SC [2005] VCAT 1079 (6 June 2005)
5. Meesen v Golden Plains SC [2005] VCAT 2561 (30 November 2005)
6. Gvildys v Golden Plains SC [2006] VCAT 49 (1 February 2006)
7. Krusic-Golub v Golden Plains SC [2006] VCAT 255 (24 February 2006)
8. Stout v Golden Plains SC [2003] VCAT 1923 (18 December 2003)
9. Holton v Golden Plains SC [2004] VCAT 956 (19 May 2004)
10. Hutchinson v Golden Plains SC [2003] VCAT 1706 (19 November 2003)

# 1. Background

The introduction of new rural zones by the Victorian State Government has prompted the development of a Rural Land Use Strategy for the Golden Plains Shire. Golden Plains Shire Council has commissioned PB (Parsons Brinckerhoff) to complete this strategy, which has involved a review and where appropriate a revision of Council's current rural areas strategic land use position. The goal of the review is to develop a framework to guide planning for future land use and development in the rural areas of Golden Plains Shire. The development of this framework identifies issues and opportunities in the rural areas and will assist Golden Plains Shire Council in effectively implementing the new rural zones and any amendments to the Golden Plains Planning Scheme required in implementing the renewed vision for the Shire's rural areas.

## **Partnerships**

The development and implementation of a Rural Strategy for the Golden Plains Shire involves a partnership between the various levels of government and their respective agencies, the Shire's communities and the owners and managers of rural land. A Rural Strategy is based on a shared set of goals seeking common outcomes for actions and initiatives. A wide range of vehicles or means of implementation are available for such a Strategy. Many of these actions and initiatives are well known and widely supported and include programs such as Landcare, river and stream management programs, cooperative actions between Council, various government departments and agencies such as Catchment Management Authorities and community based organisations. Numerous community based groups have programs to support their interests through actions directed at social and community prosperity and well being, economic and business initiatives and environmental improvements. Council has placed a strong emphasis on supporting and encouraging small business including farmers given the high degree of local employment they create and support. The Rural Strategy in part assumes that this range of actions and programs will continue.

## **The Planning Scheme**

A Council Planning Scheme is often seen as the primary means to implement a Rural Strategy. While the Planning Scheme has a substantial influence over the economic, social and environmental condition and future of rural areas its influence can be overstated. It can legally only deal with proposed land use changes and developments. It therefore relies upon land owners and proponents of development to put forward a change of use or new development for the powers in the scheme to be exercised. By zoning land Council can provide a framework and set of conditions under which land uses and developments can take place. Zoning can prohibit certain specified uses or require that a use or development, including the subdivision of land, be carried out in a certain manner and subject to particular conditions. But the zoning of land does not affect or curtail existing lawful uses in conflict with the zone nor can it require a particular use to occur.

## 2. Methodology

The process for developing a Rural Land Use Strategy included a number of key stages.

1. Background research and review
2. Consultation with community, relevant agencies, Councillors and Council staff
3. Analysis of findings and development of a strategy

A comprehensive review of the Golden Plains Planning Scheme, relevant Council strategies and policies and other relevant strategic work was undertaken in the initial stages.

Consultation is an important component in developing the strategy. A consultation program was developed that involved a number of community drop in sessions at various locations around the Shire as well as meetings with relevant agencies, Council staff and Councillors.

### 2.1 Study elements

The local land use and development issues influencing the Shire's rural areas, and that need to be addressed by the strategy include:

- new agricultural industries
- intensive animal industries
- rural lifestyle living
- minimum subdivision provisions

The key tasks involved in developing the Rural Strategy were to:

- review existing relevant information
- map rural land use and development issues, constraints and opportunities
- conduct consultation with stakeholders
- identify where the new Rural Zones should be applied
- prepare a Rural Land Use Strategy

Preparation of the Rural Land Use Strategy is to include recommendations regarding any necessary changes or additions to the Golden Plains Shire's Municipal Strategic Statement (MSS), Local Planning Policies (LPP) and zoning or overlays.

### 2.2 Project team

The project team has brought a broad range of expertise in strategic and statutory planning to the strategy.

#### **Key project team members**

Trevor Budge – Project Director and planning consultant

Felicity Brown – Project Manager and planning consultant

Jessie Keating – Planning consultant

Peter Dawson – Planning consultant

Nick Power – Planning consultant

The project team wish to thank the Council and Council's staff for their assistance and contribution, in particular Matt Kelleher, as Council's Project Manager.



### 3. Strategic framework

The key purpose of the study is to develop a strategy as a basis to update the Golden Plains Planning Scheme with respect to rural land use and development. The Golden Plains Rural Land Use Strategy sits within the context of planning and land management legislative frameworks and strategic policy. A number of Council and regional/state strategies were reviewed as part of the development of this strategy. A summary of literature reviewed is included in Appendix A to this report.

#### 3.1 Victoria Planning Provisions

Every municipality in Victoria is covered by a Planning Scheme which guides and regulates land use and development. Planning Schemes are legal documents which Councils are responsible for administering and for preparing relevant local content where relevant.

##### 3.1.1 Golden Plains Planning Scheme

###### State Planning Policies

The Golden Plains Planning Scheme is required to implement State Planning Policy. There are a number of State planning policies that apply to rural land that are of relevance to this project.

<b>Clause 15</b>	<b>Environment</b>
15 Environment	Assist the protection and restoration of air, land and water quality and the conservation of natural ecosystems, resources, energy and cultural heritage in Victoria.
<b>Clause 12</b>	<b>Metropolitan Development (reference to regional Victoria)</b>
12.03 Regional Cities - Rural residential development	Control development in rural areas to protect agriculture and the natural resource base. Encourage further development in existing settlements and discourage isolated small lots in rural zones.
<b>Clause 17</b>	<b>Economic Development</b>
17.05 Protect productive agricultural land	Protect the State's agricultural base. Ensure productive agricultural land is not lost due to permanent changes to land use.
17.06 Intensive animal industries	Support their establishment and expansion provided they are consistent with orderly and proper planning and protection of the environment. Responsible authorities (Council) must have regard to the State Codes of Practice for cattle feedlots, piggeries and broiler farms.
17.07 Forestry and timber production	Councils should identify appropriate areas for this use. Forestry and timber production uses on Crown and private land are required to be consistent with the National Forest Policy Statement and relevant Codes of Practice.

###### Local Planning Policies

The Golden Plains Planning Scheme contains Council's Municipal Strategic Statement and a suite of policies prepared by Council to guide decision making on issues specific to the Shire.

###### Municipal Strategic Statement (MSS)

In respect to rural land use and development the Golden Plains Shire Municipal Strategic Statement identifies the following four (4) key issues:

- **Managing residential growth**

- ▶ there is demand for rural residential and low density residential development
- ▶ there is a supply of land in all urban centres and towns in the Shire

*Key issues*

- ▶ focus residential development in urban centres and within identified urban growth boundaries
- ▶ maintain the distinction between urban and rural areas
- ▶ recognise the physical limitations to on-site effluent disposal based on land capabilities.

**▪ Enhancing economic growth**

- ▶ the rural economy is based on grazing, cropping and a growing horticultural and intensive animal industry
- ▶ the location of the Shire in proximity to Melbourne, Geelong and Ballarat and as a gateway to the western district makes it attractive to export and transport facilities, regional markets, export suppliers
- ▶ there is further potential for growth in horticulture, animal husbandry and timber production
- ▶ support sustainable value adding industries and service industries, particularly those which relate to the agricultural base, forestry and natural resources

*Key issues*

- ▶ there are limited employment opportunities in the Shire
- ▶ the Shire does not have large economic or service industries and a significant proportion of residents derive income from outside the Shire

**▪ Maintaining and encouraging viable agricultural industries**

- ▶ the major land use in the Shire is agriculture – particularly for extensive grazing and cropping
- ▶ there has been a growth of intensive agriculture, particularly in the wine and specialist livestock industries
- ▶ timber production is an important industry – but expansion is limited to cleared land that is used for grazing/cropping and higher rainfall areas
- ▶ proximity to metropolitan and regional markets is a competitive advantage

*Key issues*

- ▶ protect high quality agricultural land and avoid fragmentation of land for rural residential where inappropriate
- ▶ maintain farm size to ensure agricultural productivity and ensure small lot creation in Rural Zones are consistent with zone purposes
- ▶ manage potential conflict between sensitive uses and agricultural practices
- ▶ need to provide for industrial use and development that is value adding for locally produced products and that relates to the agricultural base, forestry and natural resources.

- **Protecting and enhancing the natural environment**

- The Shire contains important park reserves, including the Enfield State Forest and the Brisbane Ranges National Park,
- Much of the Shire has been cleared of its original native vegetation cover

*Key issues*

- there are areas of remnant native vegetation which require protection
- water quality, particularly in regards to protection and enhancement of streams and other waterways and management of surface water, groundwater and wetlands
- salinity is an increasing problem in some areas that has implications for agriculture and residential development
- Erosion, fire risk, pest plant and animals and flooding also priority issues

### **Local Policies in the Planning Scheme**

22.02 Animal Keeping	Ensure that use and development of land for animal keeping and greyhound training does not impact on the environment, residential amenity in rural zones is protected and that developments are appropriately designed and sited.
22.03 Intensive Animal Husbandry	Ensure that intensive animal husbandry uses are suitably located, the use and development does not impact on the environment and that they are appropriately designed and sited.
22.04 House Lot Excision	Ensure that the creation of small lots and dwelling excisions are consistent with the purposes of the Rural Zone and to limit land subdivision that is not compatible with the use of the land for sustainable resource purposes. Also to ensure that dwelling excision ensures that surrounding rural production activities are not prejudiced. Excisions in the northwest area of the Shire should particularly take into account infrastructure, environmental and supply and demand issues.
22.05 Management of Rural Residential Development – North West Area	Ensure that the long term growth and development of this area satisfies the strategic directions papers / structure plan prepared for this area (Strategic Directions Plan for the North West Area, January 2000, and Structure Plan).
22.06 Urban Growth Boundaries	Maintain a clear distinction between urban and rural areas to ensure continued agriculture and efficient township development. An objective of this policy is also to lessen conflict between agricultural and non-agricultural land uses.
22.08 Catchment and Land Protection (RUZ and LDRZ)	Ensure sustainable development and maintenance of natural resources, ecological processes and genetic diversity. To ensure that use and development considers impacts on the quality and quantity of natural resources and that the responsible authority applies and is consistent with the relevant natural resource management strategies and the regional catchment strategy.
22.09 Water Supply Catchment	This policy applies to areas within the ESO2. The objectives of the policy are to ensure the protection and maintenance of water quality and quantity and best practice land and water management within the Moorabool River (Sheoaks) and Stony Creek Special Water Supply Catchment Areas and to prevent waterway degradation and pollution.

## **3.2 Settlement Strategy**

The Shire Council has not undertaken a detailed housing strategy that would provide the basis for a separately developed long term Settlement Strategy. However, a series of explicit decisions about the location, form and scale of development throughout the Shire, expressed through the strategies and provisions of the planning scheme, has provided the basis for a Settlement Strategy. The Golden Plains Shire’s settlement strategy is not based on a limited number of large towns and residential areas as is common across most local government areas. Rather Golden Plains Shire comprises a small number of moderate sized towns that mostly have low density housing patterns, a large number of dispersed small settlements, some concentrations of rural living areas reflecting historical subdivisions and a dispersed farm population.

Various decisions made over the last decade in respect to infrastructure, community and commercial facilities and the zoned provision of land for future development have reinforced that overall settlement pattern. In particular, the provision of sewerage for Bannockburn and the listing of Smythesdale as a priority town for sewerage facilities have provided the first step in defining a settlement strategy hierarchy. The investment in key community and commercial facilities at Bannockburn, the preparation and implementation of urban design frameworks, structure plans and township development plans for a series of towns across the Shire, and the provision for planned rural living and rural residential development have all assisted in establishing and reinforcing a settlement pattern and structure. Because of the nature of the township and residential development in the Shire the Rural Strategy effectively provides for the further articulation and development of this Settlement Strategy.

In essence the Golden Plains Settlement Strategy comprises four core elements

1. designation of priority service towns or centres for infrastructure provision and development with supporting commercial development - these towns or centres are Bannockburn, Smythesdale and Rokewood,
2. encouragement of growth based on the provision of key social and community and commercial facilities in those towns and settlements where there is Residential or Township zoning
3. planned rural residential and rural living development provided for by the designation of Rural Living zones
4. dispersed residences in the Shire's rural areas where the residents are undertaking commercial farming activities.

Recent changes to the Ministerial Direction No 6 Statement and its supporting Rural Residential Development Guidelines now require a settlement (housing) strategy to demonstrate housing needs and types strategically as a basis for any further rural residential zoning proposals. Council has already committed to preparing a housing strategy in the future with the above points forming the basis of such a strategy.

### **3.3 Implementation of New Rural Zones**

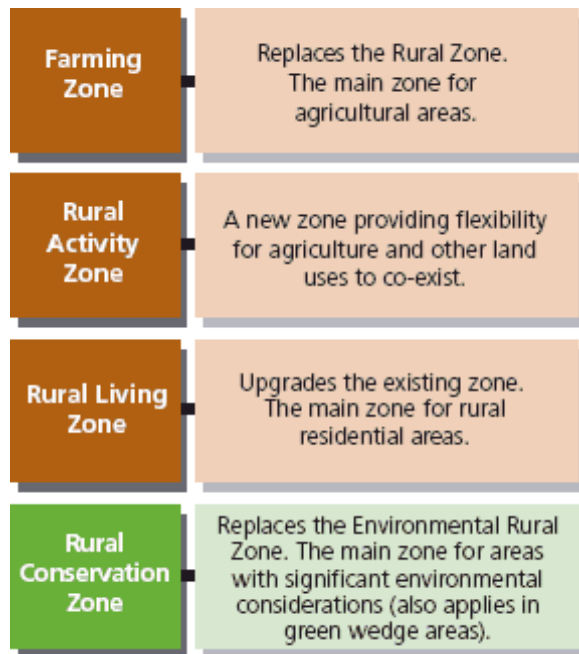
#### **3.3.1 New Rural Zones**

In mid 2004 the State government released new state wide rural zones after a considerable consultation program. All Councils are required to implement these new zones and the Minister invited Councils to apply the new zones by simply translating their existing zones. Many Councils including Golden Plains Shire chose not to do so, preferring instead to undertake strategic planning work as a basis of applying the zones.

The State's new rural zones seek to more clearly identify the role of agriculture in rural areas, and protect opportunities for it. They also provide a basis for the consideration of some other land uses in rural areas that are not associated with agriculture.

A Planning Practice Note prepared by DSE explaining the use and application of the new Rural Zones was released in March 2007.

The basis for the application of the new Rural Zones is shown on the diagram below



**Figure 1: The new Rural Zones**

Source: Department of Planning and Community Development (formerly Department of Sustainability and Environment)

Further information on the new zones can be found at website [www.dpcd.vic.gov.au](http://www.dpcd.vic.gov.au) under the Planning section.

### **Farming Zone**

The new Farming Zone replaces the former Rural Zone. The former Rural Zone was a very open ended zone providing for a very wide range of uses subject to a permit. This had the advantage of providing Councils and landowners with considerable scope in using their rural areas to provide for a wide range of land uses. While this had considerable advantages it also had the disadvantage that conflicting land uses were often sited near each other, there was a lack of precision as to how areas were to be used and developed and agricultural uses could be compromised. The new Farming Zone is more prescriptive, making it clear that the zone is for those areas where farming is the predominant use and therefore prohibiting a range of uses that could compromise such use. These prohibited uses include, but are not limited to, industry (rural industries that are linked to agriculture are appropriate), some types of accommodation (other than a dwelling, dependent person's unit, group accommodation, host farm and residential hotel), retail premises (other than community market, manufacturing sales, primary produce sales and restaurant) and warehouse (other than a store).

### **Rural Activity Zone**

As part of the package of new Rural Zones a completely new zone – the Rural Activity Zone was introduced. This zone is to be applied where farming and agriculture is the primary activity but other uses can be supported such as tourist ventures or agribusinesses that seek or need a rural setting. This zone is appropriate in areas where commercial, tourism or recreation development will complement existing agricultural pursuits, natural resources and landscape values. This zone is likely to be applied in a site specific manner and provides for strict control on use and development to avoid potential conflicts.

### **Rural Living Zone (RLZ)**

A new Rural Living Zone (RLZ) was implemented to replace the former Rural Living Zone but there was little change in its role and implementation. Rural Living is designed to provide for residential development in a rural setting where agriculture and other rural uses will continue to occur but the predominant use is residential.

Existing areas zoned Rural Living maybe suitable to be translated to the new Rural Living Zone, however the application of the new zone to new areas must satisfy a number of criteria laid down by the State government that are designed to prevent ad hoc application of the zone. These are summarised below, in total they represent a significant package of measures designed to limit the further application of the zone.

The application of the Rural Living Zone is not to take place where

- The land is designated as productive agricultural land,
- The land contains significant natural resources, including water supply catchment, productive agricultural land, mineral and energy resources (e.g. wind)
- Land capability is high, with suitable soil types, climatic conditions, and irrigation infrastructure,
- The land is within the urban growth boundary of a town or that is identified as required for fully serviced residential.

Rezoning proposals must demonstrate compliance with Ministerial Direction No 6 on Rural Residential Development.

Because rural residential development/rural living development is a form of residential development there is a general requirement that new proposals will be part of a Council's residential development and settlement strategy.

### **Rural Conservation Zone (RCZ)**

The new Rural Conservation Zone (RCZ) replaced the former Environmental Rural Zone (ERZ). Similar to the existing ERZ the purpose of the RCZ is to protect and conserve rural land for its particular environmental features or attributes. These conservation values may relate to natural resources, biodiversity, scenic landscape or agricultural assets. The conservation values of the land must be identified in the schedule to the zone.

This zone provides for agricultural use provided it is consistent with the conservation of environmental and landscape values of an area. Any development allowed in this zone must be consistent with sustainable land management and land capability practices. Dwellings are permitted provided they meet certain requirements in relation to the protecting the values of the area and access to adequate services (such as road access, effluent disposal and water supply).

### **Application of the new Rural Zones**

This rural strategy needs to provide the basis for the implementation of these zones. In particular it needs to;

- Identify where agriculture and farming will be the preferred land use
- Identify where rural living will be the preferred land use
- Identify where the Rural Activity Zone may be suitable

- Identify opportunities to elevate the environmental objectives of an area

The application of new Rural Zones should be undertaken against their capacity to be applied and to meet specific objectives. The Rural Strategy seeks to set out objectives for particular types of uses and developments relevant to various areas of the Shire. Those objectives should be matched with the capacity of the zones to deliver on those objectives.

Set out in the table below is a list of objectives that have been developed for the Shire’s rural areas that relate to the choice of rural zones and the relationships of the zone and their capacity to implement the objectives.

Rural Strategy Objectives that relate to the choice of rural zones	Farming Zone	Rural Living Zone	Rural Conservation Zone	Rural Activity Zone
Support productive and sustainable agriculture	XX	X	X	X
Planned rural residential and rural living development		XX	X	X
Provide for value adding rural industries including intensive animal industries	XX			
Improve the natural resource base, the water quality in rivers and streams and the protection of the Shire’s environmental and landscape assets	X		XX	X
Strengthen the rural tourism economy	X			XX
Maintain rural landscapes and the non-urban breaks	XX		XX	X

XX strong capacity to implement      X lesser capacity to implement

**Table 1: Rural Strategy objectives and relationship to the new rural zones**

### 3.3.2 Minister’s Direction 6 – Rural Residential Development

The Minister for Planning’s Direction 6 seeks to manage the provision of sustainable rural residential development so that it supports sustainable housing and settlements and does not compromise Victoria’s agricultural, natural, environmental, landscape and infrastructure resources. A copy of this Ministerial Direction is included as Appendix B to this report.

Minister’s Direction No 6 requires a planning authority to demonstrate that the proposed rural residential development:

- is consistent with the housing needs and settlement strategy of the area
- is supported by and supports sustainable and viable settlements and communities
- does not compromise the sustainable future use of existing natural resources, including productive agricultural land, water, mineral and energy resources
- protects existing visual and environmental qualities of the area, such as landscape, water quality, native vegetation, habitat and biodiversity values

- avoids predictable adverse environmental processes and effects, such as flooding, erosion, landslip, salinity or wildfire
- can efficiently be serviced by social and physical infrastructure, at an acceptable and sustainable community cost.

The Department of Sustainability and Environment have recently released a practice note “Rural Residential Development Guidelines” (October, 2006) to support implementation of Minister’s Direction 6.

The requirements of these documents seek to improve the consideration and assessment in planning for rural residential development.

### **3.4 Overall strategic considerations**

This strategy offers an opportunity to review the function, values and prospects of the varied rural areas of Golden Plains Shire and to align these with planning controls that are responsive to local and regional requirements. This process should recognise that the land uses, landscapes, locations and functions of the varying rural areas of the Shire are deserving of a responsive and where appropriate differentiated policy position. The key statutory implementation tool is the selection and application of an appropriate zone from the suite of new rural zones provided in the Victoria Planning Provisions.



## 4. Consultation

### 4.1 Overview

Consultation activities were an important element in developing this strategy. Consultation was undertaken with the community in order to communicate about the need for managing rural land use with a defined vision and to gain an understanding of their views and wishes.

A series of consultation activities were carried out in November 2006 including community information sessions, a stakeholder and agency workshop, along with a workshop with Council staff.

Session	Location	Details
Community information session	Rokewood	Monday 20 <sup>th</sup> November 4:30 pm – 9:00 pm
Community information session	Smythesdale	Tuesday 21 <sup>st</sup> November 4:30 pm – 9:00 pm
Community information session	Lethbridge	Wednesday 22 <sup>nd</sup> November 4:30 pm – 9:00 pm
Staff workshop	Bannockburn	Wednesday 22 <sup>nd</sup> November 9:45am - 11:30am
Agency and Stakeholder workshop	Bannockburn	Wednesday 22 <sup>nd</sup> November 12:30pm – 2:30pm

The workshops/information sessions were conducted in a casual format, where members of the consultant team and Council were available for the community to speak with individually or in a group situation. The consultative team delivered two presentations throughout each evening, which were largely informal and aimed at explaining the study process.

Workshops allowed community members to provide their ideas and issues in a non-threatening one-on-one environment in contrast to a more formal, community meeting format. Consultations with the community and farming community were conducted in Rokewood, Smythesdale and Lethbridge so that there was a balance of contribution from the main rural areas of Golden Plains.

Along with gather information about community values and attitudes, the purpose of the workshops was also to:

- assist in identifying opportunities and issues
- build trust and demonstrate transparency
- ensure a high level of community interaction to achieve a strong final Rural Strategy

### 4.2 Consultation activities

#### 4.2.1 Issues paper

Three information papers were prepared for the study, as follows;

- A summary of the project
- Policy for rural areas
- Agriculture

These information sheets were made available on Council's website and also at the community information sessions. These papers are included as Appendix C to this report.

Maps were also prepared for the information sessions, in order to provide some visual context for discussions. Both an aerial map of the Shire along with a current zoning map of the Shire were prepared and displayed. Maps showing lot parcel sizes and tenements were also displayed. These maps, plus other maps, have been used in the analysis of current policy and decision making.

Feedback forms were also provided at the community information sessions for attendees to record their thoughts about the future of the Golden Plains' rural areas in writing. These feedback forms were reviewed by the project team and have been passed on to Council.

#### **4.2.2 Community information sessions**

The community information sessions took place at three different locations over late afternoon/evening time slots, enabling interested community members to drop in at their convenience. The community was able to view information about the project collected so far, speak to the consultants about their ideas about the future or particular issues that they think should be considered and record in writing their contribution to the project. At all three of the sessions, two informal presentations were made that provided an overview of the project and provided the opportunity for people to ask questions about the project.

A range of questions were also developed which were included on the feedback sheets and used by the project team and Council officers to stimulate discussion such as the importance of the rural areas, what they should be used for and look like in the future and particular places that should be protected or have specific issues

#### **4.2.3 Staff workshop**

A workshop with Council staff was held at the Bannockburn Shire Hall to discuss the study and issues and ideas that staff had with their day to day work in the rural areas of Golden Plains.

#### **4.2.4 Agency and stakeholder workshop**

Discussions were held with key stakeholders and agencies identified by Council and the project team as having a significant interest / role in determining the future of the rural areas of the Shire. The agency and stakeholder workshop was held at the Bannockburn Shire Hall and discussions were based around relevant issues to the various stakeholders and agencies that might have a strategic bearing on rural development in the region. These stakeholders included representatives from the Department of Sustainability and Environment (DSE), Regional Development Victoria (RDV), the Department of Primary Industries (DPI), VicRoads, Corangamite Shire Council, City of Greater Geelong, Victorian Farmers Federation, Wathaurong Aboriginal Co-op, Powercor, Barwon Water, along with the private organisations including Plains Water, Pork Storks and Barter Enterprises.

## 4.3 Issues raised in consultation sessions

### 4.3.1 Community

The following is a summary listing of issues raised by community members

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#### **Intensive animal industries**

- odour emissions
- buffer should be on proponents land not other people's land
- there is a lack of water supply east of Rokewood – restriction to broiler farms starting up
- restricting other uses
- cumulative effect of industries establishing in region
- support intensive animal industries but they need to be self sufficient
- support several small farm operations rather than one large intensive operation

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#### **Water**

- lack of water supply – there is not enough above or below ground level
- illegal bores and some bore water affected by magnesium
- piggeries/broiler farms should not monopolise water supply through large water permits/bores
- opportunity for recycled water to Sutherlands Creek to facilitate more intensive agriculture – rezone to Rural Activity zone

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#### **Residential**

- residential development should only be allowed in close proximity to existing development
- urban development should not restrict normal sustainable farming practices
- against smaller lot subdivisions in quality farming land – restricting expansion of farming land

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#### **Agriculture**

- traditional farming is backbone of Shire
- sustainable land management – farms – intensive animal industries
- whether the proposed Agricultural Protection Overlay was included in this strategy
- Potential for new saleyards at Rokewood
- Agricultural potential along the Moorabool hasn't been developed
- Allowable uses in Farming zone should be diverse and reflect home based industries

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#### **Natural environment**

- Stronger policy needed for protection of native grasslands
- Deadmans Creek needs protection for its enhanced environment values

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#### **Rates**

- property rates too high on agricultural holdings
  - land valued on subdivision potential not farming
  - Rates should provide for specific services provision for rural community
  - well managed land should be subsidised by the Shire
-

### 4.3.2 Stakeholders and agencies

#### Key issues raised by stakeholders and land management agencies

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land capability as basis

importance of identifying grasslands

consistency with shared municipal boundaries

link conservation with production

mechanism required for educating new landowners for managing rural land

maintain productive capacity of land

Moorabool River – lack of flow

Water – supply/user issues

Use of a conservation zone – Green Wedge zones in environmentally sensitive areas

Recycled water – intensive irrigation

Protecting Aboriginal cultural heritage – new Act 2007

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### 4.3.3 Council staff

#### Key issues raised by Council staff:

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##### **Natural environment**

Conservation values

Vegetation Protection Overlay for grasslands

Striking a balance between conservation and safety in wildfire areas

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##### **Settlement**

Capacity to treat wastewater is a critical issue to residential development

minimum setbacks needed in zones

heavily vegetated rural lots are not ideal for rural living or agriculture

realignment of old lots (historical mining subdivisions) is required

Grow small towns with services

Fire safety on rural living lots – issue with clearing land and landscaping/vegetating

Should there be a height limit for houses in rural areas?

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##### **Land conversion/property trends**

Trend in selling individual lots with no productive agricultural use

Value of land around settlements has increased – promotes as lifestyle properties – agricultural land is selling for four times its value

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##### **Agriculture**

Change in agriculture use from sheep to grain – decreases infrastructure required (i.e. dams)

'tree change' residents have higher expectations for services beyond Council's ability in rural

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areas

Farmers are leasing land – not selling/buying

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**Other**

Sheds – there are restrictions on sizes for home occupation but there does not appear to be a restriction on the size of a house.

Where should big box retailing go? (i.e. “Harvey Norman”)

Issues with home based industries under the new zones

Demands for regionally important uses – such as regional medical waste facility – is out of Council control

Where industrial land should be sited

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## 4.4 Community and agency feedback on Draft Strategy

The draft strategy was placed on public exhibition during the months of March and April 2007. Following is a summary of the submissions received during this exhibition period. These submissions were reviewed and where appropriate, the strategy has been revised to incorporate this feedback.

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**Water**

Not a lot of reference to water-related issues, surprising given the lack of water and the role that water supply, retention and reuse will play in the future development of Golden Plains

Tourist development in relation to water issues

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**Agriculture**

Support statements referring to retention of productive agricultural land use

Industries associated with agriculture such as fencing, hay contractors, fertilizer etc. should be incorporated into the document as they are viable agricultural industries.

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**Natural Environment**

Potential for significant areas of native grassland to be zoned FZ. Areas of poor quality forest infested with weeds are likely to be rezoned RCZ merely because they have trees.

RCZ should be created on the volcanic plains.

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**Settlement**

Nexus between the Low Density Residential Zone (LDRZ) and the Rural Living Zone (RLZ) where some LDRZ is clearly more rural living in character than residential. Zoning is critical, particularly in relation to provision of services

Council consider the rezoning of land between the Ross Creek General Store and the Ross Creek Haddon Road to allow for subdivision

Council consider Rural Living Zone and/or a Rural Activity Zone to the north west of Rokewood and another area near where the river crosses the Rokewood Skipton Road has small allotments and could be considered for rezoning.

Shire needs to consider the evidence of a housing shortage in rural areas for farm workers.

The old townships should be kept for potential future use.

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**Planning mechanisms**

Where Township Zones and Rural Living Zones abut Farming Zones consideration should be given to the potential for conflict between the zones

Earth moving and infrastructure maintenance industry currently located within Rural Zone (RUZ), if the zoning changes to Farm Zone (FZ) there is doubt whether existing facilities could expand. Rural Activity Zone (RAZ) would be more appropriate.

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**Intensive animal industries**

Re: Critical matter No. 1 – support for buffers to be contained within the site

Re: Critical matter No. 4 - qualify by adding the suggested wording 'where there is demonstrated net benefit to the Shire and its residents

Detailed investigation and financial and market analysis required to support the identification or reference to specified /identified areas for intensive animal industries at present.

The strategic vision for the intensive animal industry needs to be supported by empirical evidence.

A moratorium should be held in respect to intensive animal industries, or the MSS needs to identify the work required to support further concentration of intensive animal industries.

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**Other**

Care should be taken when considering the effect of land use zoning on manufacturing and home-based business, e.g. manufacturing is not allowed under the Farming Zone.

The directions of the strategy are consistent with the recently adopted City of Greater Geelong Rural Land Use Strategy and accordingly the document directions are supported by the City of Greater Geelong.

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## 5. Performance of the Planning Scheme

This section provides an assessment of the capacity of Council to be able to implement current policy using the planning scheme via a range of mechanisms.

The planning scheme is a critical element in the pursuit and implementation of a Rural Strategy but merely because the scheme states a desired strategy will not make it happen. For example, if the Strategy stated that Council wished to expand the prosperity of rural areas by encouraging greater levels of tourism expenditure, the implementation of the Planning Scheme really can only assist such actions by looking favourably on applications for tourist developments and prohibiting uses that might conflict with or lessen the appeal of rural areas for tourism. The planning scheme in itself will not establish or maintain the tourism enterprises this will require private sector initiatives and a strong set of business support policies and actions at State and local level. The following section examines implementation of various strategies and policies through the exercise of controls over subdivision, building developments and VCAT decisions on planning permit applications that have been appealed.

### 5.1 Review mechanisms

#### 5.1.1 Subdivision approvals

For the period from January 2000 to January 2007 there were 69 subdivision applications and 153 new lots created in the rural zoned areas of the Golden Plains Shire. The following table provides a detailed breakdown by zone type and number of lots created.

**Table 2: Subdivision applications 2000-2007**

	Number of subdivision applications	Number of lots created*
RUZ	34	49
RLZ	35	104
ERZ	0	0
<b>Total</b>	<b>69</b>	<b>153</b>

\*A number of applications did not provide adequate information to be included within this assessment. Therefore the figures above are likely to be less than the number of applications and the number of lots created. Where the application was described as 'subdivision' with no description of the number of lots, it was calculated as a 2-lot subdivision.

The vast majority of subdivisions and lots created between January 2000 and January 2007 occurred in the western half of the Shire. Given the size of the Shire and the population growth rate compared to other municipalities, it would appear that the number of applications and the number of lots created is relatively low. This would appear to indicate that there are a large number of existing lots in rural areas that can be used for development purposes.

### 5.1.2 Building approvals

For the period from January 2000 to January 2007 there were 374 new dwellings created in the rural zoned areas of the Golden Plains Shire. The following table provides a detailed breakdown.

**Table 3: Building approvals for dwellings 2000-2007**

	Number of dwellings	Location
RUZ	181	70 - Eastern half of shire 111 - Western half of Shire
RLZ	175	Northwest of Shire
ERZ	18	East of Shire
<b>Total*</b>	<b>374</b>	

\*A number of applications did not provide adequate information to be included within this assessment.

**Table 4: Comparison of dwellings across the Shire**

	Number of dwellings	Percentage of dwellings
Eastern half of Shire	88	24%
Western half of Shire	286	76%
<b>Total*</b>	<b>374</b>	<b>100%</b>

\*A number of applications did not provide adequate information to be included within this assessment.

As indicated by the above statistics, the majority of new dwellings are being built in the western half of the Shire, primarily in the Rural Living Zone and Farming Zone (previously the Rural Use Zone) land. Settlement patterns in the south east of the Shire are different, with residential development focused within existing settlements often in the Low Density Residential Zone.

### 5.1.3 Victorian Civil and Administrative Tribunal decisions

An analysis of ten Victorian Civil and Administrative Tribunal (VCAT) decisions between mid-2000 and early 2006 was undertaken. The analysis focussed on proposals in rural areas that included intensive animal industries, dwelling and subdivision applications and other rural uses and developments.

Of the 10 applications analysed, the Tribunal agreed with Council's decision (sometimes with varied conditions) on 6 occasions, overturned Council's refusal on two occasions, and granted two permits after Council's failure to determine the applications.

On the two cases where VCAT overturned Council's decision to refuse the permit one proposal related to the suitability of a dwelling near intensive animal industry developments and the other to an intensive animal industry development. Council argued on the basis of failure to meet intensive animal code provisions (broiler code) and failure to meet Scheme provisions. The Tribunal overturned these decisions, arguing that the proposals met the



provisions within the Scheme for intensive animal industry development, with the dwellings appropriate to their individual circumstances.

**Table 5: VCAT decisions**

<b>Council's decision</b>	<b>VCAT's decision</b>	<b>Number of cases</b>
Approval	Approve (upheld)	6
Refusal	Approve (overturn)	2
Failure to determine	Approve	2
	<b>total</b>	<b>10</b>

There were several key themes and issues that were evident in the Tribunal's findings.

In relation to dwellings and subdivisions in rural areas, the Tribunal highlighted several reasons why these were not appropriate in the subject applications;

- land not identified as suitable for rural living
- proposal does not advance the purpose of the zone/Scheme
- subdivision size below the minimum in rural area
- fragmentation and additional housing in rural areas
- environmental sensitivity and site development intensity
- site is land locked
- support for developments directly related to purposes of the zone

In relation to applications for intensive animal industry developments, the Tribunal highlighted several reasons as to why these were to be supported / how these were to be managed:

- consistent with and positively advance Scheme objectives, strategic directions
- Planning Scheme expresses desire for these uses, with Council having undertaken studies (2003) demonstrating strong growth in this area
- areas of developing rural industry should be encouraged
- large scale broiler projects require caution due to magnitude and possible uncertainties of odour modelling calculation
- proper siting and design of uses is required to ensure no unreasonable impacts on amenity of surrounding areas including through traffic, health, odour and landscaping issues
- environmental quality of site and area requires protection including roadside vegetation
- dwellings within separation distances of developments can be acceptable depending on individual circumstances, but may be refused if only associated with rural lifestyle
- broiler farms to meet requirements of the broiler code
- there are many lots in the rural areas of the Shire that are smaller than the desired minimum lot size in the Rural Zone that are used for rural living purposes. Tensions may develop between amenity expectations of these uses not intended by the Scheme and rural uses appropriate within the zone

## **Analysis**

This analysis of Tribunal decisions highlights that the final approval of use and development is constantly referred back to the ability of a proposal to meet the purposes of the zone, its consistency with the objectives of the Golden Plains Planning Scheme, protection of environmental quality and productive quality of rural land.

### **5.1.4 Mapping observations**

A series of maps were prepared to assist with the analysis of land use and development. The maps used for analysis are included in this report as Appendix D and were created by Council's Geospatial Information Systems Department for the purposes of this strategy.

#### **Dwellings (Maps 1 – 3)**

Map 1 and 2 illustrate dwellings in the rural zones: Rural Use Zone (RUZ now Farming Zone - FZ), Rural Living Zone (RLZ) and Environmental Rural Zone (ERZ now Rural Conservation Zone - RCZ).

The maps show there is a concentration of dwellings in zoned rural living areas (RLZ) in the north-west region of the Shire and in smaller rural parcels in the north east around Steiglitz and Meredith (zoned FZ and RCZ). There are scattered dwellings on larger parcels of land in the central part of the Shire and the western area which reflect the larger agricultural holdings. The larger holdings (often including multiple parcels of land) with a dwelling appear consistent in some degree with the trend of consolidation and expansion in farming practices across the state. It is difficult to substantiate from the maps the history of the Shire's farming holdings which may have existed in this form for some time.

The maps indicate that there are some smaller parcels of land in the middle section of the Shire (where 100ha is the minimum subdivision lot size for new subdivisions and an as-of-right dwelling area) as well as some larger parcels of 200ha+ that currently have no dwelling.

Map 3 illustrates dwellings in rural areas and highlights vacant parcels of land that are not part of a rural holding that includes a dwelling. The highlighted lots indicate land which could be developed with a dwelling through obtaining a planning permit (with the necessary requirements met). What the map doesn't show is individual 'vacant' parcels that make up a rural holding (with a dwelling) that could potentially be sold off individually.

#### **Lot sizes (Maps 4 & 5)**

Map 4 illustrates the range of lot sizes above 40 hectares across the Shire. In the central, western and south-eastern areas of the Shire there are significant parcels of land ranging in size from 60ha to above 200ha. This reflects the history and current use of the land for broad acre cropping and grazing. Council has traditionally had a strong policy in maintaining these broad acre parcels as indicated by the minimum lot size requirements in the existing Farming Zone (previously the Rural Use Zone).

Map 5 shows the range of smaller lot sizes across the Shire below 20 hectares. This map demonstrates that the concentration of smaller lots in the Shire is in the north-west region. This reflects the gold mining and closer settlement history which resulted in smaller lot subdivisions and also reflects the land system in this region; the West Victorian Uplands, which is generally undulating and steeper terrain with more densely forested areas.

**‘Vacant’ parcels in rural areas (Maps 6 & 7)**

Map 6 illustrates vacant lots (i.e. with no dwelling) on land greater than 60 hectares and 100 hectares in the Farming Zone (previously the Rural Use Zone) which is based on the current zone provisions for 60ha and 100ha minimum lot sizes. This map suggests that there are some parcels of land that could be sold as individual parcels for either neighbouring farm consolidation or with the possibility of erecting a dwelling. The map illustrates that there are some existing vacant parcels that would meet the 60 hectare or 100 hectare minimum requirement for developing the land for a dwelling. An additional issue identified by this map is that the West Victorian Uplands and West Victorian Volcanic Plains land systems, which are the basis for the minimum subdivision and lot sizes (60ha and 100ha), do not clearly fall on property boundaries. As such it is unclear for some properties which area they fall within.

Map 7 illustrates vacant lots on land greater than 8 hectares in the Rural Living Zone (RLZ). Eight hectares is the minimum lot size where no permit is required to use and develop the land for a dwelling (provided it can meet the requirements for access to services). Minimum subdivision sizes are either 8ha or 2ha in accordance with the schedule to the zone. This map suggests that there are approximately 180 parcels of land that are currently zoned RLZ and greater than 8ha in size where a dwelling could be developed without requiring a planning permit or possibly subdivided, provided requirements for access to services can be met. It is important to note that there are numerous overlays applied to land in the north western region which can be constraints to subdivision potential and development for residential. Due to the terrain and level of vegetation in this region, the Wildfire Management Overlay is applied substantially across the area and land in this overlay requires a permit to construct a dwelling.

## 6. Trends, issues and strategic response

The drivers of rural land use change present both threats and opportunities to the sustainable management of rural land. The following section provides a contextual understanding of the changes impacting on rural land in Golden Plains Shire.

There are several widespread trends that are currently impacting on land use and communities within Golden Plains Shire, they can be summarised as:

- changes in agriculture (traditional farming) – decline/diversification/value adding/need to be larger
- shift from sheep farming to grain production
- growth in horticultural and intensive animal industries
- home based industry – changes in land use/workforce trends
- lifestyle/rural style: proximity to Geelong and Ballarat, land is generally cheaper in Golden Plains than these other municipalities, the area is becoming increasingly popular due to lifestyle reasons and there are pressures for subdivision and excision of existing houses

The following section is a discussion of the key issues associated with the above trends. It is important to address these trends and issues in developing a holistic rural land use strategy for the Shire.

### 6.1 Agriculture and farming activity

The core agricultural area is focussed in the central-south sections of the Shire generally comprising broad acre allotments in the central, south-east and south-west as well as areas within and around the Moorabool valley environs. The northwest section of the Shire contains numerous rural living areas that undertake smaller agricultural activities (including hobby farms) but the land is generally of lower agricultural quality. Hobby farming and smaller agricultural activities are also evident in some other areas of the Shire.

Agriculture continues to be a strong sector within the Golden Plains economy and declines in some areas reflect the overall state wide trends in the gradual decline of agricultural production in many peri urban areas and in rural based employment. Based on Australian Bureau of Statistics (ABS) Census 2004 data the total agricultural production in 2004 at the Farm gate (Estimated Value of Agricultural Output) was \$69.5 million for the Shire.

Some activities which involve processing and value adding, such as wine production or chicken meat processing, which are based on agricultural activity, are not necessarily reflected in ABS agricultural data which may skew some statistics for a given area. This is due to the classification and grouping of these activities in manufacturing (grouped under industrial uses) rather than agriculture in some cases. This combination of activities across agriculture and manufacturing is recognised and is known as 'vertically integrated units'. This is where multiple activities of production are carried out in succession within the same business unit and the output of one stage becomes the input of the next stage, i.e. chickens which are grown on a farm to then be processed for chicken meat on the same premises with the final product, chicken meat, to be sold on the market.

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### Vertical Integration

Vertical integration is common in some multi-activity units involved in both agricultural and manufacturing activity e.g. grape growing and wine manufacturing; olive growing and olive oil product manufacturing; chicken farming and chicken meat processing; pig farming and pig meat processing. These combinations of activities are often undertaken by single business units, often on the same premises.

Vertically integrated units are classified according to their predominant activity, using value added in the same way as other units. If no information is available to assess value added, or there are two or more activities of equal value, then the unit is classified to the activity which represents the last or final stage of production. This is where most of the value added is generally assumed to lie.

In some circumstances, calculation of value added for each of the activities undertaken by vertically integrated units is not possible due to the lack of market transactions to value the activities. In these cases, it may be appropriate to use one of the proxy measures discussed previously in this chapter. If it is clear that an activity is predominant, but no actual data are available, the unit should be coded to its predominant activity.

Excerpt from ABS Publication, Catalogue 1290.0 *Australian and New Zealand Standard Industrial Classification (ANZSIC) Ch 4 Methods of Classification, 2006*

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**Table 6: Definition of vertical integration in ABS statistics**

Significant agricultural trends over the last 15 years include

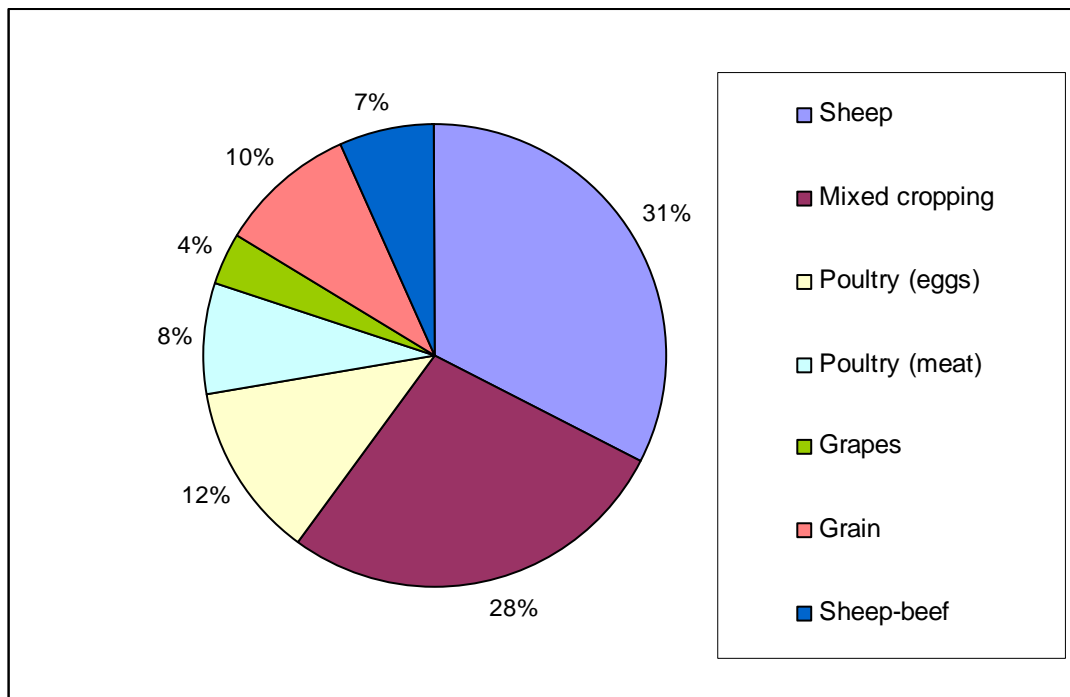
- Sheep, poultry (eggs), poultry (meat) and mixed cropping are currently the largest operations in terms of turnover. This is closely followed by grapes and beef.
- Poultry (eggs) and poultry (meat) farming have been a growing industry in the Shire. Prior to 1992 ABS statistical data suggests that there were no significant poultry operations present within the Shire (large enough to register on the statistics)
- Sheep (wool and meat), eggs, cattle (meat and dairy), along with pastures, grasses and cereal cropping have remained the major agricultural products
- The data suggests that the total number of agricultural establishments has increased in the last 15 years by more than 100. However it is likely that many of them were relatively small operations.

### Commodity production

Over the last 5 years there has been a significant increase in the area of land used for crop production. The amount of land used is generally double that area used from the mid 1980s to the mid 1990s. Three crops have been responsible for most of the increased area of land uses; barley, wheat and canola, with the actual production level (tonnes) of barley increasing five fold over the last 10 years. This data indicates the normal diversification of agricultural activities and changes over time based on the market supply/demand and climatic conditions.

### Value of production

In terms of the monetary value of production, the most dominant agricultural production commodities across the Shire are sheep (wool and meat), mixed cropping and poultry (eggs) as indicated by the figure below.



**Figure 2: Agricultural commodities in the Shire in terms of value of production**

Other commodities include (but are not limited to)

- Pigs
- Other cropping for livestock feed (lucerne, triticale, lupins, other pasture hay)
- Pasture hay
- Cattle (meat and dairy)
- Vegetables (peas, mushrooms, broccoli, potatoes)
- Forestry and timber production
- Cut flowers and nurseries

It is important to note that the commodities listed above are taken from ABS Census Data (2001) which determines the main commodities by value of production (i.e. turnover by enterprise segment and ANZSIC\* industries). There will be some agricultural industries that may be significant across the Shire but due to the small number of operations for confidentiality purposes that are not picked up in the data.

2006 ABS census data for agricultural commodities was not available at the time of writing. It is expected to become available in March/April 2008. The 2006 data may have some impact on or change to the trends and issues in agriculture discussed in this chapter. Once available the agricultural census data for the Shire can be updated and considered within upcoming Council strategic work (such as the MSS Review).

\*Australian and New Zealand Standard Industry Classifications (ANZSIC)

### **Agricultural production levels**

Overall production levels in commodities have increased significantly over the last twenty years. Total crop production has increased from around 45,000 tonnes in the mid 1980s to

around 100,000 tonnes twenty years later. Livestock sales have been fairly steady during the same period. The opportunities for agricultural diversity are limited due to the Shire's climate and limited availability of water. The issue of water supply has become a critical issue in recent times due to the drought conditions over the last nine years. This is an issue affecting most of Victoria, NSW and parts of Queensland. Bureau of Meteorology data suggests that monthly rainfall trends in Shire over the last 15 years have remained steady in the range of 500-850ml (yearly totals). The Shire's advantage in access to metropolitan and regional markets has maintained a strong agricultural industry despite the nature of the land being of moderate agricultural quality in comparison to other areas of the state. It is also important to note that some operations, such as intensive animal industries, do not rely on high quality soils or climatic conditions.

### **6.1.1 Intensive animal industries**

Intensive animal industries have been a strong agricultural activity in the Shire for the last 20 years. There has been a significant expansion in recent times as the above pie graph illustrates; the activity now makes up almost 20% of the Shire's agricultural commodities. The release of the next agricultural census data is expected to show that this level of production has increased further. The reason for this growth has been that the Shire has extensive areas of relatively large farms in the central and south east areas where settlement is dispersed and substantial buffers to rural houses exist. The Shire's location relative to the grain belt of western Victoria provides opportunities which are further strengthened by the fact that such uses are being forced out of areas closer to population centres around Melbourne, Geelong and Ballarat. The Council's planning strategy for intensive animal industries seeks to nominate preferred areas based on proximity to transport facilities and locations where buffer distances to existing houses can be provided. The Victorian Code of Practice for Broiler Farms 2001 and the Victorian Code of Practice Piggeries 1992 provide for buffer distances based on the size / capacity of the facility and other detailed factors. The Environment Protection Authority (EPA), the Department of Primary Industries and the Department of Sustainability and Environment have signed off on these Codes as the basis for assessment of development proposals. State planning policy recognises the importance of intensive animal industries to agricultural industry and Victoria's food supply. The development and expansion of intensive animal industries is encouraged by the State provided they are developed in a manner that is consistent with good planning and protection of the environment. The Shire has recognised the regional role that it has to play in terms of the State's agricultural production and food supply and has been supportive of intensive animal industries – primarily broiler operations.

Intensive animal industries are becoming larger in scale and are now usually associated with large company investments. In terms of the State planning provisions intensive animal industries are considered to be a use to be provided for by the new State wide Farming Zone - which is the logical zone for broad acre-extensive farming areas. While some local rural communities have expressed concern about such uses the reality is that there is little planning basis for the Shire to reject them if they can meet statutory buffer distance requirements. Although increasingly there will be questions about the sustainability of such enterprises in terms of access to water supplies and whether this represents the most appropriate allocation of water. The issue of water supply and access to water supply for agricultural production is currently significant and an emotive one due to the extreme circumstances resulting from the drought. The issue is a complex one which is outside the scope of this strategy to resolve. It is important to note that the efficient use and supply of

water is relevant to all agricultural activity across the Shire, including grazing, cropping and intensive animal industries. Recent proposals for shed based intensive animal industries have included concepts such as collection and storage of water from the rooves of such facilities.

The critical issue for many people is the imposition of buffer areas around such uses. There is a strong concern that the buffer areas required by such uses not utilise land owned by adjoining owners to meet prescribed separation distances.

Five matters are critical in providing a planned approach to this intensive use.

1. The proponent should seek to provide, where practical, buffer distances wholly on their own property where there is potential for off-site impacts to adjacent sensitive land uses – buffer distances must satisfy Code requirements
2. The facility should be designed and sited so that it is appropriately integrated with the surrounding rural landscape. This may also include requirements for landscaping and muted tones of external buildings.
3. Infrastructure such as roads and water supply should be paid for and provided by the proponent
4. Use and development of the operation should be consistent with State policy and legislative requirements for orderly planning and protection of the environment
5. Operating conditions must be enforced.

### **6.1.2 Rural land use compatibility**

While there has been strong growth in population throughout many areas of the Shire and further investment in various agricultural enterprises, there is an increasing recognition that the Shire's rural areas or at least parts of them, may not be able to support all the uses that are seeking to locate in them and still achieve an harmonious relationship. All of these uses and developments, together with the continuing desire to provide long term support for the traditional agricultural pursuits of cropping and grazing, are not necessarily compatible particularly when they occur in close proximity to each other.

Residents in towns and settlements and in the Shire's rural areas have a range of values which they seek to preserve. New residents often seek rural settings for lifestyle reasons. Family farming operations, often with roots to the early settlement of the Shire's rural areas, hold strong values about the continuing farming of areas without the possible new impacts from rural living residents or new uses which they see as incompatible with their way of life.

It is evident that the Shire's rural area cannot accommodate all the proposals for various development initiatives that are likely to arise. There is a growing need to set a series of parameters or limits for some possible uses, indicating that certain land uses and developments are inappropriate in some areas or that they can only occur if certain criteria about location, siting, scale, impact and services can be met. The complementary approach to that concept is to designate areas where particular land uses and developments will be supported and encouraged to locate providing that specific conditions and requirements are met.



### 6.1.3 Subdivision and conversion of land to rural living

Loss of agricultural land through subdivision to rural residential or minimum forms of agriculture (e.g. hobby farm) is a significant issue. It is difficult to substantiate the quantity of productive agricultural land that has been converted to residential use in the Shire over recent years due to lack of data. Inappropriate subdivision of high quality farming land is contrary to the Council’s objectives for maintaining sustainable agriculture in the Shire.

#### Minimum lot sizes in the Farming Zone (previously Rural Zone)

The current minimum lot size requirements in the existing Farming Zone (formerly the Rural Use Zone) are set at 60ha and 100ha based on the geomorphic units of the West Victorian Uplands and West Victorian Volcanic Plains respectively. The West Victorian Uplands is a type of land system (or geomorphic unit) in Golden Plains Shire that is generally located in the northwest and north east regions of the Shire where the land comprises low-lying corridors of valleys, plains and undulating country (60ha). The remainder of the Shire is generally considered West Victorian Volcanic Plains that is characterised by flat to undulating plains and is where most of the broad acre farming activity is located (100ha).

Appendix E includes a map of the land systems in the Shire that is currently incorporated in the scheme as part of the Rural Use Zone schedule.

The form of these land systems does not correlate precisely with the existing subdivision pattern or lot boundaries in the Shire. This has created some confusion in the local community and caused problems for Council mainly in planning permit and subdivision processes where one parcel of land falls within two land systems (and therefore two minimum subdivision requirements apply).

Analysis undertaken of the existing pattern of allotments in the current Farming Zone (FZ) indicates that there are 4379 separate allotments (or parcels) in the FZ either wholly or partially within the West Victorian Uplands area. Lot sizes range from 0.0027ha to 1436.9ha. The largest lot is owned by the crown and currently used as a timber plantation and potential for subdivision of this lot is unlikely. The table below illustrates the potential for new lots to be created based on either a 60ha or 100ha minimum lot size. These figures were derived by calculating the potential subdivision of each individual lot into either 60ha or 100ha.

Minimum lot size	No. of lots greater than the minimum lot size in the current FZ	No. of lots with minimum area required for subdivision into two lots or more	No. of additional lots possible
60ha	324	118 (>=120ha)	351
100ha	143	45 (>=200ha)	114

**Table 7: Existing allotments in the FZ and the potential for further subdivision**

#### Strategic response

Two options were developed, either assess each parcel affected by the two land systems and make a decision on which area it predominantly falls within as is the current practice or alter the current system to remove the link between land systems and two separate minimum lot sizes.

Given that the land is used for farming purposes there is a greater propensity to be consistent with the purposes of the zone if the minimum lot size was set at 100ha. This will

- protect broad acre agricultural areas

- reduce fragmentation of agricultural land
- concentrate non-farming activities that require a smaller allotment (such as residential only) in designated areas

At this size there would be an estimated 114 additional lots that could possibly be created.

In developing the new rural strategy for the Shire consideration needs to be given to the existing minimum lot sizes and whether they are appropriate. Policy guidance is required on what is acceptable. Acceptable lot sizes should be based on the benefit to the rural area and maintaining sustainable agriculture (beyond financial gain). This means that the focus should be on the strategic quality of the outcome of a proposed subdivision and not only whether it meets the minimum lot size requirement.

The planning scheme provisions are neither a cause nor a solution to many of the forces acting upon farming and agricultural land use in the Shire. The Council has maintained a strong support for agriculture in the Shire through rigorous planning controls that have retained land in large parcels and minimised housing associated with land use change. These planning controls have preserved a legacy and engrained a mindset that offers agriculture a future.

Agriculture has also been maintained in Golden Plains due to land quality and opportunities for employment outside the sector, despite, or possibly supported by, the huge demand for rural lifestyle properties. The value of agricultural activity in the area remains significant in terms of economic contribution and contribution to the maintenance of valuable rural landscapes. Additionally, real opportunities for ongoing use and growth and diversification exist together with the protection of the land as a resource. The pattern of rural land settlement offer important benefits for future flexibility and existing farm businesses.

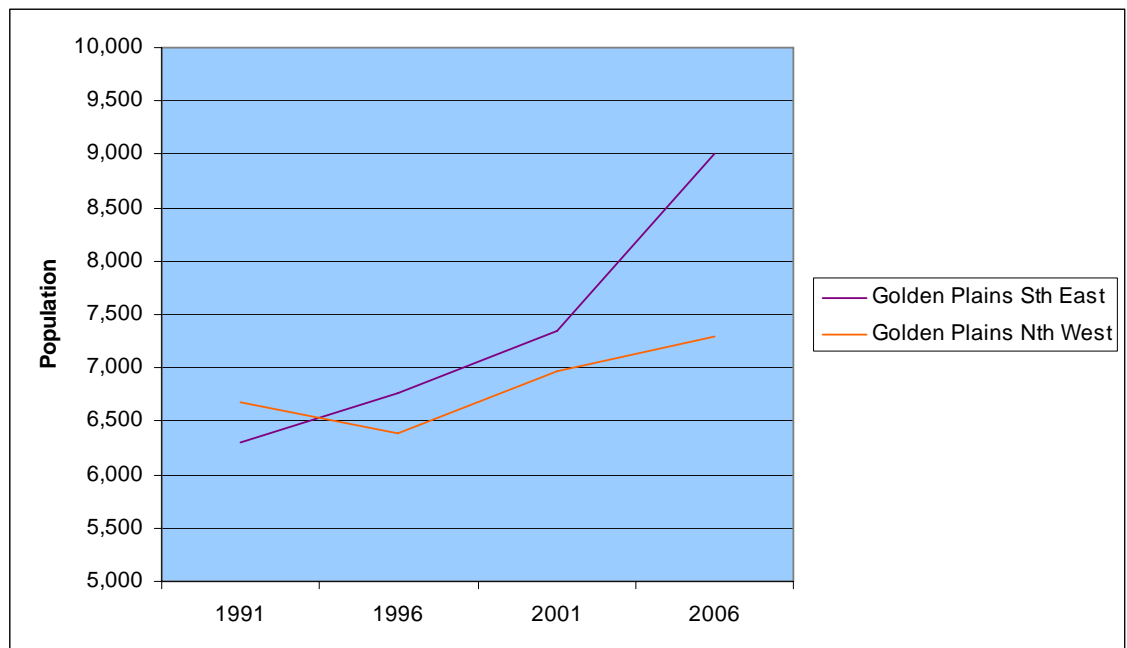
## **6.2 Rural settlement**

The Shire's rural settlement network is not based on large urban areas rather it comprises an extensive network of small townships and settlements and planned rural living areas focussed in the southeast and northwest areas of the Shire and a dispersed agricultural community across the rest of the municipality. This pattern of settlement is reinforced by the Rural Strategy which proposes that future population growth continue to be focussed in planned townships and settlements, in particular Bannockburn and Smythesdale because of their infrastructure capacity. In terms of servicing the Shire's agricultural communities greater focus is to be given to the development of Rokewood as a rural service centre. The Strategy recognises that planned rural residential and rural living is an important continuing component of the Shire's settlement strategy. The strategy also recognises that ad hoc housing in rural areas is inappropriate and can create conflict with agricultural land uses. The capacity and right to carry out farming activities in rural areas is reinforced by this strategy.

### **6.2.1 Population and housing growth**

There has been an understandable desire by Council to encourage population growth and a range of rural uses and developments, particularly those that increase prosperity, strengthen employment and provide further local opportunities for support or service industries. This strategic approach has had considerable success, many of the Shire's towns and settlements have grown strongly, there has been considerable rural residential/rural living

development in designated areas and there has been substantial investment in a number of areas in high value agriculture, tourism and horticulture e.g. vineyards, and in intensive animal industries such as broiler sheds.



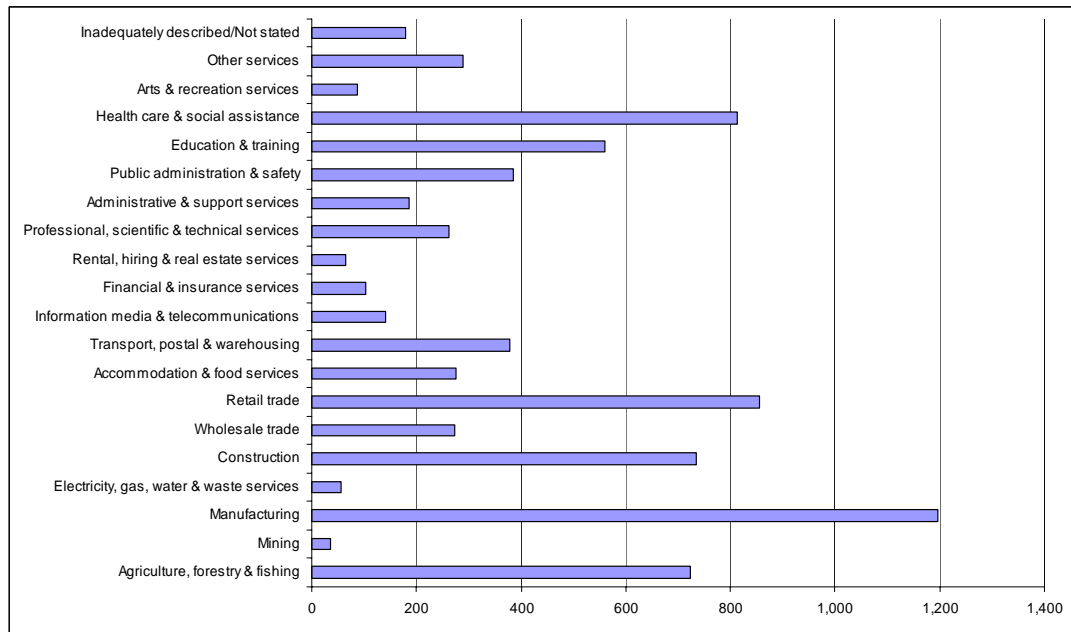
**Figure 3: Recent population growth in the Golden Plains Statistical Local Areas**

Source: ABS Census data 1991 - 2006

ABS Census data between 1991 and 2006 indicates that the Shire has experienced steady population growth over the last 15 years. The North West region experienced a population decline in the early 1990s but a steady growth has occurred since. Clearly the majority of population increase is concentrated in the south east. While growth has taken place across all areas of the Shire there has been a substantial focus in Bannockburn township. As a result, most residential development is focussed in and around Bannockburn and other townships. However there is also pressure on rural areas for rural residential development from those seeking to live in a rural environment but undertaking limited or no farming activities at all.

## 6.2.2 Local employment

The majority of residents in the Shire in full time employment are based in manufacturing, retail trade, health and community services, construction or agriculture industries. It is recognised that the Shire is located in proximity to Ballarat and Geelong and that many residents commute beyond the Shire to their place of employment. The figure below gives an indication of the type of employment industries residents are working in and shows that a good proportion of those residents are working in agriculture.



**Figure 4: Type of employment of Shire’s resident population**

Source: ABS Census data 2006

### 6.2.3 Farming

The extensive farmed areas of Golden Plains Shire have provided limited scope for development in terms of population growth and new housing construction. The Shire’s planning policies for rural areas and the administration of zoning provisions has not provided for the further subdivision of farming land into lots for residential, rural residential or rural living purposes. The Shire has cautiously exercised discretion in terms of granting planning permits for new houses in these rural areas. The Shire has sought to ensure that any residential development in the rural areas is closely linked to supporting and sustaining agricultural uses. Farm dwellings or rural houses are those that are on properties that are primarily used for agriculture, and the residential function of the property is ancillary to the farming function.

### 6.2.4 Rural Living

Rural living is considered to be the use of rural land primarily for residential purposes, and may or may not be associated with some form of agriculture. Rural living in Golden Plains Shire comprises three forms of development; focussed zoned areas adjoining townships and settlements in the Shire’s south east, the utilisation of historic subdivision patterns largely associated with a gold mining heritage in the north west of the Shire generally where agricultural values are low, and lifestyle residents seeking a rural setting by acquiring existing lots in rural agricultural areas. In some cases, particularly where there are old subdivision patterns, the layout of existing lots is not relevant to contemporary needs and the realignment of boundaries would produce an improved outcome. In some cases these new rural residents have engaged in intensive agricultural enterprises, in other cases the land continues to be used for grazing and cropping, while others have supported or allowed revegetation.

Farming activity on rural living properties is generally being conducted on land parcels well below the size needed for a fully commercial scale. In most cases the rural landscape and some level of agricultural production are being maintained. These changes have meant that in the north-west and south east of the Shire rural land property values for rural lifestyle purposes are far in excess of the commercial agricultural values for traditional farming. This factor is preventing farmers from purchasing land to increase farm size. There is now in many areas of the Shire very little relationship between the minimum lot size in rural areas, as prescribed in the planning scheme for new subdivision, and the economic 'viability' of farm size. However, the planning scheme never sought to link the two; rather it sought to prescribe a lot size which reflected a planned settlement pattern because new lots were invariably linked to a new residence.

### **6.2.5 Dwellings on existing lots less than 40ha in size**

Dwellings are a conditional as-of-right use in the new Farming Zone, meaning it is an allowable use provided it meets a number of conditions. The purpose of the Farming Zone is to provide for the use of the land for agriculture. Where land is used for a dwelling, the purpose of the zone states that it should not adversely affect the use of land for agriculture. Council officers have highlighted the issue of dwellings in rural areas (refer to Planning Committee Minutes 11/8/2005 - Dwellings in Rural Zones, Item 4.3).

The conditions as stated in the zone provisions (Clause 35.07-1 and 35.07-2) ensure that the dwelling is on a suitably sized lot and can be connected to physical infrastructure (road access, effluent waste disposal, water supply and electricity).

This strategy recommends that a new Local Planning Policy (LPP) for dwellings in rural areas be prepared to provide guidance to assessing planning applications for new dwellings on vacant rural parcels in the new application of the Farming Zone and the Rural Conservation Zone.

### **6.2.6 Old and inappropriate subdivisions**

Council has identified in its Municipal Strategic Statement (MSS) that there are old and inappropriate subdivisions in the north-west section of the Shire that were created during the gold rush. These subdivisions were created in anticipation of small lot residential/township development that either never occurred or if it did it only lasted a short period and there is little trace left on the ground. These subdivisions are considered inappropriate due to the small size of lots being located in predominantly broad acre farming areas (usually well below the minimum lot size and in many cases individual lots would not be able to support the installation of septic tank systems) or being isolated from existing townships and critically, with limited access to social and physical infrastructure that would be required for residential or township type development.

These lots could potentially be sold individually and developed for rural residential purposes creating residential land use isolated from social and physical infrastructure. This is contrary to Council's settlement strategy that seeks to consolidate growth around existing towns in order to provide adequate access to services.

Council's MSS has a strategy to prepare Restructure Overlays to manage the inappropriate subdivisions and consolidate lots where appropriate. Council's preference for dealing with the issue of existing inappropriate subdivisions and small lots is to manage the issue through strategy and policy. These areas should be zoned Farming, while the individual lots exist as

separate legal parcels no provision should be made for their development. An expedient way of dealing with these areas is to apply a Restructure Overlay (which does exist in a number of instances) and provide that a single dwelling can be constructed in the overlay area provided that all titles in the overlay area are consolidated into a single title.

This strategy recommends the statements in the MSS be revised or deleted where appropriate to reflect Council's current position on old and inappropriate subdivisions.

Council recognises that some farming areas are in transition in terms of their land uses and likely developments. This situation needs to be clearly communicated to the real estate industry and the general community so that prospective buyers are aware that rural land use and development are dynamic situations.

### **6.2.7 Regional context**

Much of the development of the Shire is related to the growth of Geelong and Ballarat. A range of uses in the Shire support these regional centres. Future developments in the Shire may well be driven by land use needs that cannot be accommodated in these centres. Current work being undertaken by the Shire on a South East Area Study will need to be integrated with this Rural Strategy.

### **6.2.8 Supply and demand for rural living land**

There is a strong demand for rural living development in rural areas generally within 100km of Melbourne, and within 50km of regional centres. The demand in this area is particularly strong due to the high amenity rural landscapes that exist.

People wanting proximity to Geelong or Ballarat are buying farming/rural properties for rural lifestyle purposes. There are issues with lack of supply in these areas, environmental management of farming properties used as rural lifestyle, productive use of land issues, and farming areas and uses versus residential amenity.

It is recognised that the ability to live in an attractive environment is a key part of attracting highly skilled workers. Protection of high quality rural environments is often dependant on maintaining development at a relatively low density and encouraging farming activity. The density of rural living development in parts of Golden Plains Shire does not necessarily mean that these values will be retained. Where land is zoned for Low Density Residential Development or even Rural Living these values may not be able to be retained.

Rural living development can change the amenity of the area through additional development and the associated pressures on landscapes, the environment and infrastructure, as well as placing pressures on the continued viability of agricultural activities. Rural living is more expensive and less efficient to service than conventional residential development and growth beyond existing urban areas places pressure on the integrity of the settlement structure and the smaller communities.

The existing distribution of rural housing and the provisions in the planning scheme make provision for rural lifestyle development. In Golden Plains this includes agricultural activity but relies strongly on access to urban employment. Much of this development has a shared role; as residential sites, as agricultural land and as a landscape asset. Protecting these roles can be accomplished, but largely through recognising that these shared roles are at risk from further development at levels that alter the essential character of the areas. Zoning

land for agriculture and recognising its landscape asset offers opportunities to meet the genuine market demand for rural lifestyles while maintaining its landscape values.

The north western area of the Shire around Scarsdale, Haddon, Ross Creek and Napoleons including the Enfield State Forest is where most of the Shire's rural living land is located. Much of this pattern of lots reflects historic subdivision in the gold mining era or developments approved by former municipalities. These areas still support some agricultural activity albeit that separately owned lots are too small for commercial scale agriculture. Almost all properties are effectively rural living and lifestyle properties regardless of their zoning. Those areas that have been translated from the former Rural Zone to the Farming Zone are now inappropriately zoned. While the area is being farmed there is no prospect for the expansion of farming because of the limited land capability, the holdings are far too small and the price of land is way beyond a farm value return. In fact the Farming zone provides for a range of land uses and developments that would be quite inappropriate for the area given the level of residential development. The Rural Living Zone is not appropriate as the lot sizes are generally larger than conventional rural living development and there is no strategic justification for the establishment of small lots. The use of the Rural Activity Zone recognises that rural – agricultural uses are the predominant land use, that the protection of landscape is important and that the area has further potential for a range of tourist and recreation related uses while providing only limited options for new dwellings.

## **6.3 Environment**

Rural land in Golden Plains Shire is important to the community for its productive capacity and landscape values but also inherently its environmental and biodiversity values. The condition of the environment has a direct relationship to the productive capacity of farmland and landscape values. Protecting and enhancing the natural environment is a critical objective.

The Golden Plains Planning Scheme, the Corangamite Regional Catchment Strategy, the Golden Plains Environment Implementation Plan 2002-2003 and Community Environment Strategy identify the following local environmental issues.

### **6.3.1 Key environmental issues**

#### **Waterway degradation**

Surface and groundwater quality is a major issue in the Corangamite Catchment area, of which Golden Plains forms a significant portion. The Corangamite Regional Catchment Strategy (2003-2008) identifies that Golden Plains Shire is part of the catchment area for three out of the four major basins in the region – the Moorabool basin, the Barwon basin and the Lake Corangamite Basin. The majority of streams in these basins are marginal, poor or very poor in condition. The Moorabool River is one of the most stressed rivers in Victoria.

Many of the Shire's streams have headwaters north of the Shire, meaning that there are significant contributions to this water quality from outside of the Shire, along with contributing activities within the Shire. Inappropriate land use practices such as vegetation clearance, polluted runoff and increased water demand are major contributors to water quality issues. Degradation of stream condition includes bed and bank erosion, loss of streamside vegetation, eutrophication, woody weed invasion, salinity and turbidity.

The Moorabool and Stony Creek proclaimed water supply catchments are located in the Golden Plains Shire. The east of the Shire forms part of the Barwon water supply catchment and is protected by an Environmental Significance Overlay (ESO1 – Barwon Water supply catchment). The Planning Scheme also includes watercourse protection for waterways throughout the Shire with Environmental Significance Overlays (ESO2 and ESO3).

### **Soil degradation**

The Corangamite Regional Catchment Strategy (2003-2008) identifies that there are serious soil degradation issues in the Golden Plains area. Existing problems include soil erosion by water and wind and soil structure decline.

### **Salinity**

Almost the entire Shire is covered by the Salinity Management Overlay (SMO), with the exception of a few small specific areas such as forest and townships. There are scattered mapped occurrences of salinity throughout the Shire, with the largest occurrence in the central-east area. The Shire has recently finalised a review of the Salinity Management Overlay (SMO) with the Corangamite Catchment Management Authority, directing the use of the Overlay to discharge areas. It is planned to prepare an amendment (C35) to implement the review findings.

### **Native vegetation degradation**

The Enfield State Park, Brisbane Ranges National Park and other specific areas of conservation significance are recognised in various reserves throughout the Shire. Woodlands in the Shire are fragmented and limited, along with perennial native grassland communities. This depletion and fragmentation has resulted in a major reduction in biodiversity values, with there being a significant number of very rare and threatened species present in the Shire. Most remnant vegetation is located on public land throughout the Shire; however there is also significant native vegetation on some private land.

The Planning Scheme identifies bushland reserves and roadside areas throughout the Shire which are protected by the Vegetation Protection Overlay (VPO2). There are also several specific areas of Western Plains grasslands identified in the centre of the Shire, which are covered by a separate Vegetation Protection Overlay (VPO1). Urban growth, vegetation clearing, spread of pest plants and animals, grazing and changed drainage patterns are the most significant threats to flora and fauna.

### **Pest plants and animals**

Pest plants and animals are a major concern within Golden Plains Shire in terms of biodiversity quality and agricultural viability, on both private and public land. Major pest animals include foxes, rabbits and feral pigs with major pest plants being gorse and serrated tussock, along with ragwort, blackberry, Spanish Heath, Bridal Creeper and Flax being widespread.

### **Wildfire**

The majority of land in the northwest of the Shire, and areas surrounding Steiglitz and She Oaks are susceptible to wildfire occurrences and is covered by the Wildfire Management Overlay (WMO) in the Planning Scheme. As identified in the Municipal Strategic Statement, fire risk is an issue in the Shire's open grass lands and wooded forest and bush areas. It is planned to prepare an amendment (C29) to implement the most recent CFA wildfire mapping.



## **Flooding**

During a 1 in 100 year event there are several waterways throughout the Shire that are subject to flooding. The Moorabool River is of low flood risk and the Barwon River is of medium flood risk, with particular flooding risk problems in the southern areas of the Shire along the Leigh River and Woody Yaloak Creek. The Planning Scheme also identifies many areas scattered throughout the Shire largely associated with waterways, but also some other areas, that are subject to inundation (Land Subject to Inundation Overlay – LSIO). It is planned to prepare an amendment (C14) to implement the most recent flood mapping from the Corangamite CMA.

### **6.3.2 Strategic considerations**

All of the above elements of environmental quality need to be managed with conditions improved over time in order to ensure a high biodiversity value and quality environment, along with agricultural productivity and landscape qualities. The Planning Scheme can be employed to achieve this in part, however for best results landowners need to be supported and encouraged to undertake active environmental management on their own properties. Local Landcare/environmental organisations and government initiatives can help to achieve these outcomes.

## **6.4 Non-agricultural activities in rural environments**

### **6.4.1 Home based industries**

There are over 365 home based industries operating in the Shire according to a study conducted by Neil Noelker and Associates, 2003 *Home Based Business in the Golden Plains Shire*. According to a survey of home based businesses for the study, there is a high number of home based manufacturing businesses. According to the study, approximately 18% classify their business as manufacturing. The new Farming Zone prohibits industry, which includes all forms of manufacturing. However, the majority of businesses would fall under the definition of “home occupation”, which is a Section 2 use in the Farming Zone (requires a planning permit to operate). An issue arises when a use cannot be classified as home occupation due to the size of the floor area required.

It is interesting to note that the study comments on the issue of planning restrictions imposed on business, however from the group surveyed this was not the greatest disadvantage to operation of their business. Transport costs, distance to suppliers, market size and distance from markets were quoted as the greatest disadvantages. Lack of Council support was cited as a disadvantage, however it is unclear as to what support exactly was needed or wanted.

### **6.4.2 Tourism and recreation**

Council seeks to encourage sustainable tourism development in the Shire. The rural character of the Shire comprises small historic townships, the natural environmental features including forested areas, landscapes and tourist operations and facilities. Tourism industries in the Shire include the Moorabool Valley which is home to a number of wineries, the parks and forest reserves (Brisbane Ranges, Steiglitz Historical Park, Enfield State Forest) and the gold mining history in the northwest region of the Shire south of Ballarat and at Steiglitz. The Shire is also home to the Meredith Music Festival established in 1991 which is a hugely popular annual event. Additionally the location of the Shire between the regional tourism

economies of Geelong (and the Great Ocean Road) and Ballarat provides opportunities capitalising on overflow markets in day trips and overnight stays such as bed and breakfast or farm stays.

In areas such as the productive river flats and slopes of the Moorabool River in the Shire's south east the landscape attributes and soil capability has led to significant investment in intensive horticulture particularly wine grapes and the development of a local tourist industry based on wineries, restaurants and other facilities.

## 7. Strategic vision for Golden Plains Shire's rural areas

Golden Plains Shire Council has adopted an overarching vision statement for the whole Shire. The draft vision for the Shire's rural areas has been framed within the context of this Shire wide vision. The Shire's vision statement is



### **Rural Strategy Objectives**

The Golden Plains Shire Rural Strategy is based on the pursuit of the following objectives which are designed to contribute to achieving the wider Shire vision.

1. Support and promote productive and sustainable agriculture and rural enterprises
2. Provide for planned rural residential and rural living development where it supports the existing settlement structure, does not impact on productive agricultural land uses and provides for enhanced environmental outcomes
3. Strengthen the economic, social and community wellbeing of the Shire's towns and settlements
4. Provide for value adding rural industries, including intensive animal industries, where they can be sited so as to avoid conflicts and impacts on towns and settlements, residential uses, other agriculture uses and identified environmental values
5. Work with landowners, community groups and relevant agencies to improve the natural resource base, the water quality and quantity in rivers and streams and the protection of the Shire's environmental assets

6. Strengthen the rural tourism economy by encouraging uses and developments that support the Shire's tourist product without compromising the landscape and environmental values
7. Maintain the quality of the Shire's rural landscapes and the non-urban breaks between towns and settlements

This vision is supported by specific actions which are designed to:

- Support and facilitate productive agricultural land use
- Retain the highest quality agricultural land in productive agricultural use
- Support and facilitate sustainable intensive animal industries that can be sited so as to minimize amenity impacts and contain their buffer requirements within their own development
- Protect and enhance the quality of the rural landscape and environmentally significant areas through the application of the relevant zone based on its stated purposes and through appropriate zoning and overlay provisions
- Support the Shire's rural communities with a focus on Bannockburn, Smythesdale and Rokewood as key towns in the Shire's settlement structure
- Encourage and support local employment and small business development across the Shire's small towns and rural areas consistent with zoning purposes
- Ensure that land uses and developments are sited and managed so as to ensure that they do not impact detrimentally on the quantity and quality of environmental flows in the Shire's streams and watercourses
- Recognise and plan the Shire's rural areas on the basis of the provision of small towns and rural living in the north west, planned township development and retention of productive rural land uses in the south east and productive farming and agricultural land uses in the remaining areas of the Shire
- Provide for rural living as part of a planned settlement and residential strategy by supporting existing towns and rural settlements
- Plan for the south east areas of the Shire consistent with the findings and recommendations of the Golden Plains South East Land Use Strategy
- Retain the Shire's major river valleys as important rural landscape features and productive agricultural areas
- Ensure that the Shire's rural areas are considered as locations that may be able to support significant land uses required by the regional economies based on Geelong and Ballarat.
- Support and facilitate tourist developments and enterprises that require rural locations and do not impact on productive agricultural land uses
- Control development of lots that form part of old and inappropriate subdivisions in rural areas to avoid isolated and un-serviced development and rural land fragmentation.
- Ensure that new land uses and developments in rural areas contribute to the achievement of catchment management strategies and enhanced environmental outcomes

- Apply the Rural Activity Zone where the use of the zone is justified to support specific uses and development that require a rural setting and is consistent with ongoing agricultural and farming operations.
- Apply the Rural Conservation Zone where the protection of the environmental assets is paramount.

## 8. Recommendations

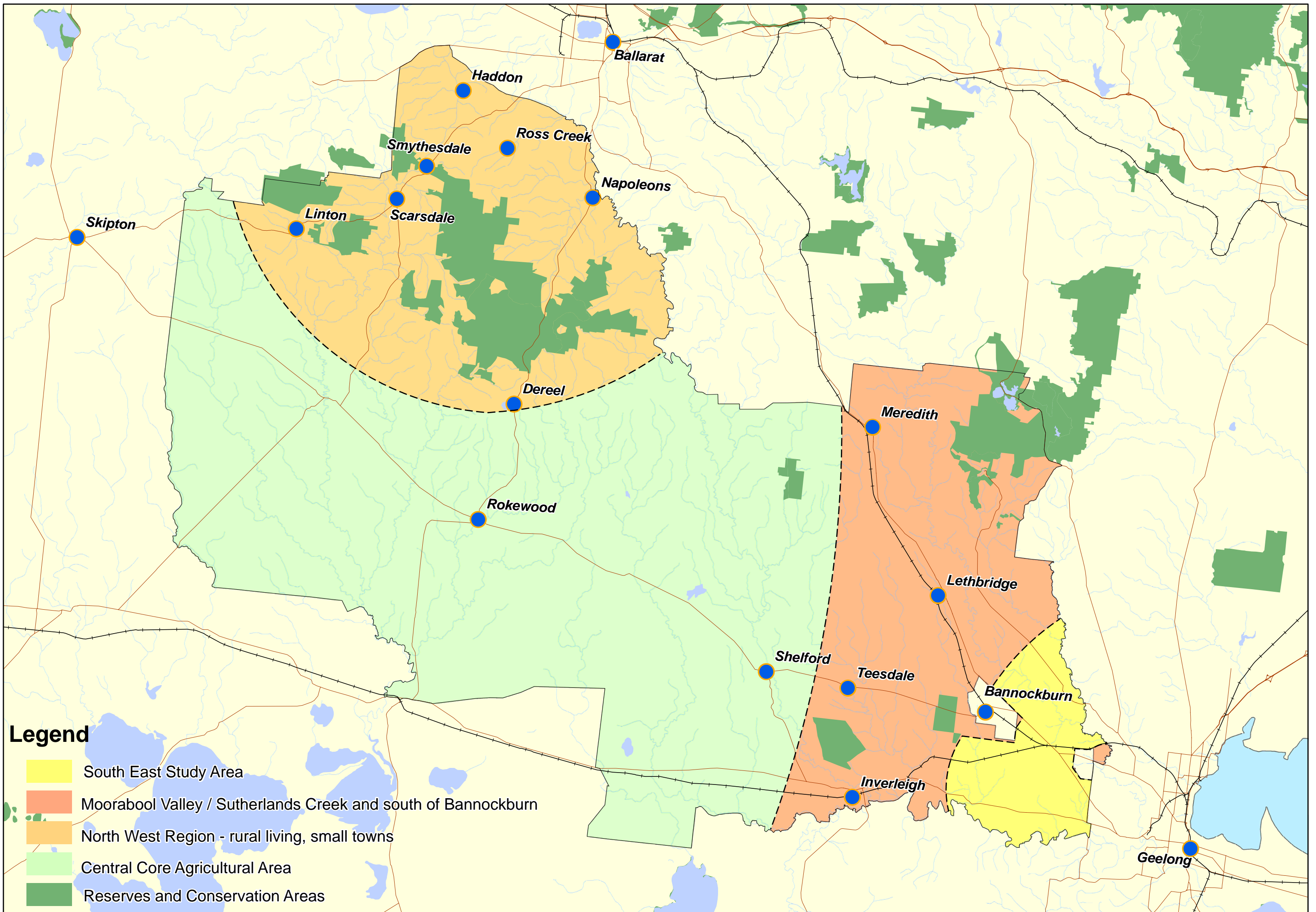
Council's vision for its rural areas needs to be implemented by a range of mechanisms not just the planning scheme. In terms of the planning scheme those mechanisms will include the application of the new rural zones and local policy. Set out below are recommendations for amendments to the planning scheme to:

- apply the new rural zones across the Shire to meet the strategic objectives
- address specific issues in the Golden Plains Shire's rural areas through appropriate mechanisms in the planning scheme.

In terms of applying the new rural zones the Shire can be broadly grouped into three areas.

- The first area can be described as the central agricultural core which is generally the land west of Teesdale to the Shire's western boundary with Corangamite Shire. In this area the land is generally made up of large rural allotments ranging from 40ha to greater than 200ha.
- The second area is described as the land to the east of Teesdale including the Moorabool Valley and Sutherlands Creek environs to Steiglitz and Meredith and the agricultural land south of Bannockburn.
- The third area is the north-west portion of the Shire made up of small agricultural holdings, small townships and rural living and areas of public land.

The map on the following page gives a basic outline of these precincts. These areas are generally defined and have been developed for the purpose of analysing the varying characteristics of the Shire's rural areas. They do not form the boundary of any zoning or other planning controls but have helped to define where zoning changes should or should not occur.



**Legend**

- South East Study Area
- Moorabool Valley / Sutherlands Creek and south of Bannockburn
- North West Region - rural living, small towns
- Central Core Agricultural Area
- Reserves and Conservation Areas

Figure 5: Rural Precincts Within the Shire

## Farming Zone (FZ)

It is recommended that the Farming Zone (FZ) be applied to most existing Farming Zone (formerly Rural Zone) areas. The basis for applying the FZ to these areas is to

- protect the Shire's existing agricultural lands and provide ongoing opportunities for agricultural use, development and investment
- encourage agricultural land uses, including intensive animal industries where appropriate
- maintain broad acre lots in core agricultural areas
- maintain the rural landscape

### Minimum lot size

The current lot size minimum for this zone is 60ha in the West Victorian Uplands area and 100ha in all other land. This was directly translated from the former Rural Zone (RUZ) provisions. It is recommended that the 60ha minimum lot size based on the West Victoria Uplands be removed and the minimum lot size be set at 100ha to apply to all Farming Zone land. Refer to Section 6.1.3 of this report for analysis on this matter.

## 8.1 Rural Activity Zone (RAZ)

It is recommended that the Rural Activity Zone (RAZ) be applied to two areas, namely the lower reaches of the Moorabool Valley and in the north west area of the Shire.

In the guidelines provided by the State Government for the application of this zone it is recognised that this zone should be applied where there are specific land uses that require the zone. This may include any existing approved land uses in the rural areas which would be designated a prohibited use by the application of the Farming Zone. Council is required to be clear in what they want to achieve with the RAZ and how discretion in the zone will be exercised. Council should develop and implement a policy (as well as clear statements in the MSS) to provide for the future application of the zone to provide for particular development.

The Rural Activity Zone provisions enable the application of the zone to be geared to specific circumstances that apply. As the recently released Practice Note states

*“The main feature of the Rural Activity Zone is the flexibility that it provides for farming and other land uses to co-exist. In this Zone:*

- *The zone purpose and provisions support the continuation and growth of farming but provide the opportunity for non-farming uses to be considered in appropriate locations.*
- *A wider range of tourism, commercial and retail uses may be considered, compared to the Farming Zone.*
- *Farming uses are encouraged to establish and expand, subject to proper safeguards for the environment and amenity considerations.*
- *A planning permit is always required to use land for a dwelling.”*

The Rural Activity zone provisions “provide for setting out objectives for the zone and explaining how discretion in the zone will be exercised in the Local Planning Policy



Framework (LPPF), including a purpose statement in the schedule to the zone” (Applying the Rural Zones Practice Note)

Reflecting the capacity of the new Rural Activity Zone to provide for and set clear strategic directions for particular locations, areas and land use and development it is recommended that the zone be applied in two areas of the Shire.

The exact designation of these areas has been correlated to property mapping, tenement holdings and local conditions.

### **8.1.1 RAZ Area 1 – North West area**

The whole of the north west area of the Shire embracing all that land currently zoned Farming in the current planning scheme outside of any urban zones (Township, Low Density Residential, Business or Industrial zones), the Rural Conservation Zone, the Rural Living Zone and covering the northwest portion of the Shire comprising small agricultural holdings around small townships. This area is generally shown on the map in Section 8 of this report.

The designation of this area as a Rural Activity Zone reflects a number of features of this area that relate to the existing lot pattern, the mix of land uses including small lot farming and a range of potential land uses associated with tourism in a rural setting, uses requiring rural properties and bushland settings and the proximity of the area to Ballarat. The mix of uses reflects the relatively low productivity of much of the cleared and farmed areas and the limited potential for productive agriculture (which is why Farming zone is not appropriate), the existing rural living areas based primarily on old subdivisions and lot patterns dating back to the gold mining era, the extensive areas of native vegetation which have provided rural living areas and the role of the area to provide for a range of uses that relate to the large number townships and local communities dispersed throughout the area.

#### **Purpose of the zone**

In respect to this area the purpose statement or wording for inclusion in the schedule to the Rural Activity Zone is recommended to embrace the following concepts

*To achieve a planned mix of:*

- *Continuing small scale farming, horticultural and agricultural land uses;*
- *small agricultural land holdings;*
- *rural industries and associated agribusinesses;*
- *nature based rural living, tourism development and recreation facilities;*
- *rural living based on the existing lot sizes and pattern; and*
- *revegetation of areas,*

*that reflects the current land use and development and is compatible with*

- *the area’s dominant landscape features,*
- *the gold mining history of substantial areas,*
- *the rural living use of extensive areas of both cleared and vegetated areas,*
- *the distinctive local townships, communities and settlements dispersed throughout the area and*

- *the continuing farming and agricultural use of large parts of the area*

#### **Minimum lot size and subdivision potential**

In this area there are 1022 separate allotments (parcels) that range between 0.04 and 531.7ha. The proposed minimum lot size for the NW RAZ1 is 40ha. There are currently 45 lots in the area above this size (40ha). There are 8 lots above 80ha (minimum necessary for a two lot subdivision). That is the application of the zone provisions based on a 40 ha minimum lot size would only allow minimal further subdivision. There is potential for an additional 36 lots to be created in the proposed NW RAZ area if every potential lot was achieved. That is less than a four percent increase in the number of lots.

### **8.1.2 RAZ Area 2 – Moorabool Valley**

This area is embraced by the valley of the Moorabool River south of Maude and has been defined by property boundaries related to topographic features.

The designation of this area as a Rural Activity Zone reflects the productive capacity of most of the area, its suitability for a range of intensive land uses in particular horticulture and the growing of wine grapes and further investment in such production, the outstanding landscape qualities of the area, in particular parts of the Moorabool River valley, and the opportunities to further develop tourism and recreation businesses around the landscape and horticultural setting. Reflecting these qualities there is already a significant investment in restaurants, accommodation and function centres that are marketing the capacity of the area to provide local and regional employment.

#### **Purpose of the zone**

In respect to this area the purpose statement and wording for inclusion in the schedule to the Rural Activity Zone is recommended to embrace the following concepts

*To achieve a planned mix of:*

- *agricultural land uses;*
- *small agricultural use land holdings used for horticultural production;*
- *rural industry and associated agribusinesses;*
- *tourism and recreation facilities;*

*that reflects the current land use and development and the horticultural and tourist role of the area and is compatible with*

- *the area's dominant landscape features in particular the enclosed river valleys, escarpments and open plateaus,*
- *the protection of the productivity of the land and its potential for further productive use ,*
- *the distinctive tourist and recreational product that has developed and its potential for sensitive and managed development*

#### **Minimum lot size and subdivision potential**

In this area there are 305 separate allotments (parcels) that range between 0.01 and 149.8ha. The proposed minimum lot size for the Moorabool Valley RAZ2 is 40ha. There are currently 82 lots in the area above this size (40ha). There are 28 lots above 80ha (minimum

necessary for a two lot subdivision). There is potential for an additional 60 lots to be created in the proposed Moorabool Valley RAZ2 area.

## **8.2 Rural Conservation Zone (RCZ)**

It is recommended that the Rural Conservation Zone (RCZ) be applied to existing Environmental Rural Zone (ERZ) areas. Some additional areas that have been identified in the northwest central area and around Sheoaks-Steiglitz as well as some specific sites scattered throughout the Shire. These additional areas recommended for RCZ have been identified based on their conservation significance and proximity to existing RCZ areas. Some additional areas for RCZ are existing anomalies that need to be amended.

Within the central region of Golden Plains Shire there are some areas of heavily vegetated land or have other environmental objectives that is currently zoned Farming Zone (previously the Rural Use Zone). These areas are not farmed and are not necessarily able to be farmed. As such, conservation should be the focus here and the RCZ is the appropriate zone to apply. In order to protect water quality in open, potable water supply catchment areas, it is preferable to zone the relevant land Rural Conservation Zone. In the north east region of the Shire (and also further within Moorabool Shire and City of Greater Geelong) is the Lal Lal Reservoir, the Moorabool (Sheoaks) and Stony Creek which are all declared special water supply catchment areas. Much of the area is currently zoned ERZ. As discussed above, all areas zoned ERZ should be directly translated to the RCZ. Further delineation of boundaries in the north east region may be required.

### **8.2.1 North West Central Rural Conservation Zone (RCZ1)**

This area is embraced by the Enfield State Park to the east and surrounding Public Conservation and Resource Zone. The land is currently zoned Farming which is considered inappropriate given that the land is considered significant and heavily vegetated.

There are 305 separate allotments (parcels) in this area that range between 0.0092 and 128.5ha. The proposed minimum lot size for the RCZ1 is 60ha. Land in the area currently sits within both the 60 and 100ha Farming Zone minimum lot size requirements. There are 9 lots in the area above this size. There is 1 lot above 120ha (which is the minimum necessary for two lot subdivision). There is potential for 1 additional lot to be created in the proposed RCZ1.

### **8.2.2 Bamganie-Woodbourne (Existing) Rural Conservation Zone (RCZ2)**

No new areas area proposed. The only change proposed is to provide a schedule number to this RCZ area.

### **8.2.3 Sheoaks-Steiglitz Rural Conservation Zone (RCZ3)**

There are 7 separate allotments (parcels) that range between 0.29ha and 84.92ha that are to be added to the Rural Conservation Zone in the Sheoaks-Steiglitz area. The proposed minimum lot size for the Sheoaks-Steiglitz RCZ3 is 60ha which does not change the subdivision potential of the area. There is no potential for additional lots to be created as the minimum lot size required for a two lot subdivision is 120ha

### 8.3 Rural Living Zone (RLZ)

It is recommended that the revised Rural Living Zone (RLZ) be applied to existing Rural Living Zone (RLZ).

The strategy recommends a new area of RLZ to the west of Scarsdale adjacent to the Pyrenees-Golden Plains Shire boundary. This land is currently zoned FZ and is comprised of predominantly small lots which reflects the subdivision pattern of the surrounding RLZ land to the north east and south east. The land is in proximity to Scarsdale and the area is appropriate for rural residential type development which is already occurring in some areas. A small infill section off Skipper Road east of Scarsdale is also proposed to be rezoned from FZ to RLZ.

In respect to any future rural living areas for inclusion in the Rural Living Zone, it is recommended that these should be based on further strategic work as part of the development of a Housing and Settlement Strategy for the Shire.

#### **Minimum lot size and subdivision potential**

In both areas the minimum subdivision size is 8ha consistent with the existing provisions in the Golden Plains Planning Scheme. In the area west of Scarsdale there are 57 separate allotments (parcels) that range between 0.09ha and 18.2ha. The proposed minimum lot size for this new area of RLZ is 8ha. There are 8 lots in the area above this size. There is 1 lot above 16ha (which is the minimum necessary for a two lot subdivision). As such there is potential for only 1 additional lot to be created.

### 8.4 Local Planning Policy Framework

The local planning policy framework should implement the objectives and strategies. New sections should be prepared for the Municipal Strategic Statement and some revisions to local planning policies should be prepared. New or revised sections of the MSS and local policies need to address a number of matters, specifically:

- Managing land use and development at the rural-urban interface
- Restricting ad hoc housing development in rural areas, particularly where there is a lack of services
- Managing dwellings in farming areas
- Buffers around intensive animal husbandry and other related issues
- Application of the Rural Activity Zone
- Management of rural residential development in the north west area

### 8.4.1 Municipal Strategic Statement (MSS)

The new planning scheme provisions, including changes to the MSS, are included as Appendix F to this report.

MSS clause	Changes
21.01 Context	No change
21.02 Key Issues Affecting the Shire's Land Use Planning and Development	Revise
21.03 Municipal Vision, Corporate Vision and Framework Plans	Revise
21.04 Objectives and Strategy	Revise
21.05 Bannockburn	No change
21.06 Implementation and Review	No change

### 8.4.2 Local Planning Policies (LPP)

A summary of the recommendations for the existing local policies is detailed below. The new planning scheme provisions including revisions to existing Local Policies are included as Appendix F to this report.

Local policy	Changes
22.01 Protection of stone resources	No change
22.02 Animal Keeping	Revise
22.03 Intensive Animal Husbandry	Revise
22.04 House Lot Excision	Revise
22.05 Management of Rural Residential Development – North West Area	Revise
22.06 Urban Growth Boundaries	No change
22.07 Lot Sizes and Medium Density Housing	No change
22.08 Catchment and Land Protection	Delete
22.09 Water Supply Catchment	Revise
22.10 Low Density Residential Development Policy	No change

#### Deletions

The LPP for Catchment and Land Protection (22.08) is recommended to be deleted. Through the course of this strategy the policy was reviewed. The strategy recommends it be deleted from the Golden Plains Planning Scheme as it provides unnecessary additional/repetitive controls for managing these issues (namely protection of natural resources). These issues are appropriately managed through State Planning Policy, Zone provisions, Overlay provisions and other mechanisms contained within the planning scheme.

## **8.5 Other matters**

### **8.5.1 Rates**

During the consultation period the level of rates applying in rural areas was frequently raised. This strategy is not designed to address the issue of rates. It should be noted though that as the demand for rural land to be used for rural living purposes grows that property values will rise and the level of rates for some properties are likely to increase. Council has developed a rating policy that seeks to recognise these issues and further consideration of this policy is a matter for Council.

### **8.5.2 2006 ABS Agricultural census data**

Update and consider the 2006 agricultural statistics for the Shire using the ABS 2006 agricultural census data when available. This can be done through upcoming Council strategic work such as the MSS Review. It is expected that this data will be available March/April 2008.

## Appendix A

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### Literature review

## **Appendix B**

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### **Ministerial Direction 6 Rural Residential Development**



## Appendix C

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### Community information sheets

## Appendix D

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### Map analysis

## Appendix E

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### Existing FZ map (previously RUZ)

## Appendix F

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### Proposed MSS & LPP changes