

REZONE LAND FROM PUZ TO FZ

MULTIPLE PARCELS

BLUE ROCK ROAD, WILLOW GROVE

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1 INTRODUCTION

Multiple parcels of land surrounding Blue Rock Lake in Willow Grove Victoria have been deemed to be surplus to the requirements of Southern Rural Water (SRW) and in accordance with the Victorian Government Land Policy are to be sold into private ownership.

The land is currently in the Public Use Zone which is an inappropriate and restrictive zone for private ownership. The Victorian Government Land Monitor (VGLM) requires that the land is rezoned prior to sale.

The proposal is to rezone the land proposed to be sold, from the current Public Use Zone (PUZ) to Farming Zone (FZ). There are no proposed changes to Overlays. Each parcel will be subject to a Section 173 Agreement which prevents the land from being subdivided to create additional lots and prevents the land from being developed with further dwellings.

2 SUBJECT LAND

2.1 SITE DESCRIPTION AND LOCALITY

The land subject to the application is located in and around Blue Rock Dam in Willow Grove. Blue Rock Dam is a water supply reservoir that lies on the north side of the Willow Grove Township and south of the Moondarra State Park.

The subject land is comprised of 20 parcels of land located around the western and southern perimeter of Blue Rock Dam. Most of these parcels contain some parts that are located within the dam and/or within a filtration zone/high water mark. The land within the dam itself or in a filtration zone or high water mark is necessary to be retained and will remain in the ownership of Southern Rural Water, and will therefore stay within the PUZ. The balance land within these parcels is the land deemed to be surplus to the requirements of Southern Rural Water and will be rezoned to Farming Zone to allow for its sale into private ownership.

A subdivision has recently been sought through the Baw Baw Shire Council to excise the land proposed to be rezoned and disposed of into private ownership from the land proposed to be retained in the ownership of SRW. It has been submitted to the Baw Baw Shire Council as part of the planning application that SRW will enter into a Section 173 Agreement with Baw Baw Council for each of these lots. The Agreement is proposed to be worded to prevent development of the excised land for a dwelling and to prohibit the future subdivision of these parcels to create additional lots.

The area around the perimeter of the Blue Rock dam includes land used for recreation reserves and a boat ramp. These areas will remain in the ownership of Southern Rural Water and remain in the PUZ.

The land subject to the amendment is listed in Table 1 and shown on Figure 1. Each parcel is described in more detail below.

Much of the land surrounding the perimeter of the dam, outside of small filtration zone, has been leased for farming purposes to abutting property owners. The filtration zone around the lake varies in width however is generally between 15m to 20m and is fenced.

The land subject to the application for rezoning is the band of land around the reservoir currently leased to farmers which has been identified as being surplus to the requirements of Southern Rural Water. The land to be rezoned is typically grazing land and is vacant pasture with patches of native vegetation.

The predominant land use of the land subject to the amendment is agriculture. The exception to this is the land currently used by Southern Rural Water for a depot and private dwelling. This depot land is developed with two dwellings and various sheds. In addition one land parcel on the south side of Spillway Road (Lot 1 PS 732870) contains a current planning permit to use and develop the land for a dwelling.

Figure 1 shows the location of each parcel of land affected by the proposed rezoning.

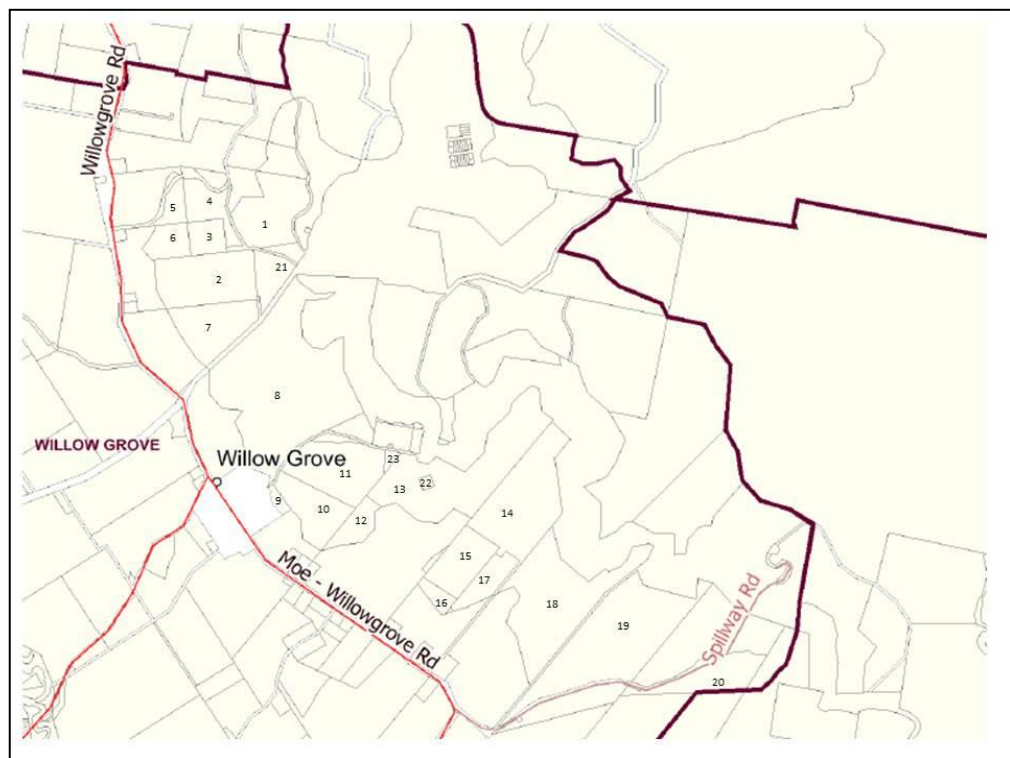


FIGURE 1 LOCALITY PLAN



FIGURE 2 LOCALITY PLAN AERIAL

Table 1 lists the title description of each of the parcels affected by the proposed rezoning.

Property	LOT	TP/LP/PS
1	1 (PT)	TP881848
2	1 (PT)	TP873609
3	4 (PT)	TP883254
4	1 (PT)	TP883390
5	1 (PT)	TP882864
6	1 (PT)	TP876047
7	1 (PT)	TP881844
8	A (PT)	LP148593
9	15	LP149182
10	1 (PT)	TP883084
11	1 (PT)	TP881703
12	1 (PT)	TP882499
13	1 (PT)	TP880674
14	1 (PT)	TP871672
15	1 (PT)	LP82530
16	1 (PT)	TP874966
17	1 (PT)	TP871674
18	1 (PT)	TP875029
19	2 (PT)	PS419348
20	1 (PT)	PS732870

TABLE 1 SUBJECT LAND PARCELS INVOLVED IN THE REZONING

2.2 PROPOSED SUBDIVISION

Southern Rural Water has identified land that is surplus to their requirements. The land that is surplus does not involve full land parcels but rather parts of 19 land parcels and one entire land parcel.

To provide for the sale the surplus portion of each land parcel, an application for Planning Permit has been lodged with Baw Baw Shire Council for a resubdivision.

The application for subdivision creates 12 parcels of land, seven of these parcels area formed by the excision and consolidation of the surplus land (lots 1-7). The remaining lots (A-E), will remain in the ownership of Southern Rural Water.

As part of the Planning Application it has been submitted that Southern Rural Water will enter into a Section 173 Agreement with Baw Baw Shire that prevents lot 1-7 from being developed with a dwelling or subdivided to create additional lots.

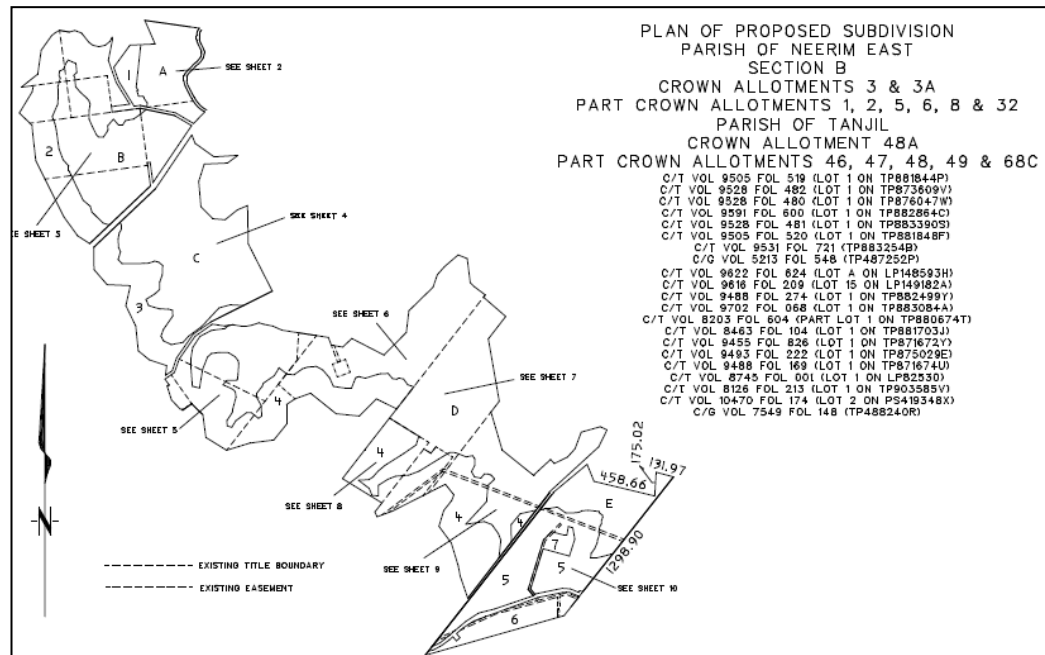


FIGURE 3 PLAN OF SUBDIVISION

2.3 GOVERNMENT POLICY

The Victorian Government Landholding Policy sets the guidelines for land purchased or retained by Victorian Government Agencies.

The Policy states that a state government agency should only require or retain land where they can justify how the land contributes to service delivery outcomes.

Where land is deemed to be surplus to the requirements of the Government Agency, the Policy guidelines require that the land first goes through a First Right of Refusal (FROR) process where other Government agencies can express an interest in the land. The land subject to this amendment has been through the FROR process and no Government Agency has expressed an interest in the land.

Government landholding policy further requires land sold into private ownership to have a zoning that is appropriate for private ownership. The Public Use Zone is not appropriate for private ownership and therefore prior to the disposal of the surplus land, the land must be rezoned.

3 PLANNING PROVISIONS

3.1 CURRENT ZONING

The land is within the Public Use Zone (PUZ).

The subject site is partially located in a Public Use Zone, as is the surrounding area. The purpose of the zone outlined at Clause 36.01 is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To recognise public land use for public utility and community services and facilities.*
- *To provide for associated uses that are consistent with the intent of the public land reservation or purpose.*

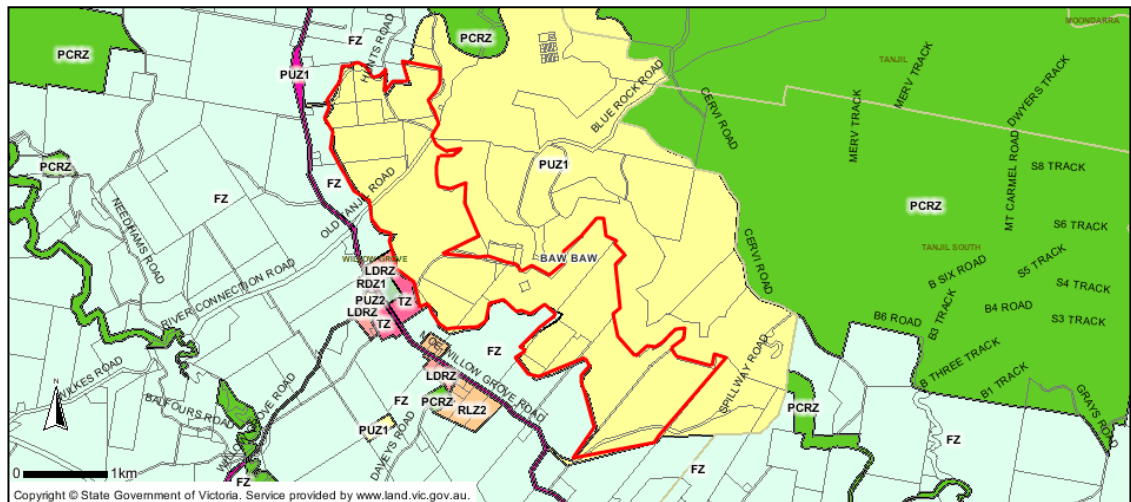


FIGURE 4 CURRENT ZONING MAP OF ORIGINAL PARCELS

3.2 CURRENT OVERLAYS

3.2.1 ENVIRONMENTAL SIGNIFICANCE OVERLAY TWO

The Environmental Significance Overlay Schedule 2 denotes a Water Catchment Area.

The Statement of Significance specifically states:

Water quality has a direct impact on the suitability of water for different uses, including drinking, industry and ecosystems. The forested area of the Dividing Range receives high rainfall and supplies high quality water to the Tarago, Thomson, Blue Rock and Moondarra Dams. Water from these reservoirs and the rivers downstream of storages sustain a broad range of activities and environmental values.

Protection of the quality of the region's water resources is therefore fundamental to the health and economy of the region.

The objectives of the Overlay are to:

- To ensure the protection and maintenance of water quality and water yield within the following Water Supply Catchment Areas:
 - Tarago Reservoir
 - Tanjil River Water Supply
 - Deep Creek & Loch River Water Supply
 - Tyers River
 - Narracan Creek
 - Thompson River Stage 3

The land is located in the Tanjil River Water Supply Catchment

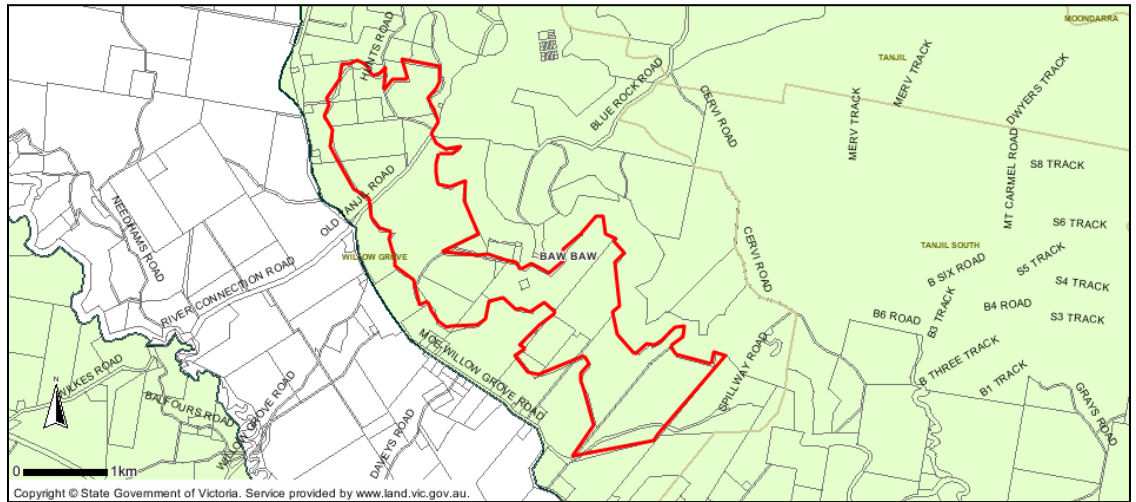


FIGURE 5 ESO2 MAP OF ORIGINAL PARCELS

3.3 PROPOSAL

The proposal is to rezone the land identified in 'green' in the site description at section 2.1 of this report, from Public Use Zone to Farming Zone. The area of land proposed to be rezoned is 202.973Ha.

There are no changes proposed to any Overlays that affect the land.

3.4 INDIVIDUAL SITES

This section of the report provides details more detail on the proposed rezoning. The area shaded yellow on the maps provided is the indicative area of the land parcel that will be rezoned. Also provided is the indicative current and proposed zoning maps. The total land area subject to the rezoning is 202.973Ha.

AREA 1

Area 1 comprises of part Lot 1 TP 881848.

The land is 5.603Ha in size and is irregular in shape.

The land is largely cleared and has historically been leased privately for farming purposes.

A patch of native vegetation is located in the north eastern portion of the land. The vegetation is EVC 16 Lowland Forest of the Highland Southern Falls bioregion.

The land is mostly fenced with the exception of the vegetation on the north eastern corner which appears to not be included in the fenced area.

The land is accessed via Hunts Road to the north and falls generally south-westerly at a gentle slope.



FIGURE 6

AREA 1

AREA 2

Area 2 is made up of :

- Part Lot 1 TP 873609
- Part Lot 1 TP 882254
- Part Lot 1 TP 883390
- Part Lot 1 TP 882864
- Part Lot 1 TP 876047
- Part Lot 1 TP 881844

The land has an area of 49.79Ha and lies south of Hunts Road and east of the main Willow Grove Road. The land is irregular in shape best described as a “ribbon” of land following the western perimeter of the lake. The southern boundary of the land abuts Old Tanjil Road.

The land has access to both Hunts Road to the north and Old Tanjil Road to the south. Old Tanjil Road is a sealed road that also provides access to the recreation area located on the south side of Old Tanjil Road.

The land is mostly cleared land save for a “wedge” of native bushland in the north-western corner. This vegetation is classified as EVC 29 “Damp Forest” in the Highland Southern Fall bioregion.

The southernmost part of land also contains native vegetation however the vegetation here is more sparse and highly modified and is in the EVC 16 Lowland Forest in the Highland Southern Falls bioregion.

The land, aside from the part that is native bushland, is leased privately as farming land and is already fenced for this purpose.

The land is gently undulating and falls generally to the east.



FIGURE 7

AREA 2

AREA 3

Area three is made up of part Lot A LP148593. The land is a highly irregular in shape.

The land is 26.46Ha and abuts Old Tanjil Road to the north and Blue Rock Road to the south.

The land abuts the existing recreation reserve on Old Tanjil Road but does not take in this reserve which will remain in its current use and availability to the public.

The land is cleared agricultural land that is fenced and leased privately for farming purposes. The only vegetation to exist on this land is scattered native vegetation in the northernmost point of the land.

The land is gently undulating and falls generally to the north –east (into the lake) and has a small depression in the south western corner.

The land runs along the rear of the Willow Grove township with abutments to Low Density and Township zoned land. The Low Density Residential land is not yet developed and is approx. 10Ha in area. The land in the Township Zone that has direct abuttal to the subject land is developed with residential dwellings developed on lots ranging from 700sqm - 900sqm in size.



FIGURE 8

AREA 3

AREA 4

Area 4 is made up of, lot 15 LP 149182, Part Lot 1 LP 82530, Part, Lot 1 TP 883084, Part Lot 1 TP 881703, Part Lot 1 TP 882499, Part, Lot 1 TP 886074, Part Lot 1 TP 871672, Part Lot 1 TP 871674, Part Lot 1 TP 875029

The land is ribbon shape and follows the perimeter of the lake. The land is 54.24Ha in size.

The land abuts the Township Zone of the Willow Grove township for a brief distance. Most of the land lies to the south east of the township and abuts only Farming zoned land.

The land is encumbered by a drainage and sewerage easement at its intersection with the Willow Grove Township.

The land has a point access to Blue Rock Road. Blue Rock Road is a gazetted road to the point access with the subject land after which it is a gravel road vested in SRW. A section of sealed “gazetted” road has been constructed outside of the gazetted road reserve and an additional small section of the road reserve vested in SRW will be proclaimed as road to correct the error. This also gives the subject land technical road frontage to Blue Rock Road.

The land falls generally easterly towards the lake.

The land contains significant patches of native vegetation. The vegetation is all classified as EVC 16 ‘Lowland Forest’ in the Highland Southern Falls Bioregion.

Various electricity easements impact the southern parts of the land.

**FIGURE 9****AREA 4**

AREA 5

Area 5 comprises of all the land in TP874966. This makes up a 4.4Ha parcel of land. The land is cleared save for a triangle of native vegetation in the north western corner.

There is a drainage line that runs north-south through the eastern portion of the land. The land drains to this point in the east and then falls gently away to the north.

The land is currently leased for agricultural purposes. The entire parcel is proposed to be rezoned to Farming Zone.



FIGURE 9

AREA 5

AREA 6

Area 6 is made up of part of Lot 2 PS419348.

The land is 42.77Ha in size and an irregular shape. The land is currently partly leased for farming and contains a dwelling that is leased and not used for caretaking purposes.

The land is located on the north side of Spillway Road and has access from this road.

The land is encumbered by a number of electricity easements.

The land is generally gently undulating however falls to the north at a moderate slope towards the lake, just north of the dwelling.

A large area of native vegetation lies between the existing dwelling and Spillway Road. Another smaller, and more modified patch of native vegetation forms an 'arc' shape on the eastern part of the land. All vegetation is in the EVC 16 'Lowland Forest' in the Highland Southern Fall bioregion.



FIGURE 10

AREA 6

AREA 7

Area 7 comprises of Lot 1 PS732870 is a recently created parcel. The land is 19.71 Ha. The land has a current planning permit to use and develop the land for a dwelling however no dwelling exists on the land at present.

The land is mostly cleared with a rear (southerly) portion of the land that contains low shrubby native vegetation.

The front portion of the land falls to Spillway Road and the rear portion falls to the south where there is a drainage line running parallel to the rear boundary.

The entire parcel is proposed to be rezoned to Farming Zone (FZ) from its current PUZ.

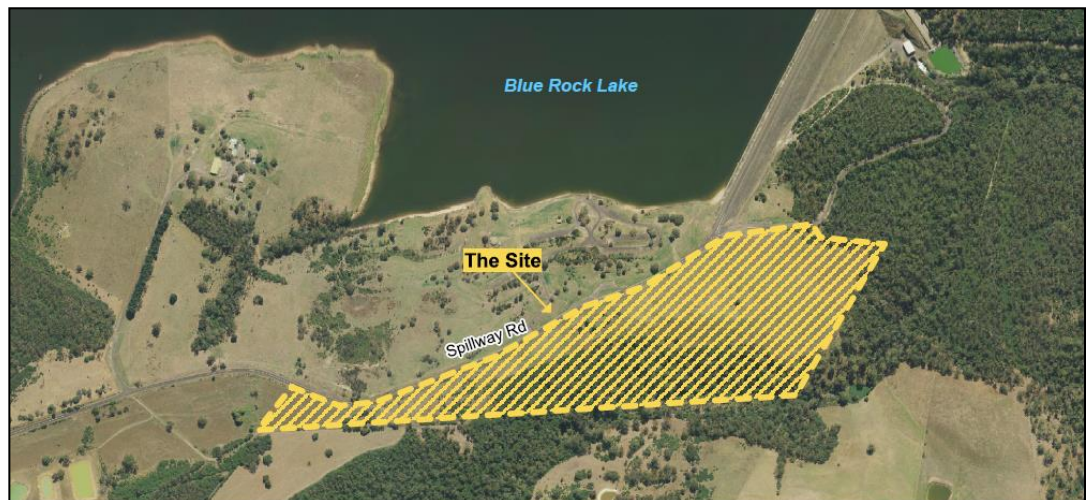


FIGURE 11

AREA 7

4 STRATEGIC PLANNING CONTEXT

4.1 STATE PLANNING POLICY FRAMEWORK (SPPF)

CLAUSE 12.04 ENVIRONMENTALLY SENSITIVE AREAS

State Planning Policy 12 *Environmental and Landscape Values* refers to the importance of land use planning to protect ecosystems with particular regard to limiting impacts on biodiversity. The Policy also aims to protect significant landscape values as they apply to the context of the area in which land use applications are made.

Clause 12.04-1 refers to sites with particular environmental sensitivities. The objective of the policy is to protect and conserve environmentally sensitive areas. The area is located within a Special Water Supply Catchment.

Clause 12.04-2 refers to landscapes. The objective of the provisions is to protect significance landscapes with respect to character identity and sustainable environments.

CLAUSE 13.02 FLOODPLAINS

The main objectives of the Policy at 13.02 is :

To assist the protection of:

- Life, property and community infrastructure from flood hazard.
 - The natural flood carrying capacity of rivers, streams and floodways.
 - The flood storage function of floodplains and waterways.
 - Floodplain areas of environmental significance or of importance to river health.

The strategies listed to achieve this are:

Identify land affected by flooding, including floodway areas, as verified by the relevant floodplain management authority, in planning scheme maps. Land affected by flooding is land inundated by the 1 in 100 year flood event or as determined by the floodplain management authority.

Avoid intensifying the impacts of flooding through inappropriately located uses and developments.

Locate emergency and community facilities (including hospitals, ambulance stations, police stations, fire stations, residential aged care facilities, communication facilities, transport facilities, community shelters and schools) outside the 1 in 100 year floodplain and, where possible, at levels above the height of the probable maximum flood.

Locate developments and uses which involve the storage or disposal of environmentally hazardous industrial and agricultural chemicals or wastes and other dangerous goods (including intensive animal industries and sewage treatment plants) must not be located on floodplains unless site design and management is such that potential contact between such substances and floodwaters is prevented, without affecting the flood carrying and flood storage functions of the floodplain.

Policy guidelines are :

Planning must consider as relevant:

- State Environment Protection Policy (Waters of Victoria).
- Regional catchment strategies and special area plans approved by the Minister for Environment and Climate Change.
- Any floodplain management manual of policy and practice, or catchment management, river health, wetland or floodplain management strategy adopted by the relevant responsible floodplain management authority.
- Any best practice environmental management guidelines for stormwater adopted by the Environment Protection Authority.
- Victoria Floodplain Management Strategy (Department of Natural Resources and Environment, 1998).

CLAUSE 14.02 WATER

The State policy of particular relevance to this proposal is that at Clause 14.02.

The objectives, strategies and policy guidelines at this policy has varying degrees of relevance to the application as the policy contains a long list of strategies relating to different aspects of water policy and includes policy guidelines that must be considered, as

relevant. These include *State Environment Protection Policy (Waters of Victoria)* and *Guidelines for planning permit applications in open, potable water supply catchment areas* (Department of Planning and Community Development, 2009)

CLAUSE 15.03-2 ABORIGINAL CULTURAL HERITAGE

The policy at Clause 15.03-2 seeks to protect and conserve places of Aboriginal cultural heritage significance and ensure that Cultural Heritage Management Plans are prepared where required by the Aboriginal Heritage Act, 2006.

4.2 LOCAL PLANNING POLICY FRAMEWORK (LPPF)

CLAUSE 21.06 NATURAL ENVIRONMENT AND RESOURCE MANAGEMENT

The Vision at Clause 21.06 is:

- To ensure the protection, conservation and sustainable management of the Shire's natural environment.
- To recognise the State and National importance of the Shire's resources while ensuring they are utilised in a way that maintains a high quality life for residents.
- To recognise the Shire's natural environment as the habitat for a wide range of indigenous flora and fauna and the importance of providing for the long term survival of these species

CLAUSE 21.06-4 NATURAL RESOURCE BASE

The provision at this part of the MSS looks broadly at environmental management of natural resources.

There is one objective and many strategies listed here.

- Objective 1

To ensure development proposals demonstrate a positive contribution to the environment in terms of soil stability, erosion,

flood and drainage management and the retention of native vegetation.

Strategy 1.1

Protect the high quality productive land within the Shire from unplanned urban encroachment.

Strategy 1.2

Recognise the high quality attributes of the natural environment and its significant link with every urban and rural area in the Shire.

Strategy 1.3

Ensure environmental quality and that expert advice is obtained on the potential impact of developments or land uses on the environment.

Strategy 1.4

Minimise the impact of pest plants and pest animals on environmental values.

Strategy 1.5

Encourage ecologically sustainable land uses and natural resource management practices.

Strategy 1.6

Encourage the involvement of the whole community in caring for the environment.

Strategy 1.7

Protect heritage places and environmentally sensitive areas from inappropriate development. Actions

Establish partnerships with:

- Department of Environment and Primary Industries
- Environment Protection Authority.
- Catchment Management Authorities.
- Minister for Planning and Local Government and the Alpine Resorts Management Board and community groups, such as Landcare.

CLAUSE 21.06-5 WATER CATCHMENTS

This part of the MSS recognises that there are vast areas of the municipality within catchment areas.

There is one main objectives and various related strategies underpinning this part of the MSS :

- *Objective 1*

To protect water catchments from inappropriate development.

Strategy 1.1

Prevent sediment loss from construction sites to minimise the impact of development on water quality in local waterways by facilitating the adoption of practices outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991) and Environmental Guidelines for Major Construction Sites (EPA, 1995).

Strategy 1.2

Ensure development does not detrimentally affect the water quality or riparian environment of stream systems.

Strategy 1.3

Ensure erosion is managed and reduced through appropriate measures.

CLAUSE 21.06-6**FARMLAND AND SOIL QUALITY**

The part of the MSS remarks on the high quality soils and the need to manage these appropriately to maintain the longevity of the agricultural resource in Baw Baw.

There are two main objectives along with their associated strategies that seek to provide the framework to manage high quality agricultural land within Baw Baw.

- *Objective 1*

To protect and maintain high quality agricultural land

Strategy 1.1

Encourage agricultural activity that is environmentally sustainable.

Strategy 1.2

Encourage development which supports the protection of the primary use of the land for agricultural production.

Strategy 1.3

Discourage subdivision practices that fragment farm properties and reduce the land supply for primary industry in the rural zones. Encourage the consolidation/restructuring of existing fragmented agricultural landholdings.

Strategy 1.4

Encourage soil based uses, and while encouraging non-soil based farming activities such as intensive animal husbandry and green houses, ensure soil is not blighted in the long term.

Strategy 1.5

Protect agricultural land from indiscriminate use and development unless alternative sites for the use or development cannot be identified.

Strategy 1.6

Consider the development of the land for non agricultural purposes where it is demonstrated that the land is required for the strategic extension of an urban area of a main town for residential development.

- Objective 2

To ensure that the future of agricultural industries are not prejudiced by the removal or degradation of soils.

Strategy 2.1

Discourage practices that damage soil integrity, for example through inappropriate waste management or poor farm practices.

Strategy 2.2

Soil should only be removed from the actual site of a building or works permitted pursuant to this planning scheme and where it can be demonstrated that the retention of the soil would prejudice the proper construction of the building or work.

Strategy 2.3

For an application for a permit for the removal of soil, the responsible authority will seek the comments of the Department of Environment and Primary Industries and any relevant Drainage or Water Authority. The responsible authority will consider the comments received from such authorities prior to deciding an application

5 ANALYSIS OF POLICY SUPPORT FOR THE AMENDMENT

The Victorian Government Landholding Policy is that a state government agency should only require or retain land where they can justify how the land contributes to service delivery outcomes. The land has been identified as being surplus to the needs of Southern Rural Water and is required to be disposed of by this Policy.

The VGLM's guidelines require that the land goes through a FROR (First Right of Refusal) process. This process was undertaken and no government land agency expressed interest in the land.

The VGLM's guidelines also requires land sold into private ownership to have a zoning that is appropriate for private ownership. The Public Use Zone is not appropriate for private ownership and therefore prior to the disposal of the surplus land, the land must be rezoned.

The proposal site has inherent environmental sensitivities, being located adjacent to a water supply reservoir and within a potable water supply catchment. The land is however farming land and is generally cleared pasture that has been used exclusively for agriculture since the dam's construction in 1989 and the value of the land for Farming purposes out-weights the lands environmental qualities. It is considered that the most appropriate zone for the land is Farming Zone (FZ). There is no justification for any change to the Overlays that affect the land.

MSS

The Baw Baw MSS remarks on both the environmental qualities and need to manage water quality within supply catchments and the inherent value of farming land for the economic prosperity of the municipality and the fact that the area has some of the highest value agricultural land in the State.

Clause 21.06-5 'Water Catchments' recognises that there are vast areas of the municipality within catchment areas. The objective is '*to protect water catchments from inappropriate development*'. The Farming Zone will provide the necessary controls to ensure that land use and development are appropriate having regard to the location of the land within the water catchment. The additional support offered by the Section 173 Agreement detailed earlier in this report will further produce the outcomes sought by this part of the MSS.

Clause 21.06-6 “Farmland and Soil Quality” is focused on agricultural land and the preservation of soils for the agricultural sector.

The MSS at Clause 21.06-6 seeks to protect high quality agricultural land and the minimisation of land use conflicts. Objective 1 is to “..*protect and maintain high quality agricultural land*”.

The proposal zoning “*supports the protection of the primary use of the land for agricultural production*” by providing an increase in available agricultural land that can provide for expansion of nearby farms.

SPPF

The State policy framework at Clause 14 also has policies that remark on the value of agricultural land, particularly land of state significance for agriculture, and the need to protect potable water supply catchments from inappropriate land use and development.

The issue for this proposed is a balance for is managing the future of this land to maintain the high level of regulation for development within the areas to protect the water quality of the reservoir and to recognise the historic use and long term requirement for agricultural production in the area.

The subdivision excising the land to be rezoned includes a submission that the excised land should be subject to a Section 173 Agreement preventing further development of the land with a dwelling or subdivision to create additional lots. This in part achieves the protection to water quality than might otherwise arise from additional dwellings made possible by additional lots around the reserve.

The proposed Farming Zone, whilst allowing an “as of right” for farming activities, which potentially in itself poses a threat to water quality, allow for the continuation of the existing use of the land for farming and recognises the value of the land for farming purposes as remarked within the MSS and State Planning Policy Framework.

The State policy at Clause 14.02 ‘Water Catchments’ seeks to protect water supply catchments. It is considered that the Farming Zone is appropriate to achieve the objectives of this policy which take a precautionary principle and the assessment of cumulative risk in the context of the recent *Guidelines: planning permit applications*

in open, potable water supply catchments (May 2009) (the current Guidelines) and the Australian Drinking Water Guidelines. The Farming Zone applies controls that are consistent with the precautionary principle.

In terms of the guideline regarding a dwelling density of 1:40ha in the current Guidelines, the proposal does not allow for additional dwellings, and the dwelling density does not change as a result of the proposal.

PRACTICE NOTE 42 APPLYING THE RURAL ZONES

Practice Note 42 “Applying the Rural Zones” Generally the Practice note 42 supports areas around proclaimed water supply catchments being zoned “Rural Conservation”. Ideally, had the land exhibited other environmental qualities other than its proximity to the water reservoir then this zone may have been considered appropriate. Instead, the land has a long history of agricultural production and continues to this day to contribute significantly to this sector. The land lacks any other environment quality that would warrant its inclusion in the RCZ.

Practice note 42 “Applying the Rural Zones”, states that the Farming Zone should be applied where :

- farmers require certainty about undertaking normal farming practices and need the flexibility to change farming practices in the future
- farming is the principal activity in the area and the protection of productive farmland is of primary strategic importance
- the farmland is of state, regional or local significance in terms of agricultural production or employment
- the farmland has physical attributes that are scarce or essential to sustaining particular agricultural activities
- pressures to use and develop land for non-farming purposes pose a significant threat to the supply and productivity of farmland in the area
- the scale, nature and intensity of farming uses in the area have the potential to significantly impact upon sensitive land uses, such as housing

- the efficient and effective use of agricultural infrastructure will be maximised.

The broader landscape is one that is dominated by dairying and grazing safe for the small Willow Grove Township. It is fair to say that farming is the principle activity in the area.

The land abutting the subject land is farmed and the subject land is often leased at present to the abutting farmer. It is the intention that the land excised is to be sold to the abutting farmer for consolidation into their farm. Applying the Farming Zone offers the certainty for a farmer acquiring this land.

The landscape offers some of the most valuable farming soils in Victoria and is considered significant to retain as farming land.

The Practice Notice 42 also states that possible farming areas include:

- horticulture areas
- intensive animal husbandry areas
- irrigated areas
- dairying areas
- forestry plantation areas
- other broad hectare cropping areas
- areas where the consolidation, intensification or aggregation of farming activities is encouraged
- areas where non-farming uses and development need to be strictly controlled so that potential land use conflicts can be avoided.

The landscape is dominated by a combination of dairying and extensive animal husbandry. There is also a significant presence of hardwood and pine timber plantations in the broader area. The MSS and LPPF set a clear emphasis on the need to consolidate and intensify farming land. In this regard it is considered appropriate to apply the farming zone.

GUIDELINES FOR PLANNING PERMITS IN OPEN, POTABLE WATER SUPPLY CATCHMENT AREAS

The Guidelines draw on the State Planning Policies at 14.02 and 19.03 and seek to protect water quality by managing land use and development within these catchments

ABORIGINAL CULTURAL HERITAGE

The land is located in an area of Aboriginal Cultural Sensitivity.

ENVIRONMENTAL SENSITIVITIES

The land is within an area of sensitivity having regard the abuttal of the land to the Blue Rock Dam and location within the Tanjil potable water supply Catchment.

The Farming Zone applies strict controls including decision guidelines focussing on preserving environmental qualities, this is considered appropriate for land within a water supply catchment that has few other environmental considerations.

6 MINISTERIAL DIRECTION No. 11

Why is an amendment required?

In accordance with the provisions of the Victorian Government Landholding Policy and Guidelines, state government agencies are required to justify ownership of land. Where land no longer contributes directly to the service delivery outcomes of the agency, the land should not be retained.

The land has been identified as being surplus to the requirements of Southern Rural Water.

It is government policy that land zoned for public use must be rezoned before it is sold to a private party. Therefore, the land intended to be disposed of is required by the VGLM to be rezoned prior to sale.

How does the amendment implement the objectives of planning in Victoria?

The amendment ensures that the objectives of planning in Victoria. The surplus land is considered to be valuable agricultural land and that the ongoing use the land for this purpose provides for the fair, orderly, economic and sustainable use and development of the land.

The proposal provides for the protection of the naturally occurring agricultural resource and the inherent ecological processes within this land and the neighbouring native vegetation and the security of the man-made water supply reservoir.

The amendment is not considered to have a negative impact on areas of environmental sensitivity including native vegetation which although located within private land is protected by existing planning controls

The proposal will not impact on the amenity or enjoyment of the area. The proposal does not change the historical use of the land which has been leased for farming purposes for a significant history since the flooding of the dam.

How does the amendment address any environmental effects?

The land is within a water supply catchment and contains areas of native vegetation.

The proposal will result in land parcels that although zoned Farming, will have no potential for dwellings or further subdivision through the application of a Section 173 Agreement.

The native vegetation that exists on the land is protected by the provisions of the Baw Baw Planning Scheme at Clause 52.17 of the Scheme

How does the amendment address any relevant social and economic effects?

The proposal provides for the continued use of the land for agricultural production and is considered to provide support to the economic prosperity of the area and the social wellbeing of the area.

Does the amendment comply with the requirements of any other Minister's Direction applicable to the amendment?

The amendment is consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* issued under section 7(5) of the Act which requires that. "A planning scheme may only include land in a Public Use Zone, a Public Park and Recreation Zone or a Public Conservation and Resource Zone if the land is Crown land, or is owned by, vested in or controlled by a Minister, government department, public authority or municipal council"

How does the amendment support or implement the State Planning Policy Framework and any adopted State policy?

This report at section 6 details how the proposal addresses the relevant sections of the state policy.

The proposal is consistent with the purpose and strategies of the provisions of Clause 14.01 in that it provides for the retention of agricultural land and the expansion of existing farms.

The proposal aligns with the purpose and strategic directions at Clause 14.02 'Water Catchments' as the proposal does not increase development opportunity in the catchment and provides for land to be taken up by neighbouring lots to provide for future lot sizes that accord with the Ministerial Direction for Open Water Supply Catchments.

How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The proposal is supported by the provisions of the Baw Baw Planning Scheme at Clause 21.06. The MSS remarks on the value of the agricultural resource for the economic prosperity of the municipality. The proposal allows for the growth of agricultural land and existing farms.

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victoria Planning Provisions by including high quality soils in the Farming Zone and by limiting the ongoing use of this land to farming through the use of a Section 173 Agreement that prevents development of the land with a dwelling and fragmentation of the land through additional subdivision.

It further avoids an anomaly where private land is within Public Use Zoning.

How does the amendment address the views of any relevant agency?

The relevant agencies will be consulted during the processing of the request.

Agencies were consulted in the FROR process as required by the Victorian Government Landholding Policy Guidelines.

Does the amendment address the requirements of the Transport Integration Act 2010?

N./A

7 CONCLUSION

The proposal is to rezone land from Public Use Zone to Farming Zone. There are no changes to the Overlays. The land rezoned to Farming Zone is subject to a Section 173 Agreement that prevents the land from being further subdivided to create additional lots and from being developed with any further dwellings.

The land is surplus to the requirements of Southern Rural Water and is proposed to be sold into private ownership.

in accordance with government policy, land zoned PUZ cannot be privately owned and therefore an amendment to the Baw Baw Planning Scheme to amend the zone of this land is required.

It is proposed to rezone the land to Farming Zone (FZ) as the most appropriate zone having regard to the location of the land within a landscape dominated by dairying and grazing and with the land having a long and contiguous use for farming purposes.