

## 5. RURAL POLICY AREAS

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### 5.01 Regional Overview

The Rural Policy Areas in the Region cover approximately 890 square kilometres, which accounts for about 23% of the total land area in the Region. They include a variety of land forms, the major components of which being the foothills of the Dandenong Ranges and the valleys and surrounding foothills of the Yarra and Little Yarra Rivers and their tributaries.

Rural Policy Areas support a wide variety of land uses, including intensive and broadscale agricultural activities, forestry, recreation and tourism and a variety of 'rural' lifestyles, ranging from isolated farm houses to rural settlements. The major resources of these policy areas, apart from its people, are its climate, soils, water, flora and fauna and landscapes.

Rural landscapes are one of the Region's greatest attributes and assets. The combination of open valleys with rising foothills, framed by strong vertical elements of surrounding mountains and major ranges rising abruptly from the river flats, make this area one of the most attractive and pleasant visual environments in the State.

A combination of mild climate, high and well distributed rainfall and a variety of good soils has led to the establishment of many and varied agricultural activities, some of which are of regional and State importance.

There are persistent and often conflicting land use pressures and demands being placed on the natural resources of the Rural Policy Areas. Many past land use demands have resulted in dramatic modification of the natural environment. Current rural land use demands, if not managed and controlled sensitively, could result in further alienation of productive agricultural land and deterioration and/or loss of environmental and landscape values.

Policies for Rural land based on further development and strengthening of the policies which have been in place since the approval of the Regional Strategy Plan in 1982.

### 5.02 Regional Goals and Objectives

The regional goal for Rural Policy Areas is to ensure that rural land in the Region is protected and maintained for agricultural and rural activities and that rural landscapes are protected, maintained and where necessary improved, for the benefit of the present and future generations.

### 5.03 Regional Objectives

The regional objectives for Rural Policy Areas are to, where appropriate, ensure:

- the continuation of rural land uses primarily for farming purposes, and other uses compatible with farming;

- the use and management of land in a manner that is sustainable and conducive to the maintenance of farming options and opportunities in the future;
- the protection and conservation of soils as an essential and irreplaceable natural resource;
- the protection and management of native vegetation for its intrinsic values, as a fauna habitat and a valuable visual component of the rural landscape, and for its value for soil conservation, maintenance of water yields and quality and contribution towards reducing the Greenhouse Effect;
- that all land use and development are compatible with the maintenance of rural landscapes, character and atmosphere;
- that all land use and management is carried out in a manner compatible with maintenance and improvement of water quality and yields; and to ensure that the values identified on adjacent public and other land are not degraded by the off-site effects from rural land;
- the protection, maintenance and enhancement of watercourses, wetlands, floodplains and drainage systems as essential components of water resource management and landscape and faunal corridors as important aquatic habitat;
- the rehabilitation of degraded watercourses and re-establishment of native riparian vegetation along watercourses and other areas;
- that the built environment, such as houses, buildings, structures, roads and other infrastructure, are sited and designed in a manner that complements the natural environment, and
- the establishment of appropriate buffers between agricultural/rural and urban areas, to enable the exercising without conflict, of the right of farmers to farm their land.

#### **5.04 Rural Policy Areas - Description and Primary Purposes**

The location and extent of all **Rural Policy Areas** is shown on **Map Series 1**.

##### **Intensive Agriculture 1 Policy Areas**

###### **Overview**

The **Intensive Agriculture 1 Policy Area** covers the Silvan and Monbulk areas, and is used extensively for intensive agriculture and cropping, with the main activities being production of cut flowers, nursery stock, vegetables, bulbs, fruit and berries.

Rural residential and urban related demands are particularly strong in this area and if not managed properly, will continue as threats to the area's agricultural productivity.

###### **Primary Purpose**

The **primary purpose** of the **Intensive Agriculture 1 Policy Areas** is to protect, maintain and enhance the productive resources of the red soil areas, and to encourage its

use for intensive agricultural purposes, and where necessary to discourage the use of land for non agricultural purposes, while recognising the importance of the landscape values.

## **Intensive Agricultural 2 Policy Areas**

### **Overview**

The **Intensive Agricultural 2 Policy Area** generally comprises red soil areas at Hoddles Creek. This Policy Area differs from Intensive Agriculture 1 through the productivity of soils being lower, because of generally lower natural fertility, shortages of water in some areas and colder climates, resulting in a shorter growing season.

Berries and vegetables are the main crop, with some fruit production. In recent years the growing of grape vines in the Hoddles Creek area has gained some prominence.

### **Primary Purpose**

The **primary purpose** of the **Intensive Agriculture 2 Policy Area** is to protect, maintain and enhance the red soil areas as a resource and to encourage the use of this land for broadscale intensive agricultural purposes, and where necessary, to discourage the use of land for non agricultural purposes, while protecting the landscape values.

## **Rural 1 Policy Areas**

### **Overview**

The **Rural 1 Policy Area** covers an area constituting the major agricultural resource in the Region. This Policy Area generally follows the valleys of the Yarra and Little Yarra Rivers and some of their tributaries.

The predominant land use is grazing. Other agricultural and rural activities include mixed farming and some part time farming, with an increasing presence of more intensive agricultural activities such as fruit and vegetable growing and viticulture.

### **Primary Purpose**

The **primary purpose** of the **Rural 1 Policy Areas** is to maintain and protect its soils and water resources for a variety of broadscale agricultural and rural activities, to control land use and land management activities in a manner conducive to the maintenance of landscape character, and to protect and enhance the remaining areas of native vegetation, protect the native fauna and maintain and improve water quality.

## **Rural 2 Policy Areas**

### **Overview**

The **Rural 2 Policy Area** covers an area generally located in the eastern parts of the Region, on more undulating and steeper slopes at higher altitudes. It has lower agricultural values than the Rural 1 Policy Areas. The predominant land use is grazing, with some part time farming and viticulture.

### **Primary Purpose**

The **primary purpose** of the **Rural 2 Policy Areas** is to maintain and protect its soil and water resources for a variety of broadscale agricultural and rural activities and to control land use and land management activities, in a manner conducive to maintenance of landscape character, to protect and enhance the remaining areas of native vegetation, protect the native fauna, and maintain and improve water quality.

## **Rural Landscape 1 Policy Area**

### **Overview**

The **Rural Landscape 1 Policy Area** generally comprises the land located between the Lysterfield Lake Park and Cardinia Reservoir and extending north easterly to include the rural portions of Monbulk and the eastern foothills of the Dandenong Ranges.

Due to past subdivision of land in this area, the majority of lots are in parcels of about 8 hectares. Soils are relatively poor, water scarce and the main agricultural activities are confined to part time farming, with some intensive agricultural activities in the Monbulk area.

The Policy Area contains some significant landscapes, such as the Cotswold Valley and parts of Menzies Creek Valley, which are landscapes "classified" and "recorded" by the National Trust.

### **Primary Purpose**

The **primary purpose** of the **Rural Landscape 1 Policy Areas** is to provide for a range of farming uses and activities (including part time farming) compatible with land suitability, capability and subdivision patterns, to protect and maintain the remaining native vegetation, wildlife, water quality and to maintain and enhance landscape value and character.

## **Rural Landscape 2 Policy Area**

### **Overview**

The **Rural Landscape 2 Policy Area** includes land along the Yarra River and at Seville and in the Burleigh Hills, as well as small areas in the Macclesfield, Lysterfield and Monbulk areas. Main agricultural activities are grazing, mixed farming, part time farming and in some areas, fruit and berry production.

As in the Rural Landscape 1 Policy Area, the land in this Policy Area has been extensively subdivided. The lots however are generally larger than in Rural Landscape 1, with the most common size being about 16 hectares.

This Policy Area also contains significant landscapes, with areas such as Yellingbo Creek having National Trust "classified" status and the Menzies Creek having "recorded" status.

## **Primary Purpose**

The **primary purpose** of the **Rural Landscape 2 Policy Areas** is to provide for a range of farming uses and activities (including part time farming) compatible with land suitability, capability and subdivision patterns, to protect and maintain the remaining native vegetation, wildlife, water quality and to maintain and enhance landscape value and character.

## **Rural Conservation Policy Areas**

### **Overview**

The **Rural Conservation Policy Area** covers generally steep and forested land. It includes the Warramate Hills, parts of Mt. Donna Buang Range and Pauls Range and the areas south of Yarra Junction, Beenak, Gladysdale and Warburton.

Only a small proportion of this Policy Area has been cleared in the past. Land uses in this Policy Area include limited grazing and part time farming, and timber harvesting.

Most land in this Policy Area is significant environmentally, for its flora, fauna, water protection and for its significant landscape values. The Warramate Hills and Mt. Donna Buang Range are National Trust "classified" landscapes. The Little Yarra River and its environs is a "recorded" landscape.

### **Primary Purpose**

The **primary purpose** for the **Rural Conservation Policy Areas** is to protect and maintain native vegetation for its intrinsic value and for its value as a wildlife habitat, to protect landscape values and quality and to ensure that any land use is carried out in a manner compatible with the maintenance of water quality.

## **5.05 Threats to the Primary Purposes of Rural Policy Areas**

The major threats to the primary purposes of Rural Policy Areas, particularly the objective of providing for the continuation of agricultural purposes, are:

- the demand for rural residential living;
- the pressures for further subdivision;
- uses and developments not compatible with the protection and maintenance of rural landscapes; and
- the inappropriate removal of native vegetation.

## **Policies for land use and management in Rural Policy Areas**

### **5.06 Land use**

Land uses must be compatible with the regional goals, the regional objectives for rural land, and with the primary purpose for each Rural Policy Area.

### **5.07 Construction of buildings**

The construction of buildings (including houses and farm buildings) in Rural Policy Areas must be carried out in a manner that is compatible with the maintenance of rural and agricultural land uses, protection and, where possible, enhancement of landscape values, water resources, indigenous flora and fauna (and their habitat) and the provision of acceptable standards of residential health, safety and amenity.

Development within Rural Policy Areas may only occur on land (within a designated development envelope) which:

- is not subject to excessive slopes (that is a slope greater than 20%), without proper regard being given to appropriate measures to ensure that soil erosion does not occur;
- is not within a floodplain management area (except as allowed under Policy 10.02);
- if subject to land instability, can reasonably and safely be used for controlled and limited development;
- is not within an area identified as having a high risk from wildfire, unless it has been shown that appropriate measures have been undertaken, to provide an acceptable level of protection to the building from wildfire risk;
- is of sufficient size, should there be no reticulated sewerage to which the building can be connected, to enable proper on-site treatment of all wastes generated in the building and the disposal on-site of the effluent from the treatment;
- enables all buildings and their waste treatment and effluent disposal means to be located away from watercourses (by at least 30m), such that water quality is not adversely affected and stream and watercourse vegetation is protected from disturbance;
- enables proper consideration to be given to the type of construction (external materials in particular) and the location of the buildings and their ancillary works (such as driveways and access roads), in a manner that avoids intrusion into the surrounding landscape, and which provides opportunities for protecting remnant indigenous vegetation and natural habitat; and
- demonstrates that any house or building requiring utility services are able to be provided with such services in a manner that will not have an adverse impact on the environment or landscape of the area.

### **5.08 Tenement provisions**

Within Rural Policy Areas a tenement holding control must be introduced (or maintained) in the former Shires of Sherbrooke and Lillydale, so that development of a house will only occur on a lot or parcel of land which satisfies one of the following:

- is part of a tenement holding and is in excess of 4 ha. in area, except in the Intensive Agriculture 1 Policy Area where it must be in excess of 2 ha;
- was created in accordance with an approved Planning Scheme or Interim Development Order;

- consists of the consolidation of all parcels and/or lots within a tenement holding;
- is a lot which existed as a separate tenement holding on the date specified in the relevant Shire Planning Scheme; or

### **5.09 Tenement anomaly provisions**

Despite the requirement for tenement provisions, a planning scheme may modify the tenement provisions as they apply to specific lots, provided that it is demonstrated that:

- The modification will not prejudice the primary purpose of the policy area within which the lots occur and that the wider objectives of tenement controls for the policy area are protected from incremental erosion and are maintained as a legitimate means of protecting the areas identified from inappropriate development.
- Services such as constructed roads, reticulated water supply and reticulated sewerage are available, without additional substantial costs to Council and servicing authorities and the provision of these and other utility services will have minimal impact on the environment or landscape of the area.
- Where reticulated sewerage is not available, the site must be of sufficient size to enable proper on-site treatment and disposal of all wastes.
- Where the land is an area identified as having a high risk of wildfire hazard, appropriate building design measures will be required to be undertaken to provide an acceptable level of protection.
- Development will not jeopardise the maintenance of any Site of Natural Significance or Site of Cultural significance.
- There will be no detriment to the ecology of any stream or watercourse on or near the site, by virtue of the additional development occurring.
- The additional development can be considered to be infill in an area which is substantially built up.
- The land is not subject to constraints to development, such as land instability, land liable to flooding or land with slopes of 20% or greater (unless where slopes are greater than 20%, information has been provided that demonstrates that soil erosion will be minimised, landscape characteristics are protected or enhanced and the development and access to it can be appropriately located and land instability will be minimised).
- Clearing of native vegetation is minimised.

### **5.10 Second houses in Rural Policy Areas**

In Rural Policy Areas a second house may only be developed on a parcel of land, a lot or a tenement holding where:

- the additional house is to provide for a farm manager/caretaker or a relative of the owner/occupier; and
- the area of the parcel of land, lot or tenement holding is of sufficient size so that a two lot subdivision could occur under the particular Policy Area, within which the land is situated.

### **5.11 Forestry and timber production**

Forestry and timber production on private land with suitable native or other hardwood species, whether in plantations or in native forests, may be allowed subject to planning permit, provided that all activities including harvesting, roading, regeneration and fire protection are carried out in a manner compatible with the protection and maintenance of landscape values, water and soil resources, and maintenance of the integrity and long term conservation of any Sites of Natural Significance or Sites of Cultural Significance.

Softwood plantations must be prohibited within the Region.

In order to ensure that native forests and plantations are managed for their timber and other values in a sustainable manner, any proposal to carry out forestry or timber production on private land must demonstrate that:

- the land contains suitable timber resources of known quantity or it has the potential to be regenerated with suitable native species;
- timber harvesting can be carried out without detrimental effects to the area's soils, landscape and water resources and to its flora and fauna;
- appropriate native species (which will not create environmental problems) will be planted and silvicultural and management techniques will be applied to regenerate the harvested areas and to maintain the forest resources in a sustainable manner;
- plantations will only be established on land previously cleared of native vegetation and which is currently being used for agriculture or other purposes;
- floodplain management areas will be excluded, and
- timber harvesting will be excluded from the land within 30 metres of any watercourse.

### **5.12 Management of land for forestry and timber production**

The use or development of land for forestry in native forests, or for afforestation of native hardwood species must be on the basis of a proposal which contains a forest coupe plan, which addresses the matters contained in the Code of Forest Practice for Timber Production and which specifies:

- coupe location and cutting area boundaries;
- methods of marking, cutting and removing wood and the estimated volume of wood to be removed;
- wet weather and seasonal restrictions, and any other periods during which operations will be limited;
- areas excluded from harvesting to provide for flora and fauna protection under the Flora and Fauna Guarantee Act 1988, water quality protection, landscape protection, and significant sites;
- protection and rehabilitation of soils;
- location, design, construction, maintenance and closure of timber extraction roads;

- siting, use and rehabilitation of landings, log dumps and snig tracks;
- silvicultural methods and regeneration procedures to be applied;
- fire protection restrictions, and
- other details or information which may influence the specific conduct of the operation, including traffic movements to and from the site.

### **5.13 Agroforestry**

Agroforestry using suitable native timber species and in association with agricultural production, may be allowed and is to be encouraged on land already cleared of native vegetation and/or on degraded and previously logged areas needing rehabilitation.

### **5.14 Landscape protection**

The protection, maintenance and enhancement of landscapes and landscape character in Rural Policy Areas must be ensured.

In considering or carrying out any uses and developments, it must be ensured that:

- visual and environmental values of landscapes in Rural Policy Areas are fully recognised, protected and where necessary enhanced;
- all development is located so that it avoids prominent ridgelines, hill tops and visually exposed valleys;
- consideration is given to the use of non reflective surfaces or screen planting, and that the development is adequately set back from road frontages and access ways;
- all development is designed and sited in a manner complementary to its location, and compatible with maintenance of character of the Rural Policy Areas;
- all roads and access tracks are located, designed, constructed and landscaped in the manner compatible with maintenance of landscape values and character, and minimisation of soil erosion;
- all land use and development is managed and controlled to maintain and enhance the visual amenity and the quality along the main roads and other access routes, and that ribbon development along the roads is strictly controlled, and
- all use and development of land within landscapes "Classified" and "Recorded" by the National Trust of Australia (Victoria) will be carried out in a manner that is compatible with protection, maintenance and, where possible, enhancement of the landscape character of these areas.

Councils are encouraged to develop guidelines and provide advisory services for the design and siting of houses, buildings and other works, in order to encourage sensitive approaches to landscape protection.

### **5.15 Protection of agricultural practices:**

The maintenance and enhancement of agricultural practices in Rural Policy areas must be encouraged. To enable the long term achievement of these aims, appropriate farming

practices necessary for successful operation of agricultural activities should be recognised. Such practices should have regard to:

- Department of Agriculture guidelines and recommendations;
- the diversity of agricultural pursuits and the uncertainty of climatic conditions in the Region;
- the changing technology and consumer preferences for agricultural products;
- the primary purposes of the Rural Policy Areas; and
- the maintenance of environmental values.

### 5.16 Subdivision policies for Rural Policy Areas

Subdivision in Rural Policy Areas must be managed in accordance with the primary purpose for each Policy Area and the regional goal and objectives.

Within Rural Policy Areas subdivision may be allowed and planning schemes may provide for a variety of subdivision techniques, including minimum lot controls, a density control and a density matrix technique.

### 5.17 Subdivision Yields

The yield of lots, and the maximum and minimum lot sizes (for other than density matrix subdivisions) must conform to the following table:

<b>Policy Area</b>	<b>Average lot yield</b>	<b>Maximum &amp; Minimum lot sizes</b>
<b>Intensive Agriculture 1</b>	<b>1 lot to each 8ha</b> of site area	<b>6ha - 14ha</b>
<b>Intensive Agriculture 2</b>	<b>1 lot to each 20ha</b> of site area	<b>15ha - 35ha</b>
<b>Rural 1</b>	<b>1 lot to each 25ha</b> of site area	<b>18ha - 44ha</b>
<b>Rural 2</b>	<b>1 lot to each 40ha</b> of site area	<b>30ha - 70ha</b>
<b>Rural Landscape 1</b>	<b>1 lot to each 8ha</b> of site area	<b>6ha - 14ha</b>
<b>Rural Landscape 2</b>	<b>1 lot to each 16ha</b> of site area	<b>12ha - 28ha</b>
<b>Rural Conservation</b>	<b>1 lot to each 40ha</b> of site area	<b>30ha - 70ha</b>

Despite these provisions, planning approval may be granted for a subdivision where:

- The lot to be created is required for a public use or public purpose, by the Crown, a public authority or a Council.
- The purpose of the subdivision is to re-align a common boundary between two existing lots, where no additional lots will be created and where the re-alignment does not allow an increase in the number of houses that could be constructed on

the land beyond that permitted by the planning scheme prior to the subdivision taking place.

- The land is affected by Special Study Area or Restructure provisions and the subdivision is in accordance with the requirements of those provisions
- The subdivision is for a multi-dwelling, shop, office, factory or other similar use, which is in accordance with a planning scheme.
- The subdivision is for the excision of a lot of between 0.8 ha and 1.2 ha (exclusive of an access driveway of not more than 3 metres in width) from land which:
  - Contains two houses which have lawfully been established and neither of the houses were established as dwellings ancillary to an existing house on the land such as a 'dependent relative unit' or an 'ancillary dwelling';
  - Each new lot contains one of the established houses.

Any lot created under this provision must not be further subdivided except in accordance with the maximum lot yield provisions, or for the realignment of a common boundary, or the lot to be created is required for a public purpose by the Crown, a public authority or a Council, as allowed by policy 5.17.

### **5.18 Density matrix subdivision**

Planning schemes may provide for a density matrix subdivision technique, only within the Rural 1, Rural 2 and Rural Landscape 2 Policy Areas.

Where a density matrix provision is to be provided, it must specify that there be a single primary lot, with the remaining lots being within the range of 3 hectares to 5 hectares. The further subdivision of the primary lot in a density matrix subdivision must be prohibited by the planning scheme.

The creation of the primary lot in a density matrix subdivision must cover the land which is most suitable for agricultural uses or which has the most significant environmental values, and the small lots created must be located to minimise intrusion into the landscape and where appropriate, be grouped to avoid linear development.

### **5.19 Subdivision management**

Any lot created by subdivision, (excluding lots created to provide for a Council, Public Authority or Government purpose) must comprise land which has at least 40% of its area that:

- is not subject to slopes of 20% or greater;
- is not within a floodplain management area;
- if it is subject to land instability, can reasonably and safely be used for controlled and limited development.

The subdivision of land must only be allowed when the size, shape and layout of proposed lots are compatible with:

- the terrain characteristics of the site slope, watercourses, soil types and vegetation;
- a continuing potential for an agricultural use the land;
- the physical landscape characteristics and use of adjacent land;
- the long term conservation of any Sites of Natural Significance and/or Sites of Cultural Significance affecting the land; and
- the capacity of any land subject to land instability to be reasonably and safely used for controlled and limited development.

In any subdivision, access roads and development envelopes be located so that minimum earthworks are required, dominant landscape features such as ridgelines are free of development, and the maintenance of Sites of Natural Significance and Sites of Cultural Significance is not jeopardised.

### **5.20 Other policies applying to Rural Policy Areas**

In addition to the policies contained within this chapter, Township Policy Areas may also be affected by policies applying to:

- Public Land
- Management of Sites of Natural Significance and of Native Vegetation
- Management of Sites of Cultural Significance
- Puffing Billy Railway Scenic Corridor
- Floodplain Management Areas; Special Study Areas
- Human Services
- Commercial Centres
- Manufacturing and Industry
- Extractive industry, Mining & Soil Removal
- Recreation and Tourism
- Water Resources
- Service Networks
- Transport
- Fire Management;
- Schedule One - State Planning Policies for the Region
- Schedule Five - List of Environmental Weeds for the Upper Yarra Valley & Dandenong Ranges Region

## REGIONAL STRATEGY PLAN - RURAL POLICY AREAS

- Schedule Six - Exemptions to the policies or provisions under the Regional Strategy Plan