

Appendix 3 – Assessment against relevant Planning Scheme controls

Planning Scheme Reference	Assessment
State Planning Policy Framework	
<p>Clause 14.01 (Agriculture)</p>	<p>The policy generally discourages the “development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.” and “the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.”</p> <p>In considering a proposal to use, subdivide or develop agricultural land, consider the:</p> <ul style="list-style-type: none"> • Desirability and impacts of removing the land from primary production, given its agricultural productivity. • Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production. • Compatibility between the proposed or likely development and the existing use of the surrounding land. • The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas. • Land capability. <p>These issues have been considered at in great length in the preparation of Council’s Western Plains North Green Wedge Management Plan (adopted 23 September 2014). In relation to the subject land (and the immediate surrounding area) the key actions included:</p> <ul style="list-style-type: none"> • L10 a13 - “Pursue changes to introduce a flat 12ha minimum lot size as an ‘interim’ measure within the parts of the precinct to which this minimum does not already apply.” • L10 a14 - “Consider undertaking a Rural Residential land supply and demand analysis to identify the demand in relation to number, location and lot size that exists within the City of Melton. On the basis of this work and the Biodiversity Strategy, consider longer term if a smaller minimum lots size may be warranted.” <p><u>The proposal is deemed to be inconsistent with the Council’s adopted policy, given, that the proposed allotments are smaller than 12 ha, and the further strategic work to justify smaller lots has not been undertaken.</u></p>
Local Planning Policy Framework	

<p>Clause 21.01-3 (Rural Areas)</p>	<p>The policy recognizes that non-urban areas of Melton perform a vital role in providing a buffer between the outward spread of Melbourne and the rural hinterland. It recognizes that City's rural areas have traditionally been used for grazing and cropping (primarily cereal production such as wheat, barley and oats) and agriculture remains as the dominant use of the rural areas. In recent years the main rural enterprises to emerge are horse breeding and harness racing activities and there is some evidence to suggest a trend towards viticulture and more intensive agricultural.</p> <p>The rural areas of the City, and some urban fringe areas have always been popular for rural residential type living. There is a need for a rural residential land supply and demand assessment to be undertaken to better understand what further development might be appropriate.</p> <p><u>The proposal is considered to be premature, given, the further strategic work as outlined in the Policy has not been completed.</u></p>
<p>Clause 22.08 (Rural Land Use Policy)</p>	<p>The policy recognizes that these areas will remain rural in character and will provide for the establishment of non-urban activities and limited residential development in a planned and co-ordinated manner.</p> <p><u>The proposal is considered to be pre-mature, given, the further strategic work to plan and co-ordinate this residential has not been undertaken.</u></p> <p>The policy also outlines the need for all secondary lots created in the rural areas be connected to a reticulated water-supply and the municipal sealed road network.</p> <p><u>Bulmans Road is a sealed road and Western Water has not objected to the proposal, given, that it is not cost prohibitive to connect the allotments to reticulated water.</u></p>
<p>Zone</p>	
<p>Green Wedge Zone</p>	<p>The stated purpose of the Green Wedge Zone is "to provide for the use of land for agriculture" and "recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources". The proposal to subdivide land generally for the purpose of rural residential allotments is generally considered to be inconsistent with the stated purpose of zone, as per the Tribunal's comment in Blackwood v Casey CC [2003] VCAT 769 (27 June 2003).</p> <p><u>The proposal may become appropriate once the further strategic work as outlined in the WPNGW Management Plan is completed.</u></p>

	<p>A proposal to subdivide land within the Green Wedge Zone must meet the conditions specified in the Schedule to the Green Wedge Zone.</p> <p>The Schedule breaks down the rural land of Melton into three different groupings (this being Areas A, B and C). The subject land is located in Area A. The Schedule outlines the following requirements for subdivision within Area A:</p> <ul style="list-style-type: none"> • <i>“The number of lots into which the land may be subdivided is to be calculated using the following formula: $N=A/20$.</i> • <i>Where N (rounded down) is the number of lots that can be created and A is the area of the land in hectares.</i> • <i>The subdivision must comprise one large primary lot. The secondary lots must be at least 1.0 hectares and must be no larger than 5.0 hectares.</i> • <i>An agreement under Section 173 of the Act must be entered into with the owner of each lot created which ensures that the land may not be further subdivided under this provision.”</i> <p><u>The proposed subdivision will meet the requirements outlined in the Schedule.</u></p>
Overlays	
None	Not applicable.
Particular Provisions	
None	Not applicable.