



PLANNING INFORMATION

Farming Zone Subdivision

This information sheet has been prepared to assist people with the Colac Otway Planning Scheme as it relates to subdivision within the Farming Zone. This information sheet should be read in conjunction with the **General Planning Application Checklist**, available to download from the Colac Otway Shire website or by contacting the Planning Team (details below).

Why do we need to protect agricultural activities?

Agriculture is one of the greatest economic contributors to the Shire with the dairy and beef industries the most significant in terms of land use and economic contribution. Dairy farms account for 65% of the total contribution made by agriculture to the Colac Otway economy and, along with other forms of broadacre agriculture, will require access to affordable land for future growth and expansion. To maintain viability, many farms will have to increase in size or look to more intensive, alternative enterprises. Future land use planning should enable opportunities for expansion of the medium to large farms.

Why do we manage subdivision in farming areas?

Over many years of incremental land subdivision, the rural areas of Colac Otway have become more fragmented. This has meant that in many cases existing rural lots are too small to effectively carry out traditional forms of agriculture. Farms therefore often comprise multiple titles in order to maintain viable farming enterprises.

What are dwelling excisions?

The term 'dwelling excision' refers to the creation of a small lot around an existing dwelling, meaning that it can be separately sold from the rest of the farm. Dwelling excisions have contributed significantly to the land fragmentation experienced by Colac Otway, with dwellings often removed from land for short-term purposes resulting in the need for additional dwellings to be constructed for farm management.

The current planning provisions seek to minimise the number of houses removed from farmland. It is recognised, however, that the excision of dwellings onto a small lot may be appropriate in some circumstances where farms are undergoing re-structure and it has been clearly demonstrated that the dwelling is surplus to the long-term needs of the land and its excision would not have an adverse impact on agricultural activities or the environment.

What planning controls apply to subdivision in the Farming Zone?

The primary purpose of the Farming Zone is to provide for the sustainable use of land for agriculture and protection of environmental values. Most proposals for subdivision of rural land will require a planning permit. The minimum lot size for subdivision ranges from:

- 40 hectares for land south of Princes Highway and land west of Ballarat Road; to
- 80 hectares for land north of Princes Highway and land east of Ballarat Road.

There are limited opportunities for smaller lots, where it can be demonstrated that it is required to facilitate agricultural activity.

The criteria for considering subdivision within the Farming Zone is detailed at Clause 35.07-3 and the detailed decision guidelines for determining applications is at Clause 35.07-6.

The State Planning Policy for Agriculture (Clause 14.01) now recognises agriculture as being the dominant land use within our Farming Zoned areas and includes strategies relating to subdivision.

The Local Planning Policy for Agriculture (Clause 21.05-1) sets out clear objectives, strategies and policy guidance related to subdivision within the Farming Zone. Key local policy objectives relevant to subdivision include:

- *To facilitate the growth of key primary industries and a range of developments to add to the economic base of the Shire.*
- *To maintain the viability of large-scale agriculture and the retention of areas of farmland of strategic significance and other high quality agricultural land for agricultural use.*
- *To discourage the fragmentation of agricultural land.*

In summary, subdivision within the Farming Zone is only permitted where it can be reasonably demonstrated that the subdivision will support sustainable agriculture. Any approval is likely to be subject to the owner entering into a legal agreement that will prevent further subdivision of the land.

Additional controls may apply if overlays affect your land.

IT IS ALWAYS BEST TO DISCUSS YOUR PROPOSAL WITH A PLANNING OFFICER BEFORE LODGING THE APPLICATION. PLEASE CONTACT THE PLANNING TEAM TO MAKE AN APPOINTMENT.

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What is re-subdivision of land?

The most favourable option for subdivision within the Farming Zone is referred to as re-subdivision of land. This is where the subdivision essentially realigns the boundary between existing lots and the number of lots is not increased (preferably reduced). Proposals for re-subdivision must still demonstrate how the application will benefit agriculture and not adversely affect the environment.

Is my application likely to be supported?

In assessing your application for a permit, Council planning officers must consider whether the subdivision will support agricultural activity, or threaten it, based on what the future use of the land is likely to be following subdivision. They will also take into consideration what environmental impacts the subdivision may have.

Planning officers must have adequate information to be satisfied that the proposed subdivision will support agricultural growth and have no adverse impacts on the environment. Planning officers are unlikely to support proposals that threaten agricultural activities on the subject site or surrounding properties, or are likely to have a detrimental impact on the environment.

Most applications will be publicly advertised, allowing adjoining and nearby property owners and occupiers to make comment on the proposed subdivision. In addition, applications for subdivision often require referral to external authorities. Any submissions received must be taken into consideration when determining an application.

It is very important to discuss your proposal with a planning officer at an early stage due to the complexity of issues surrounding rural subdivision. When making an appointment to meet with a planning officer be sure to provide information about your proposal to enable the planning officer to undertake preliminary research before the meeting. Please contact the Planning Team by phone or email (details below) to arrange an appointment.

Please note if you are seeking to purchase a property with the intention of subdividing, it is strongly recommended you make the purchase conditional on obtaining a planning permit.

What do I need to submit with my application for subdivision in the Farming Zone?

In addition to the information identified on the **General Planning Application Checklist**, you must provide:

A written statement to explain:

- Full details of the current and future agricultural activities on the land including how long the operation has been established, the extent of the operation (i.e. what other nearby land is in the same ownership) plans for expansion/intensification and any other relevant information to support your application.
- Details of how the proposed subdivision will support the agricultural activities discussed above.
- How the subdivision has been designed to:
 - Address the impact on the subject site and surrounding properties in terms of sustainable agricultural production.
 - Minimise any likely adverse impact on flora and fauna, including protection of existing native vegetation and making provision for revegetation along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge areas.
 - Address any likely adverse impact on waterways, drainage lines and areas subject to inundation.
 - Reduce any likely adverse impact on features of architectural, historic, scientific or landscape significance.
 - Provide for efficient land management and infrastructure provision.
 - Respect the topography of the land.
- Acknowledgement of the likely need to enter into an agreement under Section 173 of the *Planning and Environment Act* 1987 to prevent further subdivision.

The site plan must include:

- The proposed lot boundaries with dimensions and proposed lot sizes.
- Details of activities on the subject site and surrounding properties, including access points, infrastructure/improvements and any significant environmental features.
- Demonstrate how the subdivision will facilitate ongoing farm management.

Please note additional information may be required

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