

Town Planning & Services

Planning Report

Re-subdivision of land (4 lots into 5 lots).

CA 860 Parish of Ballangeich

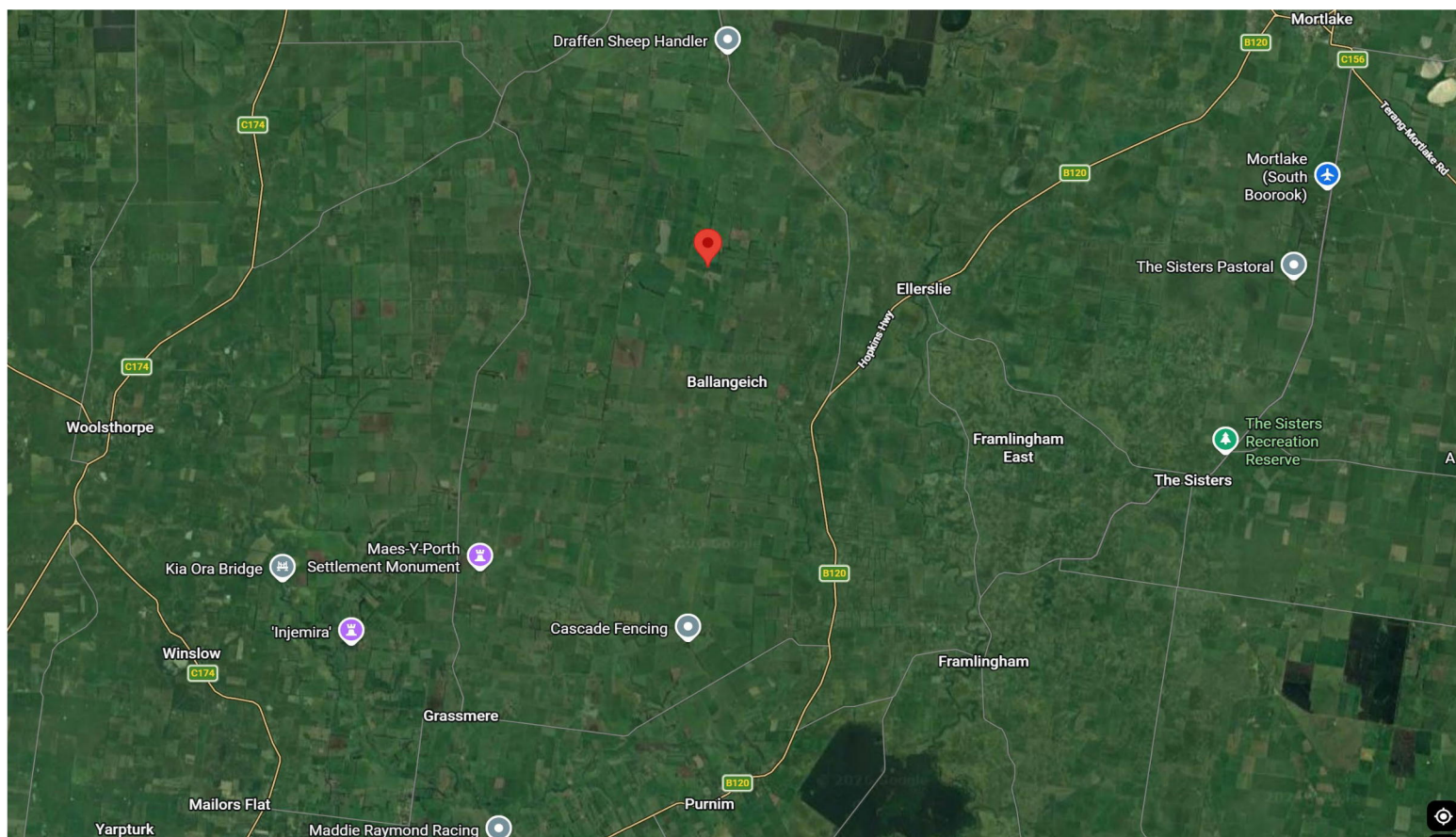
CA 39 Parish of Ballangeich

CA 39A Parish of Ballangeich

CA 39B Parish of Ballangeich

387 Gordons Lane Ellerslie
3265.

03/04/26



ACKNOWLEDGEMENTS

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1. Proposal

The proposal is intended to resubdivide the existing 4 lot title configuration into 5 lots.

Each proposed lot has a minimum of 40ha including the proposed lots which contain an existing dwelling which are on proposed lots 2 & 3.

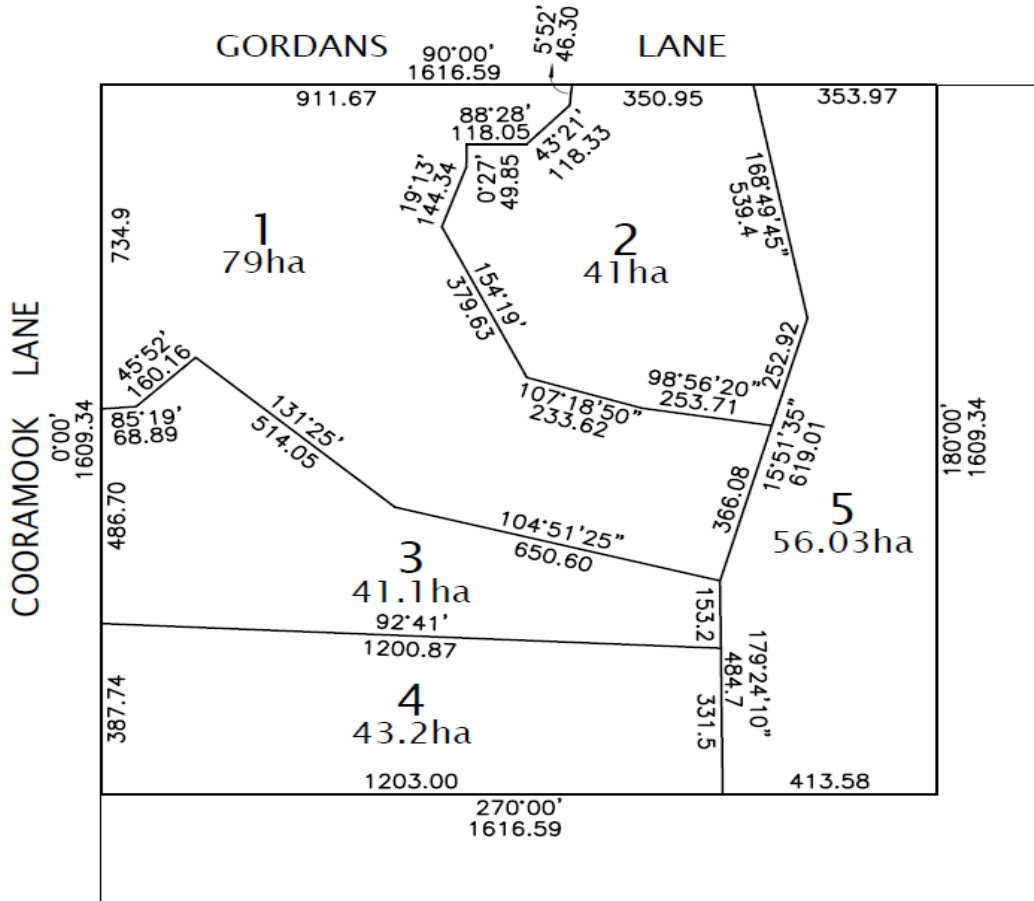
Existing plan of subdivision

TITLE PLAN		EDITION 1	TP 791048R
Location of Land Parish: BALLANGEICH Township: Section: Crown Allotment: 38, 39A, 39B, 860 Crown Portion: Last Plan Reference: Derived From: VOL 8092 FOL 939 Depth Limitation: NIL		Notations ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN	
Description of Land / Easement Information		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 23/06/2003 VERIFIED: RZ	
<p>A.O. in V448943Q 3 - 9 - 98</p> <p>GOVT ROAD</p> <p>2009 5340 39A 860 39B 38 8000 1800 2700 37B 37A</p> <p>GOVT ROAD</p> <p>40'</p> <p>TOTAL AREA = 642A 3R 21P</p>			
LENGTHS ARE IN LINKS	Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 1 sheets	

Proposed plan of subdivision

PS929320C

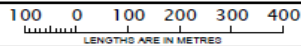
MCA 2020 ZONE 54



NOTE: WARNINGS AS TO DIMENSIONS. THIS PLAN IS NOT BASED ON SURVEY.
 LOT AREAS AND DIMENSIONS SUBJECT TO APPROVAL BY LOCAL AUTHORITIES.

JOSEPH LAND SURVEYING PTY LTD
 ABN 27 744 943 042
 P.O.BOX 5113, WARRNAMBOOL 3280
 PHONE (03) 5562 2066

SCALE
 1:10000



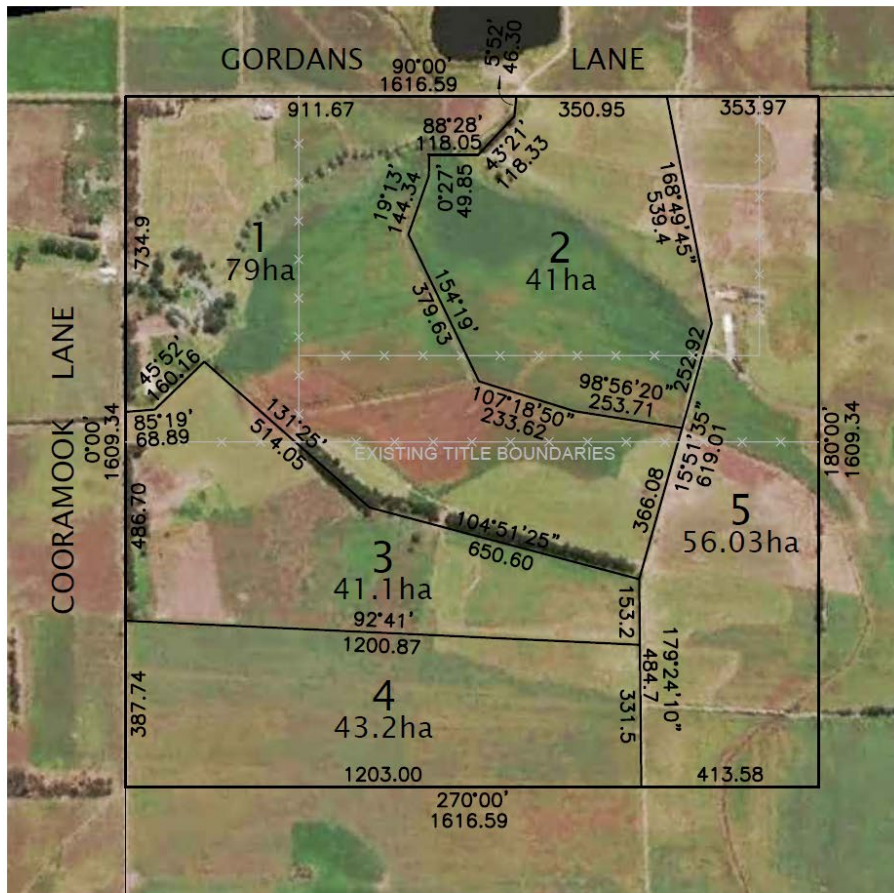
ORIGINAL SHEET
 SIZE: A3

SHEET 2

Proposed plan of subdivision satellite view

PS929320C

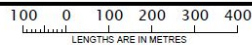
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 1:10000



ORIGINAL SHEET
 SIZE: A3

SHEET 2

The resubdivision is being undertaken to improve the working efficiency of the farm but also for succession planning for the future of the farm intended to continue to be operated on the subject land by the current family.

By way of background the subject land, extending in total to approximately 201 ha, forms part of a much wider farming enterprise of 1,060 ha, currently operated as a dairy and arable farm for around 2,380 head of dairy cows and young cows which are milked at a dairy on the property.

The farm has been in the family ownership since 2003 with the operation of the farm unaffected by the resubdivision as the farm will continue to be operated as it is now.

The breakdown of proposed allotments is as follows:

Proposed lot 1: 79 ha with dwelling (the homestead), riding arena, stables, machinery shed.

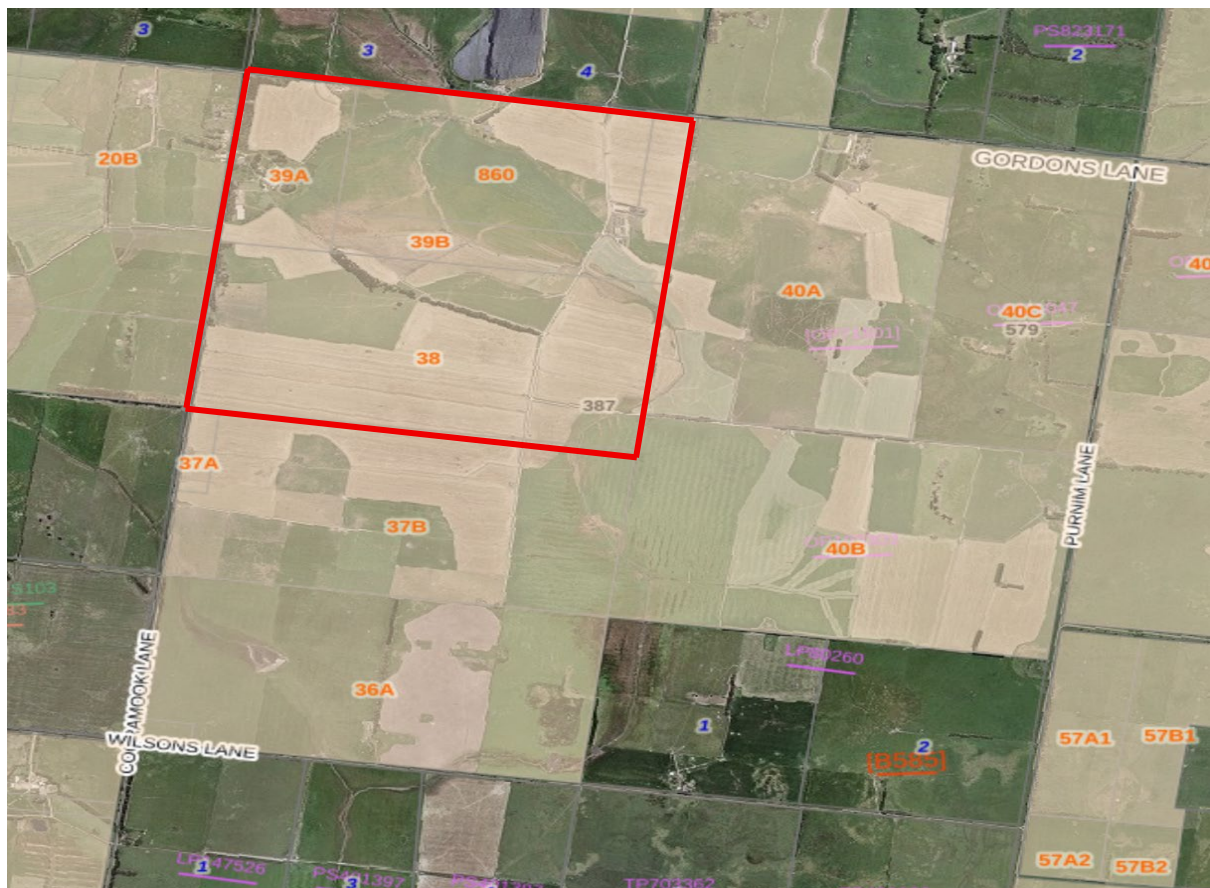
Proposed lot 2: 41 ha with a dwelling and 3 bay shed.

Proposed lot 3: 41.1 ha undeveloped pastures.

Proposed lot 4: 43.2ha undeveloped pastures.

Proposed lot 5: 56.03 ha undeveloped pastures.

The proposed boundaries follow logical geographic features and existing farm infrastructure such as farm tracks, buildings and to avoid native vegetation clearance, mainly keeping to existing fence lines.



2. SITE ANALYSIS

The subject land is situated approximately 6km west of Ellerslie, 20kms southwest of Mortlake and approximately 30 km northeast of Warrnambool.

The land is held on 4 titles and contains 2 dwellings with gardens, hay shed/ farm shed, stables, and indoor riding arena. Overall the 4 combined parcels extend to a total of approximately 201 ha.

Access to each proposed lot site is via either Gordons Lane or Cooramook Lane both of which are all-weather government roads.

There is in excess of 100,000l of rainwater tank capacity for drinking and firefighting purposes with a septic tanks for effluent, and mains electricity connected. The land associated with the farm is used for dairy and arable farming with stock which milked at the dairy on the farm.

The site is generally flat and is generally cleared pasture for grazing with assorted mature native and cypress trees for shelter.

Proposed lot 1 – the homestead



Proposed lot 1 the Homestead



The homestead looking east



Stables



Back garden of Homestead



Hayshed/farm shed



Indoor riding arena on Cooramook Lane



Land around The Homestead looking east



Proposed Lot 2 - Dwelling



Land around proposed Lot 2



Land around proposed lot 3



Silage area – Proposed Lot 5



Permit requirements

A permit is required under the Farming Zone at Clause **35.07-3** to subdivide land. Each lot must be at least 40ha.

5. PLANNING ASSESSMENT

Clause 35.07 Farming Zone

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for the use of land for agriculture.

To encourage the retention of productive agricultural land.

To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.

To encourage the retention of employment and population to support rural communities. To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

Clause 35.07-6

Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General issues

The Municipal Planning Strategy and the Planning Policy Framework.

Any Regional Catchment Strategy and associated plan applying to the land.

The capability of the land to accommodate the proposed use or development, including the disposal of effluent.

How the use or development relates to sustainable land management.

Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.

How the use and development makes use of existing infrastructure and services.

ASSESSMENT

The subdivision simply rearranges the lines on a plan to be more practical from a farming perspective and to allow parcels of land which meet the minimum lot sizes to be transferred if ever required in the future. It does not impact upon rural activity, agricultural production, effluent disposal or infrastructure all of which are unaffected.

Agricultural issues and the impacts from non-agricultural uses.

Whether the use or development will support and enhance agricultural production.

Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.

The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.

The capacity of the site to sustain the agricultural use.

The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.

Any integrated land management plan prepared for the site.

Whether Rural worker accommodation is necessary having regard to:

The nature and scale of the agricultural use.

The accessibility to residential areas and existing accommodation, and the remoteness of the location. The duration of the use of the land for Rural worker accommodation.

ASSESSMENT

The subdivision does not impact upon agricultural production or agricultural activity which is unaffected by re subdividing boundaries.

Accommodation issues

Whether the dwelling will result in the loss or fragmentation of productive agricultural land.

Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.

Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.

The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

The potential for accommodation to be adversely affected by noise and shadow flicker impacts if it is located within one kilometre from the nearest title boundary of land subject to:

A permit for a wind energy facility; or

An application for a permit for a wind energy facility; or

An incorporated document approving a wind energy facility; or

A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the Environment Effects Act 1978.

The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.

ASSESSMENT

There is no proposed new accommodation associated with the proposal. Existing dwellings and buildings are retained and are proposed to be kept in titles exceeding 40ha.

Environmental issues

The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.

The impact of the use or development on the flora and fauna on the site and its surrounds.

The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.

The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

ASSESSMENT

There are no additional environmental impacts associated with the proposal. There is no additional buildings and works or altered land conditions.

Design and siting issues

The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.

The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.

The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.

The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.

Whether the use and development will require traffic management measures.

The need to locate and design buildings used for accommodation to avoid or reduce noise and shadow flicker impacts from the operation of a wind energy facility if it is located within one kilometre from the nearest title boundary of land subject to:

A permit for a wind energy facility; or

An application for a permit for a wind energy facility; or

An incorporated document approving a wind energy facility; or

A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the Environment Effects Act 1978.

The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.

ASSESSMENT

The re subdivision does not increase fragmentation or loss of productive agricultural land as there are no new dwellings proposed. Existing dwellings predate the planning scheme.

The extent of land associated with proposed lots has been designed to include the existing infrastructure such as effluent disposal system, outbuildings and access driveway to remain in the curtilage of proposed Lot 1 together with existing shedding, and to maintain an attractive rural outlook for the dwelling and to buffer existing agricultural uses.

All lots can and will continue to be farmed as they are now.

There are no anticipated land use conflicts, as the subject site has been farmed continuously for many years harmoniously alongside the existing dwellings.

There are no wind energy facilities in the immediate vicinity and given the undulating terrain, the existing dwellings are established and in keeping with the rural nature of the area.

There is no native vegetation removal required to fence the proposed new boundaries or facilitate the subdivision.

The proposal is therefore considered consistent with the clause as it provides a good buffer around the dwellings whilst enabling each parcel to remain productive to agriculture.

MPS ASSESSMENT

Clause 02.03-4

Natural resource management

Agriculture

Rural land in the municipality forms part of the highly productive Western District. A mild climate, high and well distributed rainfall, a diverse range of soil types and access to markets have combined to make the Shire a significant agricultural area.

Intensive dairying and crop production are significant land uses in the coastal hinterland, while extensive cropping and grazing enterprises are major activities in the northern part of the Shire.

Agricultural areas along the coast, between settlements or on the edge of townships are under pressure from other forms of development, particularly housing.

The Belfast Rural area (also known as the Killarney Area) between Rosebrook and the Tower Hill State Game Reserve comprises high quality fertile volcanic soils that have traditionally been the focus for potato farming. The area is characterised by a large number of small land holdings that are predominantly managed as conglomerations.

Sustainable timber production and the development of timber industries to process product are supported where they are undertaken with minimal adverse impacts.

ASSESSMENT

The proposed subdivision allows agricultural activity to continue unchanged on the land parcels. Each proposed lot has farming capacity and road frontage.

Clause 02.03-7

Economic development

The economy of the Shire is based on agriculture, manufacturing, tourism and commerce.

Agriculture

Agriculture is the most important sector of the local and regional economy and a major source of local employment. The Shire is within Australia's largest dairy production region that contributes around a quarter of the nation's milk production.

The Western Victoria Livestock Exchange at Mortlake has a key role in supporting the regional agricultural sector.

There are opportunities for economic diversification through the development of aquaculture, horticulture and intensive agricultural enterprises, and agriculturally linked value adding industries. Value adding onsite or closer to the source of the product provide opportunities to expand the local economy.

The preservation of agricultural land in large holdings is necessary to maintain the economy of the Shire, including the service and processing industries that support agriculture.

ASSESSMENT

The intent of the Clause to sustain an agricultural use and to manage urban growth. The proposal does not compromise this intent as each proposed lot has been formulated to enable the land to be viable for agriculture in its own right and to adequately service the existing dwellings and associated infrastructure.

It is noted that Council undertook a Rural Housing and Settlement Strategy as part of amendment C70 which provides a framework and direction for Council to manage rural living land use pressures. In the context of this proposal, the Strategy considered new and existing dwellings. As the dwellings are existing and there is no fragmentation of agricultural land or resultant loss of agricultural land, the proposal is not in conflict with the Strategy.

PPF ASSESSMENT

Clause 14.01-1L

Agricultural production

Objective

To ensure that subdivision, including the creation of small lots for existing dwellings, and the use and development of dwellings minimises the loss or fragmentation of productive agricultural land and does not prejudice activities associated with agricultural production.

Strategies

Establish buffers around uses that may conflict with agricultural land use to limit land use conflicts.

Avoid non-agricultural land use and development in rural areas that prejudices the productive use of agricultural land.

Discourage the construction of dwellings on productive agricultural land, unless it can be demonstrated that the dwelling is required to support the productive agricultural use of the land.

Locate and site dwellings so that they do not compromise surrounding farming activities.

Discourage dwellings on lots where wastewater cannot be retained and treated within the lot.

Discourage the construction of more than one dwelling on a lot unless:

- It is demonstrated to be necessary to support a viable agricultural enterprise.*
- The agricultural use it is associated with has commenced.*
- It is located to avoid restricting agricultural use of the land.*

Discourage small lot subdivisions (including dwelling excisions and boundary re-alignments) unless:

- The subdivision supports the consolidation of productive agricultural land.*
- The proposed land uses (including dwellings) do not negatively impact on the ability to farm and avoid the loss of productive agricultural land.*
- Impacts on significant environmental and landscape features such as remnant vegetation and waterways are avoided or minimised.*
- The subdivision seeks to make minor adjustments to take account of topographical or public infrastructure features.*
- Adequate distance is provided around an existing dwelling to lot boundaries to limit any impacts of adjacent agricultural activity.*
- The subdivision does not result in a concentration of dwellings or small lots that could change the general use and character of the rural area.*

Avoid further subdivision to excise additional dwellings where a dwelling has already been excised from the parent lot.

Discourage boundary realignments and re-subdivisions between existing lots where the lots proposed to be created:

- Are less than the minimum lot size specified in the schedule to the Farming Zone;*
- Create an opportunity for a dwelling where none previously existed; or*
- Rely on land which was previously a road reserve, utility lot or Crown land, or was of insufficient size to support a dwelling.*

ASSESSMENT

The proposal is consistent with the objectives and strategies of the Clause in the following ways:

- There are no consolidation opportunities as the land is already in one ownership.
- There are no additional dwellings proposed.
- Farming can continue unhindered on each proposed lot.
- There is no loss of vegetation required as most boundaries are already fenced.

- There are no adverse environmental impacts.
- The character and general use of the area is unchanged.
- The excised dwelling is well buffered from surrounding agricultural uses.
- Each lot meets the minimum lot size of 40ha.
- There are no increased “as of right” entitlements for additional dwellings over and above what already exists.

Clause 14.01-1L

Agricultural production

Policy application

This policy applies to land in the Farming Zone and Rural Living Zone.

Strategies

Establish buffers around uses that may conflict with agricultural land use to limit land use conflicts.

Limit the construction of dwellings on productive agricultural land.

Policy guidelines

Consider as relevant:

- *Ensuring lots subdivided to excise an existing dwelling have a maximum size of 2 hectares.*
- *Discouraging the construction of dwellings on lots greater than 2 hectares and less than the minimum lot size specified in the schedule to the Farming Zone.*
- *Assessing the suitability of existing lots of less than 2 hectares in area for a single dwelling.*
- *Ensuring dwellings are constructed close to a road frontage or property boundary.*
- *Ensuring dwellings excised under the provisions of Clause 35.07-3 are in a habitable condition and comply with the Building Code of Australia.*
- *Creating the smaller lot in a manner that potential or existing dwellings will not restrict surrounding agricultural activities.*
- *Discouraging the excision of dwellings that did not exist at the date of approval of this scheme (6 January 2000).*

ASSESSMENT

The existing dwellings are well buffered to minimise amenity impacts caused by agriculture.

Clause 14.01-2S

Sustainable agricultural land use

Objective

To encourage sustainable agricultural land use.

Strategies

Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.

Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices.

Support adaptation of the agricultural sector to respond to the potential risks arising from climate change.

Encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing.

Assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.

Support agricultural investment through the protection and enhancement of appropriate infrastructure.

Facilitate ongoing productivity and investment in high value agriculture.

Facilitate the establishment and expansion of cattle feedlots, pig farms, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment.

Ensure that the use and development of land for animal keeping or training is appropriately located and does not detrimentally impact the environment, the operation of surrounding land uses and the amenity of the surrounding area.

ASSESSMENT

The Clause is looking to encourage diversification and agricultural investment with the proposed land sizes being ideal candidates for ongoing or diversified farming enterprises.

Clause 65.02

APPROVAL OF AN APPLICATION TO SUBDIVIDE LAND

Before deciding on an application to subdivide land, the responsible authority must also consider, as appropriate:

- *The suitability of the land for subdivision.*
- *The existing use and possible future development of the land and nearby land.*
- *The availability of subdivided land in the locality, and the need for the creation of further lots.*
- *The effect of development on the use or development of other land which has a common means of drainage.*

- *The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.*
- *The density of the proposed development.*
- *The area and dimensions of each lot in the subdivision.*
- *The layout of roads having regard to their function and relationship to existing roads.*
- *The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.*
- *The provision and location of reserves for public open space and other community facilities.*
- *The staging of the subdivision.*
- *The design and siting of buildings having regard to safety and the risk of spread of fire.*
- *The provision of off-street parking.*
- *The provision and location of common property.*
- *The functions of any body corporate.*
- *The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.*
- *If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.*
- *Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.*
- *The impact the development will have on the current and future development and operation of the transport system.*

This clause does not apply to a VicSmart application.

ASSESSMENT

The application meets the decision guidelines of Clause 65 as the land is suitable for subdivision, does not affect surrounding land uses or the production of agriculture on the subject land or surrounding properties, has no detrimental environmental impacts and represents orderly planning.

6. CONCLUSION

In conclusion the proposed subdivision retains productive farmland, provides a buffer distance around existing dwellings, and establishes 5 manageable but practical and viable agricultural parcels. The lines of subdivision align with topographical and physical infrastructure and enables agriculture to continue unhindered whilst align parcels to allow for future family ownership to allow farming to continue.

The proposal has been assessed against the provisions of the Farming Zone, MPS and PPF together with Clause 65 and found to meet the required objectives and Clauses, it is recommended to Council for support resulting in a positive agricultural, socioeconomic and planning outcome.