



# **Town Planning Report**

**Two Lot Re-Subdivision of land  
in the Farming Zone**

**64 Grahams Lane Hansonville  
Lot 1TP588973 & PC363779 Parish of Greta**



# CONTENTS

1.0	Introduction .....	3
2.0	The Proposal .....	4
3.0	Site and surrounds.....	5
4.0	Planning Assessment .....	9
4.1	Zone Provisions .....	9
4.2	Policy Provisions .....	18
4.3	General Provisions .....	22
5.0	Conclusion .....	25

## APPENDICES

APPENDIX 1 – Concept Development Plan .....	26
APPENDIX 2 – Copy of titles.....	27
APPENDIX 3 – Photographs of site and surrounds .....	28



## 1.0 Introduction

This report is prepared in support of a planning permit application seeking approval for the re-subdivision of land at 64 Grahams Lane Hansonville. The proposed subdivision will re-subdivide two existing parcels of land to create a new small house lot of 2.0 hectares and a large balance farming lot of 61.5 hectares.

This report addresses how the proposal meets the following provisions of the Wangaratta Planning Scheme:

- Purposes and provisions of the Farming Zone;
- State, regional and local planning policy relating to the subdivision and protection of agricultural land; and
- Clause 65 *Decision Guidelines*.

The proposed re-subdivision of lots will provide opportunity for the existing owner (whose family has owned and farmed the property for over 140 years) to retire on a small lot within his local community whilst creating a large balance lot for ongoing agricultural activity. The moderate to very high agricultural diversity of the land will support a wide range of agricultural uses on a variety of lot sizes. The creation of a large farming lot capable of accommodating a new dwelling will help retain population in an area already serviced with community facilities (such as the Greta Valley primary school, Greta CFA brigade and Greta Football & Netball Club) and good road infrastructure. The site has minimal environmental constraints such as flooding or risk of bushfire.

The proposal is consistent with and promotes the purposes of the Farming Zone and relevant planning policy on the protection of agricultural land. The Farming Zone allows for the re-subdivision of these lots. The outcome of this proposal is the creation of a large agricultural lot of over 60 hectares that provides an opportunity for existing or new farmers to buy in the area, whilst supporting a long-term resident of the Greta area to retire in place in the family home.

It is important to understand that the house lot excision provision (which this re-subdivision of lots will emulate) was first created by State government over twenty years ago in recognition that farmers should be given the opportunity to stay in their family home on a small lot at retirement. This enables the balance of a farm business to be sold and further improved and developed by new owners, thus facilitating inter-generational renewal in rural areas.

In summary, this proposed re-subdivision of lots should be supported because:

- The creation of a small dwelling lot allows a local farmer to retire in the family home and be supported by his local community in the short term whilst providing long term options for rural workers and their families to locate on a small lot in an area close to agricultural employment.
- The creation of a large balance lot will provide opportunity and incentive for a new landowner to make improvements to pasture, fencing and other farming infrastructure and consider more sustainable management practices to advance agriculture in this area. Ongoing leasing of the land to tenants will stifle investment in the property.



## 2.0 The Proposal

This application seeks permission for a two-lot re-subdivision of land zoned Farming Zone (FZ) under the Wangaratta Planning Scheme (the Scheme). The site is not affected by any planning overlays but is partially affected by an area of cultural heritage sensitivity due to its proximity to the Fifteen Mile Creek.

The purpose of the re-subdivision is to create a new small lot of approximately 2.0 hectares (Lot 1) for the existing farm dwelling, and a consolidated farming lot of over 60 hectares for ongoing agricultural activity (Lot 2). Refer below at Figure 1 and to **Appendix 1** for a full copy of the proposed subdivision plan.

The re-subdivision of two existing lots (which in this case acts like a small house lot excision), is required to enable the current owner of the land to retire in place in his family home, without the pressure of continuing to farm the entire property and without affecting the ongoing operation of the surrounding farm. The farm has been in the ownership of the Tanner family for over 140 years and there is a strong attachment to the house, the property and the broader Greta/Hansonville locality. The proposed re-subdivision forms a pivotal step in re-arranging farming operations to accommodate changing family needs into the future.

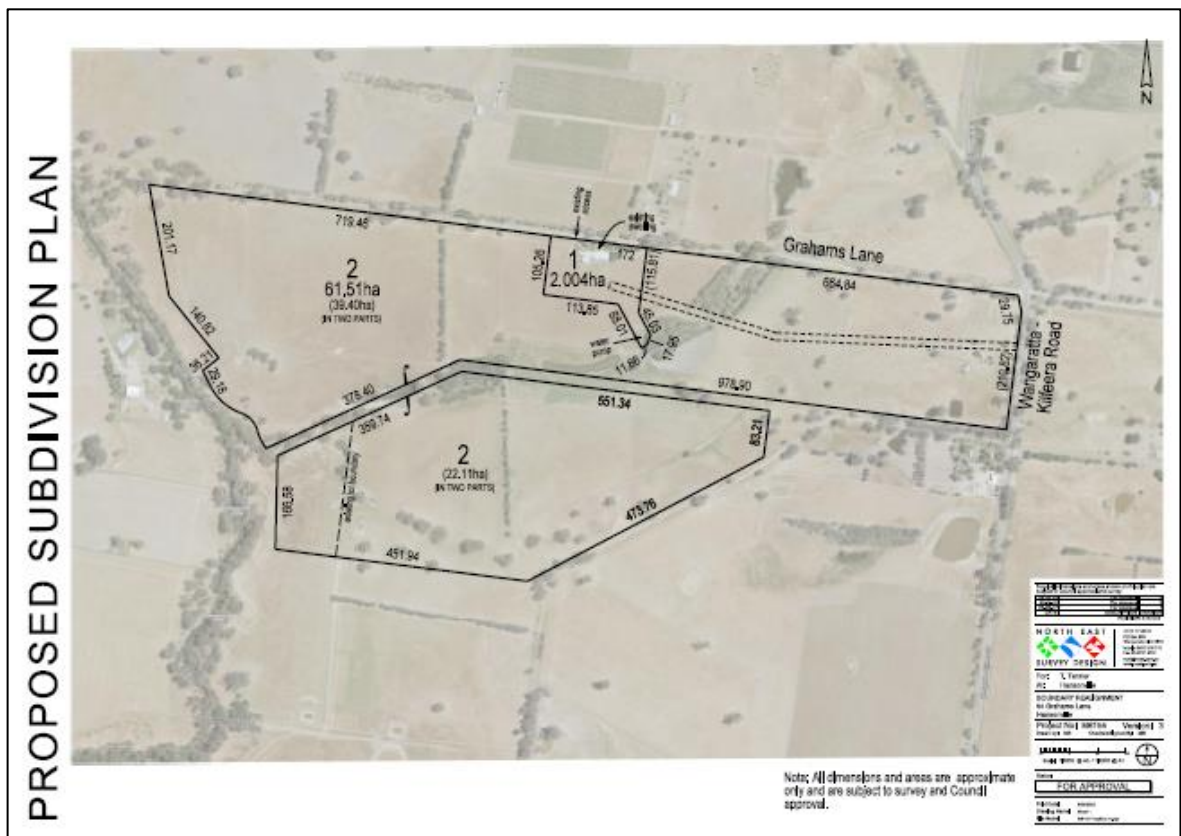


Fig. 1 – Concept Development Plan

The house lot has been dimensioned to allow for the inclusion of the existing farmhouse along with associated domestic infrastructure, including the wastewater disposal system. Most significantly, there is a water pump with pipes and power that provides a domestic water supply to the house from a spring located to the south of the house. The approximate

location of the water pump is shown on the plan. A series of lagoons sweep around the house from the northeast and traverse the property before flowing into the Fifteen Mile Creek that forms the western boundary of the property. These lagoons provide a reliable source of domestic water and the desire is to retain access to this important resource for the existing dwelling. If inclusion of this water supply within proposed Lot 1 presented an insurmountable barrier to the re-subdivision, then water tanks could be installed to provide an adequate water supply for the house.

The new lot for the existing house is designed to maximise the setbacks from the house to surrounding farming operations. The proposed setback to the west is approximately 70 metres; the setback to the east is approximately 76 metres; and the setback to the south is approximately 80 metres. These distances provide substantial buffers to prevent impacts on the dwelling from noise, odour and dust that may be generated by surrounding farming activities.

At the same time, the lot location is designed to minimise the amount of land considered lost to agriculture (no more than 2 hectares being preferred), whilst also capturing the domestic infrastructure required to support the ongoing operation of the dwelling.

### 3.0 Site and surrounds

The subject site is located at 64 Grahams Lane Hansonville and consists of two parcels, as detailed in Table 1 below:

Lot	Parcel details	Area
1	Lot 1 on Plan of Consolidation 363779	44.31 ha (in two parcels separated by Tanner Lane road reserve)
2	CA 1 Section 35 Parish of Greta	19 ha (approx.)

Table 1- Existing property details

Refer to full title details at **Appendix 2**. The title plan shows a 13 metre wide electricity easement for overhead power lines traversing the site from Wangaratta-Kilfeera Road to the existing house. There are no proposed changes to this easement location.

The original farmhouse on the property was located further to the east, close to the Wangaratta-Kilfeera Road, in proximity to the power easement shown on the title. The original house was demolished over 30 years ago, although the connection to power remains to an old dairy in this location. A new brick house was built by the current landowner and his wife on higher ground in the 1990s, where it remains to this day. Refer to photographs of the dwelling and farming property at **Appendix 3**.

Access to the current larger farming lot (Lot 1 on PC363779) that contains the existing dwelling is via Grahams Lane, a gravel road with direct access from the Wangaratta-Kilfeera Road to the east. Grahams Lane provides access to both the Tanner house and a second dwelling in different ownership on the northern side of the road. Grahams Lane terminates approximately 850 metres further to the west where the road reserve intersects with the Fifteen Mile Creek.

Crown Allotment 1 has vehicle access via Tanner Lane, a gravel track that runs from Wangaratta-Kilfeera Road along the south-eastern boundary of the property. Tanner Lane is used for the movement of stock with cattle yards located where Tanner Lane terminates. The re-subdivision of the existing lots will create new access to Lot 2 from both Grahams Lane and the Wangaratta-Kilfeera Road, whilst maintaining access along the Tanner Lane frontage as well.

Lot 1 on PC363779 is approximately 44 hectares in size and contains the existing farm dwelling which is to be retained by the current owner. The dwelling is surrounded by mature trees and gardens, shedding and associated domestic infrastructure. As detailed in Section 2.0 of this report, the water supply for the dwelling is conveyed from a spring located to the south-east of the house and conveyed via pipes and a pump. The boundaries of proposed Lot 1 have been located to include this water supply infrastructure creating an irregular shaped parcel. Proposed Lot 1 will also contain the existing septic system, shedding and gardens. The balance of the current lot contains fenced paddocks and dams to support stock grazing, and some scattered sheds in the paddock closest to the main Wangaratta-Kilfeera Road.



Fig. 2– Site plan (partial) showing existing dwelling (Source: RCOW online mapping)

CA 1 Section 35 is approximately 19 hectares in area and contains fenced paddocks, dams and new cattle yards. The entire site (both parcels) is largely cleared of native vegetation but does contain scattered paddock trees as well as a planted vegetated corridor that follows the sweep of the lagoons across the site from Grahams Lane to the Fifteen Mile Creek. This



corridor contains River Red Gums that were planted by the current owner over 15 years ago and now provide a mature shelter belt and wildlife corridor through the property.

The land is currently used for stock grazing and can support approximately 110-130 head of beef cattle, depending upon conditions and seasonal variation. The site is developed with a number of farm dams and fenced paddocks to support stock grazing, with cattle yards located on the southern boundary to manage the movement of stock to and from market. Refer to Figure 3 below for overall site details.

The subject site sits within the locality of Hansonville/Greta South (refer to Figure 4 below) The land is surrounded by land zoned for farming activities. There are a number of dwellings and farming enterprises in close proximity to the site. There are a range of lot sizes throughout the area, developed for a variety of uses including grazing, cropping, horse breeding, dairy farming and rural living purposes.



Fig. 3– Site Plan showing the subject land and surrounds (Source: RCOW online mapping)

The locality of Greta South/Hansonville supports the local Greta Valley Primary School, some 4.3 kilometres by road from the existing dwelling. The Greta Recreation Reserve is approximately 3.5 kilometres to the northwest of the site and is home to the Greta Football Netball Club. Given the high agricultural diversity of the land, the area supports a number of smaller farming enterprises, each of which, in turn, supports these community facilities. There are at least 10 dwellings within a 1.5-2 kilometre radius of the subject site. This relatively high density of lots and dwellings indicates the ability of the land in a broad context to support smaller farming lots in harmony with the environment and more traditional larger-scale farming businesses.

The locality of Greta itself is approximately 7.2 kilometres to the north of the site via the Wangaratta-Kilfeera Road. Greta is home to the Greta Cemetery, Uniting Church and the



local fire brigade. These facilities require local volunteers and population to support their ongoing functions.

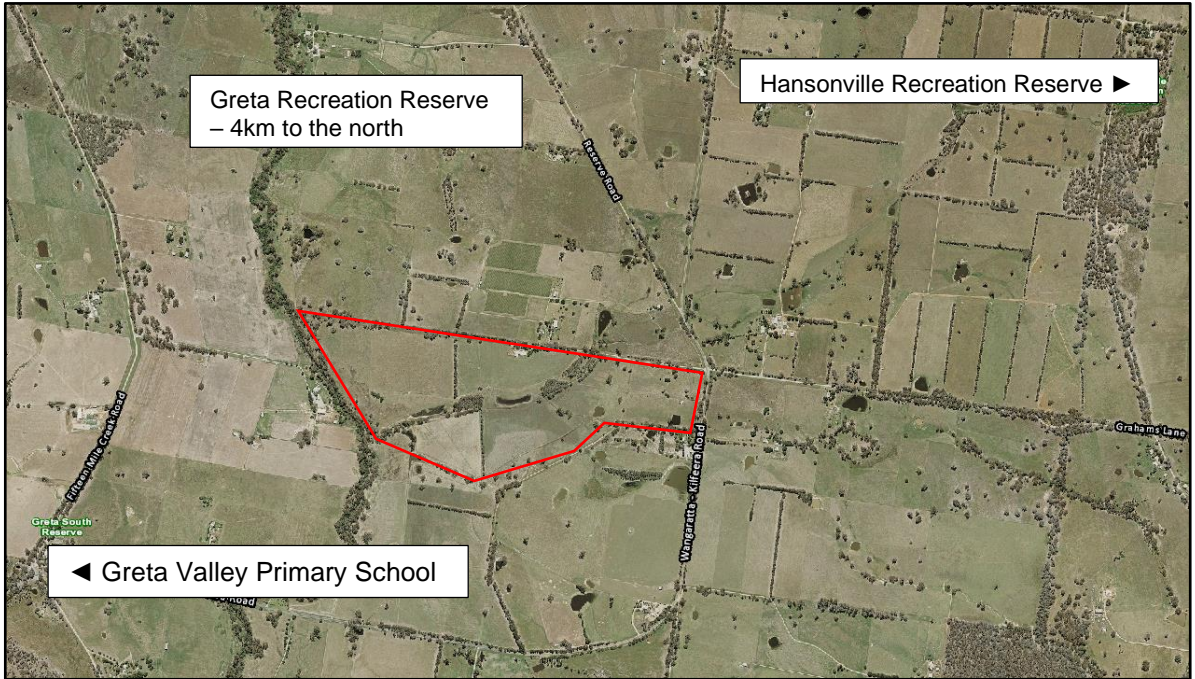


Fig. 4– Site Plan showing the Hansonville locality (Source: RCOW online mapping)

The existing property is serviced with power and telecommunications. There is no reticulated sewer or water to the existing dwelling. All wastewater generated by the dwelling is currently treated and retained within the boundaries of proposed Lot 1.

The site is partially affected by an area of cultural heritage sensitivity where it is located within 200 metres of the Fifteen Mile Creek. Refer to Figure 5 below for details. The proposed re-subdivision of two lots does not constitute a high impact activity. A Cultural Heritage Management Plan, therefore, is not required.

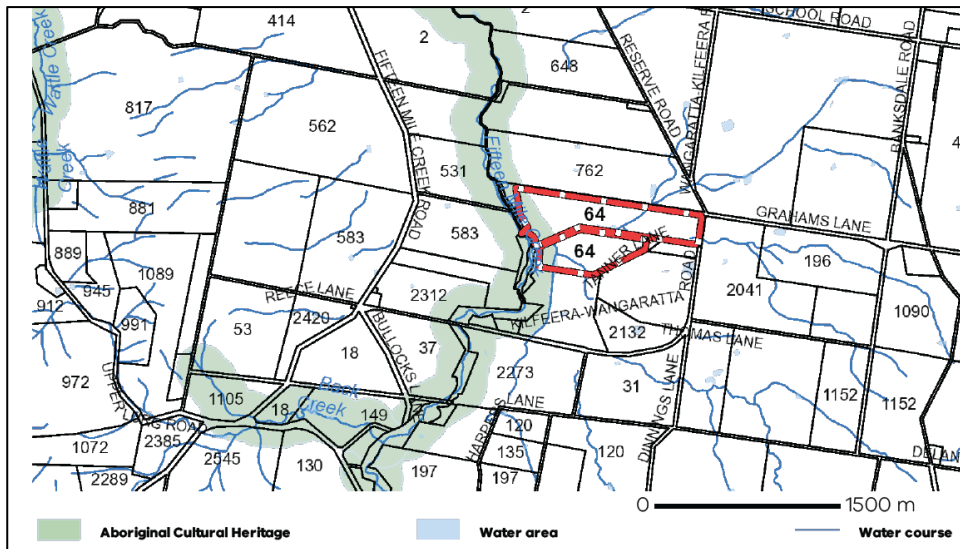


Fig. 5– Extent of cultural heritage sensitivity affecting property (Source: DELWP Planning Property Report)





## 4.0 Planning Assessment

The application is assessed against the following provisions of the Wangaratta Planning Scheme:

Section	Clause	Provision
Zones		
	35.07	Farming Zone
Municipal Planning Strategy		
	02.03-4	Strategic directions - Agriculture
Planning Policy Framework		
	11.01-1R	Settlement - Hume
	14.01-1S	Protection of agricultural land
	14.01-1L	Dwellings and subdivisions in rural areas
	14.01-2S	Sustainable agricultural land use
	17.01-1R	Diversified economy - Hume
General Provisions		
	65	Decision guidelines

### 4.1 Zone Provisions

#### Clause 35.07 Farming Zone

The subject site is located within the Farming Zone (FZ) of the Wangaratta Planning Scheme (refer to Figure 6 below).

Pursuant to Clause 35.07-3, a planning permit is required to subdivide land. Each lot must be at least 40 hectares in size. A permit may be granted to create smaller lots if the subdivision is a re-subdivision of existing lots and the number of lots is not increased. The proposed subdivision meets these criteria as it is the re-subdivision of two existing lots to create two new lots.

Relevant purposes of the FZ include:

- *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.

The primary purpose of the re-subdivision is to create a manageable lot around the existing farmhouse so that the current owner of the property can retire in place without the stress of managing a large farming enterprise. The owner, Mr Terry Tanner and his family have farmed in the district for many decades. There is a strong attachment to the land and to the house that Mr Tanner built with his wife and has lived in for many years. The lane that runs along the south-eastern boundary of the subject land is called Tanner Lane, in recognition of the ownership and contribution of the Tanner family to the district over many decades.

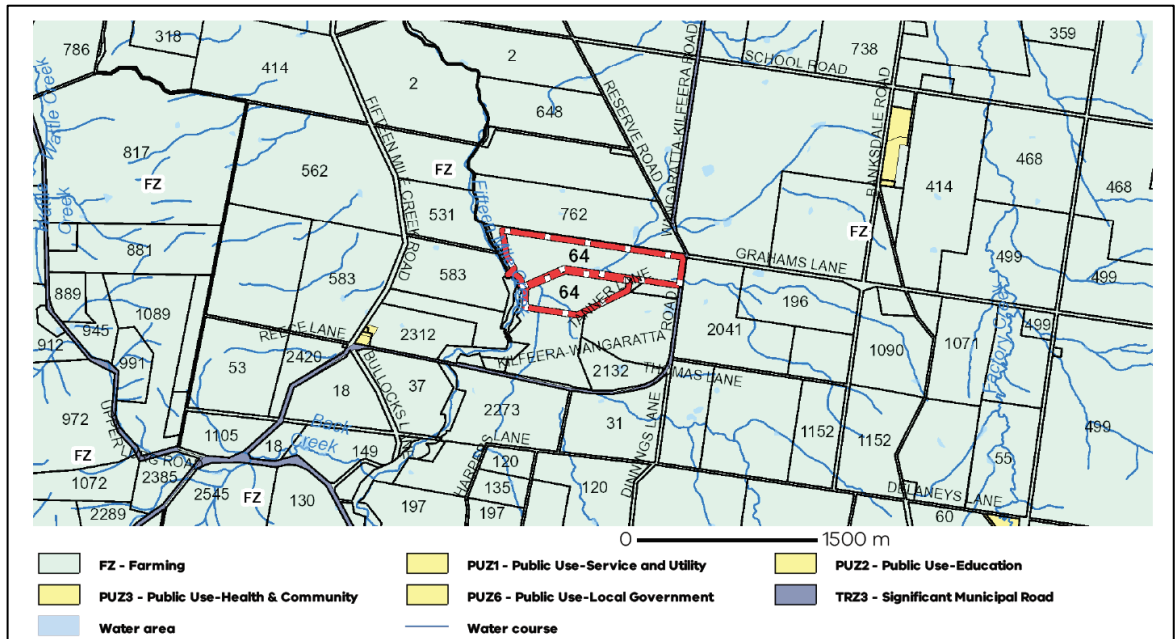


Fig. 6 – Zoning map showing the subject land in the FZ (Source: DELWP Property Report)

Whilst Mr Tanner is getting older, he is still capable of, and wants to farm on a small scale. He currently keeps approximately 20 steers on his property and rents the balance land to surrounding farmers. This small enterprise demonstrates that in an area of high agricultural diversity, a small land holding is still capable of generating on-farm income. More intensive use of the land in the future could increase the farm income substantially, ensuring that even the small house lot is not lost to agriculture.

It is noted that a farmer wishing to downsize can always lease out land to neighbours or other parties who may wish to run stock or plant crops. Long term leasing of farming land, however, is not ideal as it prevents vital investment in the maintenance and improvement of farming infrastructure such as new fencing and water supply, pasture improvement and long-term sustainable management practices.

The purposes of the Farming Zone clearly encourage the use, retention and protection of productive agricultural land and the prevention of development that would undermine these purposes. The FZ is also applied to help retain population and employment in rural communities. The proposed re-subdivision of two parcels of land from 44ha and 19ha to 61.5ha and 2.0ha respectively, is consistent with these stated FZ purposes in the following ways:

- Both new lots will continue to be available for agricultural use. The new 61.5 hectare lot (Lot 2) is of a size to allow the use and development of a dwelling to support more intensive agricultural activities, such as animal breeding or horticultural pursuits that might require a 24 hour presence on the site. The high and very high agricultural diversity rating means that a wide range of agricultural uses could be supported on this land. Whilst a new dwelling could be built, it is just as likely that an adjacent farming business may want to purchase the new lot to expand its current operations, without the need for a new dwelling.
- Whilst it is common practice to consider land within a small house lot to be 'lost to agriculture' the reality is a lot of 2.0 ha will require some kind of agricultural activity in order to manage the land. In fact, 2.0 hectares is often the minimum lot size prescribed for a Rural Living Zone. This suggests that the smaller house lot will be capable of supporting animal breeding or animal keeping or a small horticultural enterprise. State planning policy encourages innovation in the rural sector, and a small lot allows a way into farming for new and/or young farmers with innovative ideas.
- The re-subdivision does not promote non-agricultural uses on the land. The small lot will contain an existing dwelling and will be lived in by an active farmer in the short term. In the longer term, the lot presents an opportunity for new owners to buy into the Greta locality and undertake small farming activities on the 2.0 hectares. The importance of a dwelling on a small lot in this location cannot be underestimated. As farms are encouraged to increase in size, the need for additional farm workers also increases. Finding accommodation in rural areas close to places of work is difficult and in this current housing crisis, the value to the Greta locality of this dwelling on a small lot should not be underestimated.
- The re-subdivision will allow the long-time owner of the land to retire in place until such time as independent living is no longer an option. The creation of a small house lot along with a larger lot capable of accommodating a new dwelling will help retain and support population in the Greta area. There is a primary school 4 km down the road from the property and the Greta Recreation Reserve is 3.5 km to the north. These community facilities rely on local population retention and growth to function and be financially viable.
- The current agricultural use of the land is traditional stock grazing. The land can support approximately 110-130 head of cattle for beef production, depending upon the season and conditions. The farming infrastructure required is relatively basic, with cattle yards for the containment of animals for medical treatment and transportation, and paddocks and dams for extensive grazing with some supplementary feeding. A Whole Farm Plan has not been prepared to support this application, as the primary reason for the subdivision is to support the current owner to transition slowly out of farming. It is clear, however, that the balance lot could be purchased and developed for any number of agricultural uses, thereby ensuring the purposes of the Farming Zone are protected and promoted through this re-subdivision of land.

#### *Small house lot excision provision*

The default minimum lot size in the FZ is 40 hectares. Clause 35.07-3 of the FZ details the criteria under which smaller lots can be considered and approved by a responsible authority. It has already been explained in this report how the proposal meets the criteria by being a re-subdivision of two existing lots to create two new lots. Equally, the outcome of this proposal can be considered like a de facto small house lot excision. In considering whether or not to support this proposal, it is important to understand the original purpose behind the



small house lot excision, which allows a landowner to create a small lot to excise an existing house from a surrounding farming property.

The small house lot excision has been a provision of the Farming Zone, and its predecessor, the Rural Zone since the inception of the current Victoria Planning Provisions (created and implemented from 1996 onwards). The purpose behind the small house lot excision was to allow a farming family to break off their family home from the broader farming enterprise in order to retire in place. The ability to stay in the family home on a small and manageable lot, rather than having to sell up everything and move into an urban area, was seen as a valuable option for farmers. It was clearly understood by government at the time that forcing retiring farmers off their land and away from their communities which provide them with friendship, support and a sense of belonging is not fair and reasonable. The price of a life on the land should not be ostracism from your local community at retirement when you require it most.

So important was the concept of the small house lot excision that when the suite of Rural Zones were changed to a new suite of Farming Zones in 2004 by the State government, the right to apply for a small house lot excision was retained within the provisions of the new Farming Zone and Rural Activity Zone. It should be noted that the small house lot provisions have been in place through current and previous zones for almost thirty years and many families and landowners have been the beneficiary of the provision. The long term viability of farming land in the municipality of Wangaratta has not been undermined by the existence, and occasional implementation, of the small house lot excision provision

In addition to supporting the purposes of the Farming Zone, the application is assessed below as being consistent with relevant decision guidelines at Clause 37.07-6, as follows:

Decision Guideline	Application Response
<b>General Issues</b>	
The Municipal Planning Strategy and the Planning Policy Framework.	The application is assessed against relevant provisions of the Wangaratta Planning Scheme within the body of this planning report.
Any Regional Catchment Strategy and associated plan applying to the land.	There is no known Regional Catchment Strategy that applies to the subject land.
The capability of the land to accommodate the proposed use or development, including the disposal of effluent.	Proposed Lot 1 will contain the existing dwelling. The lot is large enough to include the existing wastewater disposal system and the pump and pipes that convey the domestic water supply from the adjacent spring.  Proposed Lot 2 is over 60 hectares in size and will continue to be used for farming activities.
How the use or development relates to sustainable land management.	The proposed re-subdivision will not change the current sustainable management of the subject land. The re-subdivision may well increase sustainable land practices in the longer term by consolidating two lots into one large lot.  The re-subdivision of the land is to create a small lot for the existing dwelling. This does not alter the long-term use of the surrounding land for farming purposes. The act of consolidating two medium sized lots into a lot over 60 hectares will allow a co-ordinated approach to the



Decision Guideline	Application Response
	management of the land into the future. At present, with the land in two parcels, either parcel could be sold to a different owner which could result in fragmentation of land.
Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.	<p>The site currently supports two parcels of farming land and a dwelling with domestic infrastructure, sheds and gardens.</p> <p>The proposed re-subdivision of the lots will not alter the way the land is currently used or developed.</p> <p>The re-subdivision is compatible with surrounding land uses as they are also a mix of farming and rural living activities.</p>
How the use and development makes use of existing infrastructure and services.	<p>The new house lot (Lot 1) will continue to use the existing power and telecommunications connections as well as the wastewater system and domestic water supply. The current vehicle access points to Grahams Lane will continue to be used.</p> <p>There will be no change to the existing use or development of land in Lot 2 as a result of this re-subdivision. Any future development of the land for a dwelling will require appropriate connection to services such as power and telecommunications. Lot 2 will have multiple road frontages so access can be gained from Tanner Lane (for the cattle yards) or Grahams Lane or the Wangaratta-Kilfeera Road. It is noted that the original dairy and dwelling were located on this lot, and both the old dairy and power connection remain.</p>
<b>Agricultural issues and the impacts from non-agricultural uses</b>	
Whether the use or development will support and enhance agricultural production.	<p>The re-subdivision will not detract from the ongoing agricultural production of the subject land, but rather enhance it. The size of the small lot will be 3.43ha and will be capable of being actively farmed by the current owner who wants to downsize his farming responsibility.</p> <p>The balance lot will continue to be used for cattle grazing in the short term and be over 60ha in size. The consolidation of the two existing lots of 44ha and 19 ha into a house lot and a large farming lot will enable more options for future development of the land.</p>
Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.	<p>The proposal will not adversely affect soil quality. There may be minor earthworks associated with the construction of a new vehicle accessway to Lot 2, if this is required by Council.</p> <p>The creation of a small house lot in the FZ is considered by planning policy to permanently remove land from agricultural production. To this end, the less land to be removed from production, the better. Proposed Lot 1 has been designed to ensure there is adequate space for the</p>



Decision Guideline	Application Response
	<p>dwelling and associated infrastructure such as the effluent disposal field and water supply.</p> <p>The loss of agricultural land needs to be balanced against the need for adequate setbacks between the dwelling and the new lot boundaries. These setbacks are required to minimise potential future conflict between a residential use and adjacent farming activities. The size of the small lot is a balance between achieving these setbacks and including all the required domestic infrastructure but also leaving enough land for some small farming enterprise such as animal breeding, animal keeping or horticulture. The proposed re-subdivision of lots achieves the right balance in this case.</p>
<p>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</p>	<p>Generous buffers are provided around the existing dwelling to reduce the potential for conflict with surrounding agricultural uses. Any further setbacks would encroach on agricultural land.</p>
<p>The capacity of the site to sustain the agricultural use.</p>	<p>Currently the subject land is used for grazing, as it has been for many years. This activity may continue on the new balance Lot 2 or there is potential for diversification into a range of other agricultural activities, given the identified high agricultural diversity of the land. Any new use will be based on the conditions, seasonal and environmental constraints of the land.</p>
<p>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</p>	<p>The site has access to water and is developed with rural infrastructure such as internal roads, dams, fencing, yards and sheds. The site has sustained stock grazing for generations, and although heavily cleared of native vegetation, has remained relatively stable over this time. The site is part of a highly regarded livestock district that is recognised for its heavy carrying capacity. The proposed re-subdivision will take advantage of these existing agricultural qualities, without adversely impacting upon them.</p>
<p>Any integrated land management plan prepared for the site.</p>	<p>No integrated land management plan has been developed for the site. As mentioned above, the farm has been used for stock grazing for many generations. The farm has a reliable source of water with access to natural springs as well as the Fifteen Mile Creek. Although heavily cleared of native vegetation over time, there have been efforts by the Tanner family to replant River Red Gum shelter belts across the property to create a wildlife corridor and shelter for stock and native animals.</p>
<p>Whether Rural worker accommodation is necessary having regard to:</p> <ul style="list-style-type: none"> <li>• The nature and scale of the agricultural use</li> <li>• The accessibility to residential areas and</li> </ul>	<p>Not relevant to this application, although it is noted that the existing dwelling may be used in the future for Rural worker accommodation, meaning that someone does not have to own farming land to work in agriculture. It should not be assumed that any future owner or occupier of the small house lot will work in an urban area. The dwelling could provide a valuable accommodation resource for a rural working family in the Greta area.</p>



Decision Guideline	Application Response
existing accommodation, and the remoteness of the location	
The duration of the use of the land for Rural worker accommodation.	Not relevant to this application.
<b>Accommodation issues</b>	
Whether the dwelling will result in the loss or fragmentation of productive agricultural land.	<p>This proposal is for re-subdivision of lots and does not include use and development for a new dwelling.</p> <p>The re-subdivision of lots will create a new lot over 40 hectares in area. This does allow for the use and construction of a dwelling without the need for a planning permit (providing there are no other permit triggers). The balance lot is over 60 hectares in area. Any new dwelling will need to have road access and a power supply close by. A new dwelling will remove a small portion of land from direct agricultural use but will also support farming activities by enabling a family to live on the property to manage their agricultural business.</p> <p>It is noted that the re-subdivision will not automatically result in a new dwelling on this lot. There is a high likelihood that an adjacent farming enterprise will purchase the lot in order to expand its operation, with no need for an additional dwelling. Acquiring land to expand existing farming operations is very common practice in rural areas.</p>
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.	<p>It is unlikely that the existing dwelling will be substantially impacted by ongoing rural activities. The surrounding rural activity is predominantly grazing, with limited generation of noise, dust, noise and the like. Impacts on residential amenity may result from the movement of stock trucks, the use of stock yards and movement of stock between paddocks. There may be seasonal variation with the cutting of hay, or the sowing or harvesting of crops but these activities tend to be short-lived, rather than daily activities.</p> <p>It is impossible to know how the surrounding land will be used in the future and whether, in fact, it will continue to be farmed in a traditional sense. It could become home to new renewable energy facilities or protected in perpetuity for native vegetation offsets. Historically, however, land use has been predominantly grazing with some cropping in this area and no significant change is expected in the near future.</p> <p>Buffers to the boundaries of the new lot have been maximised to protect both the dwelling and the surrounding farming land from impacts by each other. Proposed in-built buffers to new boundaries from the existing dwelling vary between 70-80 metres in width.</p>
Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.	Surrounding agricultural land use is predominantly stock grazing. The relocation of lot boundaries to create a small house lot will also create a consolidated lot of over 60



Decision Guideline	Application Response
	hectares in area, ensuring the land is protected and maintained for agricultural use in the form of a larger lot.
<p>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.</p>	<p>The Greta South/Hansonville locality supports a reasonable density of dwellings as the land is high quality agricultural land capable of supporting smaller, more intensive farming enterprises. The number of dwellings in the area has remained relatively stable over the years, with the local population supporting, and being supported by the primary school, sporting clubs and fire brigade.</p> <p>The re-subdivision creates the potential for a new dwelling to be built on balance Lot 2. If this does occur, this will not cause an unacceptable proliferation of dwellings in the area. Apart from one dwelling across the road from the existing Tanner residence, there are no other dwellings within 800m. Across the locality, dwellings are scattered roughly at 800-1000m internals, showing that dwellings and farming activities can co-exist in harmony.</p> <p>As noted above, the large balance lot will allow adjoining landowners the opportunity to expand existing agricultural enterprises, so may not ever attract a new home.</p>
Environmental Issues	
<p>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</p>	<p>The re-subdivision of lots will have minimal impact on the existing soil and water quality of the subject land. The re-subdivision may result in some minor works to provide for a new or upgraded vehicle access to each lot and new power and telecommunication services for Lot 2.</p>
<p>The impact of the use or development on the flora and fauna on the site and its surrounds.</p>	<p>The impact of the re-subdivision on flora and fauna will be negligible. New lot boundaries will not impact on existing native vegetation. Part of the new internal lot boundary will be adjacent to the Red Gum plantation but will be set back adequately so as not to impact on tree protection zones.</p>
<p>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.</p>	<p>The creation of a small house lot and larger balance lot will enable a more holistic approach to any revegetation works along boundaries and gullies. It is intended that the series of lagoons and springs, along with the replanted River Red Gums will all be contained wholly within Lot 2 – ensuring an integrated approach to the long-term management of these environmental features.</p>
<p>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</p>	<p>The existing effluent disposal system has been identified close to the dwelling and will not be impacted by the re-subdivision of the lots. This existing system is well over 100 metres from the nearest waterway being the Fifteen Mile Creek on the western boundary of the site.</p>
Design and siting issues	
<p>The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and</p>	<p>All domestic infrastructure associated with the existing dwelling will be contained wholly within the small house lot</p>





Decision Guideline	Application Response
to minimise the loss of productive agricultural land.	and well away from agricultural infrastructure already present on the 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.	N/A
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.	N/A
The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.	<p>As described above, there is access to power and direct frontage to the local road network for each lot. The water supply and effluent disposal system for the existing dwelling will be contained wholly within the house lot boundaries.</p> <p>There are no reticulated gas, water or sewer mains in the area and stormwater drainage will be contained within the boundaries of each new lot as required by Council.</p>
Whether the use and development will require traffic management measures.	There will be no requirement for traffic management measures. There is existing access to Lot 1 from Grahams Lane. There are multiple accessways to Lot 2 from Grahams Lane, Tanner Lane and the Wangaratta-Kilfeera Road. If a new vehicle accessway is required for Lot 2, a suitable location will need to be identified, designed and constructed to Council's satisfaction.

The re-subdivision of existing lots meets the purposes and provisions of the Farming Zone by:

- Supporting inter-generational farm planning by allowing an aging farmer to retire in place whilst providing opportunity for new or existing farmers to purchase land in a highly desirable farming area;
- Supporting the retention of population within the local Greta South/Hansonville locality;
- Ensuring impacts on surrounding agricultural activities are minimised through careful location of new lot boundaries; and
- Creating a large farming lot capable of supporting a new dwelling if required and providing for new farming enterprise and ownership.



## 4.2 Policy Provisions

An application for subdivision must consider the Municipal Planning Strategy, the Planning Policy Framework and any relevant local planning policies.

### Municipal Planning Strategy (MPS)

#### Clause 02.03-4 Strategic Directions – Agriculture

The MPS identifies the agricultural sector as a ‘significant economic industry and social resource’ within the Wangaratta municipality. The subdivision of agricultural land and location of dwellings (and other ‘non-farming’ developments) can undermine the ability of farmers to farm their land without negative amenity impacts to other land users.

Strategic directions that articulate the desire to protect agricultural land from inappropriate use and development include:

- *Maintaining the productivity and versatility of agricultural land, particularly in higher agricultural ‘versatility’ areas.*
- *Protecting the primacy of rural land for agricultural purposes.*
- *Minimising potential amenity impacts between agricultural uses and rural lifestyle uses.*
- *Ensuring that dwellings and subdivision meet the principle of ‘right to farm’ in rural areas, where existing agricultural and rural uses in the area have a right to legally continue.*
- *Ensuring that dwellings and subdivision do not adversely impact on the agricultural activities carried out on the land and the general area.*
- *Directing rural lifestyle development to existing Rural Living and Low Density Residential Zones.*

### Application response

The proposed re-subdivision of two rural lots into two new lots will support a farmer to retire in place and retain some ownership of the family farm, whilst consolidating high quality agricultural land into a large lot over 60 hectares in area. The smaller house lot is designed to include all required domestic infrastructure and ensure generous buffers to adjacent Lot 2, thereby minimising possible impacts from farming on the dwelling and vice versa. The creation of the balance lot frees up productive agricultural land to be purchased by others for ongoing farming and investment.

Stock grazing and dairy farming are traditional agricultural uses in this area – the immediate impacts of this type of farming are minimal with regards to noise, odour, dust generation etc. The impacts of this re-subdivision on the ‘right to farm’ of surrounding landholdings is considered negligible, whilst the benefits to the productivity of the subject site, and the surrounding community are measurable. The proposal is consistent with the Council’s strategic direction for agricultural land.

### Planning Policy Framework (PPF)

#### Clause 11.01-1R Settlement – Hume

The PPF has as a strategy for Regional Victoria to:



- *Support growth and development of other existing settlements and foster the sustainability of small rural settlements.*

### **Application response**

The proposed re-subdivision will help support the ongoing agricultural activities within the Hansonville locality, an area identified as having high quality terrestrial habitat within the Hume Regional Growth Plan. The proposal allows for inter-generational change by allowing an aging farmer to retire onto a small lot, whilst freeing up a large farming parcel to be bought and actively farmed – either through consolidation into an adjacent farming business or purchase by new owners to the area. Any resultant increase in population in this area will help support the ongoing operation of community infrastructure such as the nearby CFA station, Greta Valley Primary School, Landcare group and sporting clubs.

New population and young families are vital to the ongoing operation and support of existing community facilities and services in this area and should not be seen as a disadvantage of this proposal.

### **Clause 14.01S Protection of agricultural land**

The PPF has as its key objective for agriculture:

- *To protect the state's agricultural base by preserving productive farmland.*

A number of strategies support this objective, with a focus on retaining land for agricultural purposes and minimising uses that may cause conflict with existing and potential agricultural uses.

### **Application response**

The proposal to re-subdivide land at 64 Grahams Lane is consistent with the objective and strategies contained at Clause 14.01. The re-subdivision of land will reconfigure two existing farming lots of 19 hectares and 44 hectares to create a balance lot of over 60 hectares for ongoing agricultural production and a small house lot of 2.0ha for the existing dwelling and associated domestic infrastructure.

The overall outcome in this location will be a small rural living sized lot that contains an existing dwelling with two hectares of land that will still require some active farming. This may be animal breeding or keeping, or some small horticultural enterprise that can take advantage of the high-quality farming land. Just because the land is contained in a small lot does not mean it cannot or will not continue to be actively farmed. The existing owner intends to retain steers on the property to fatten for market. The head of stock that can be run will ultimately depend upon the quality of the feed and time of the year, but typically 110-130 head of cattle can be supported.

The balance lot of 61.5 hectares will create an exciting opportunity for new or existing farmers to buy into this area. The size of the lot (over 40 hectares) means a dwelling may be built without the need for a planning permit. The size of the lot also means that a reasonable on-farm income can be generated and the initial outlay is within reach of young farmers wanting to get a foot-hold in the area.



## **Clause 14.01-1L Dwellings and subdivisions in rural areas**

This local policy details general and specific subdivision strategies to promote the protection of agricultural land within the municipality. Of particular relevance are the following subdivision strategies:

- *Discourage house lot excisions in ‘high’ or ‘very high’ agricultural versatility areas and ensure that any excision of land in all other rural areas are linked to and required for the ongoing rural and agricultural use of the land.*
- *Discourage house lot excisions if the existing dwelling on the lot to be excised is required to maintain the ongoing agricultural production and rural use of the land.*
- *Minimise the parcel size around an existing house that is to be excised and maintain a large vacant balance of land for agricultural purposes.*

### **Application response**

Strictly speaking, this proposal is not a small house lot excision. It is the re-subdivision of two existing farming parcels, each of which can be independently disposed of now. Either way, it is important to remember that the original purpose of allowing small house lot excisions was to enable farming families to plan for inter-generational change and support farmers to age in place by excising their family homes from the balance of the farm.

Keeping in mind this is a re-subdivision of two existing lots, and the creation of small house lots is to support retiring farmers, the proposal is not incompatible with the objectives and strategies of this local planning policy. The primary reason for undertaking this re-subdivision is to allow a retiring farmer to sell the majority of his farm in order for it to continue to be actively farmed by others. Keeping high quality agricultural land in productive farming is a key strategy of State and local planning policy. At present the majority of the land is leased to other farmers as the owner is no longer able to farm it all himself. However, under a leasing arrangement there is limited incentive for investment in improvements to fencing, pasture and sustainable management. The re-subdivision and new ownership of the land provides for a vested interest in maintaining and improving the land for greater environmental, economic and agricultural benefit.

The agricultural legacy from this re-subdivision will be the creation of a small rural living lot with an existing house that will support a long-time resident of the Greta South/Hansonville community to remain in his family home for the next few years. The re-subdivision will also create a new 61.5-hectare lot, capable of supporting a new dwelling and a farming business in the area. Due to the relatively modest size of proposed Lot 2, it is within reach of new farmers wanting to set up their own farm in the area without having to buy a large and expensive farming enterprise. This helps to retain local population and provides opportunity for new and innovative farming practices to be introduced to the area.

## **Clause 14.01-2S Sustainable agricultural land use**

The objective of this planning policy is to *‘encourage sustainable agricultural land use’*. Strategies focus on ensuring that agricultural activities protect and enhance the long-term sustainability of existing natural resources, whilst promoting innovation and diversification to deal with climate change and the flexibility to respond to market changes.



## Application response

The proposed re-subdivision creates two new lots in an area identified as having moderate, high and very high agricultural versatility (refer to Figure 7 below). The land has excellent access to water, including the Fifteen Mile Creek and natural springs and wetlands. There are shelter belts across the property that act as a wildlife corridor as well as managing the local microclimate through shade and buffers from wind. The re-subdivision of the land ensures the lagoons and shelter belts are all in the one property, allowing for a coordinated approach to the long-term management of the land's natural resources.



Fig. 7 – Agricultural versatility mapping (Source: RCOW online mapping)

## Clause 17.01-1S Diversified economy

The objective of this planning policy is to '*strengthen and diversify the economy*'. Strategies include to:

- *Support rural economies to grow and diversify.*

## Application response

The creation of two new lots in the Farming Zone, both capable of supporting a dwelling, and both containing high quality agricultural land, will help support local population and provide opportunity for innovation in the rural sector.

It is considered that the proposal meets the objectives of the Planning Policy Framework.



## 4.3 General Provisions

### Clause 65 Decision Guidelines

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

Approval of an application to subdivide land	Application Response
The suitability of the land for subdivision.	The site is highly suitable for the proposed two lot re-subdivision as it has access to the local road network and services, and is not constrained by topography, native vegetation, flooding or bushfire risk.
The existing use and possible future development of the land and nearby land.	<p>The site is currently used and developed with a dwelling and associated shedding and domestic infrastructure. The broader site is used for grazing and is developed with fencing, dams and stock yards.</p> <p>The site sits within an established farming area where the agricultural land use is unlikely to change in the foreseeable future. Primary farming activities include dairy farming, stock grazing and cropping.</p> <p>Surrounding land use is predominantly agricultural. The proposed subdivision will not impact on the surrounding land uses. The maximum extent of land available has been included in the small lot to provide an in-built buffer to surrounding land uses, whilst balancing the amount of land considered 'lost' to agriculture.</p>
The availability of subdivided land in the locality, and the need for the creation of further lots.	<p>The availability of subdivided land in this location is dependent upon the size of existing land parcels. If there are parcels of sufficient size, further subdivision of land may occur.</p> <p>In this application, the opportunity to create a new small lot is only available through re-subdivision of existing lots, one of which is already considered a small lot under the provisions of the Farming Zone, being 19 hectares in size.</p>
The effect of development on the use or development of other land which has a common means of drainage.	<p>The lots will be drained independently of other lots, to the identified legal point of discharge for each site.</p> <p>This proposal is not expected to have any impact on other land with regards to drainage. Stormwater runoff generated by the existing dwelling is capable of being contained within the new lot boundary.</p>
The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.	<p>The proposal is very responsive to both the physical characteristics of the land and the existing subdivision pattern. There are a range of lot sizes along Grahams Lane and the Wangaratta-Kilfeera Road more broadly.</p> <p>Typically lots are quite large in scale and support medium-large scale farming activities such as grazing, cropping and</p>



Approval of an application to subdivide land	Application Response
	dairying. The proposed re-subdivision of lots incorporates land into one large 60-hectare lot to support ongoing farming activities. The creation of the small house lot will help support the existing owner to manage his retirement from the family-run farm business.
The density of the proposed development.	The density of lots and development in the area will not be significantly increased by the proposed re-subdivision. The re-subdivision does not result in any additional lots. The creation of a vacant lot over 40 hectares in size may result in construction of one new dwelling in the area. Equally, the lot may be consolidated into an adjacent farming business and not result in any new dwelling being built.
The area and dimensions of each lot in the subdivision	Refer to the Concept Development Plan at <b>Appendix 1</b> for further details.  Lot 1 is proposed to be 2.0 hectares in area with adequate space for the existing dwelling and associated domestic infrastructure. Proposed Lot 2 will be 61.5 hectares in area, being well above the 40-hectare minimum lot size for the Farming Zone.
The layout of roads having regard to their function and relationship to existing roads.	There are no new roads proposed as part of this subdivision.
The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.	As a rural subdivision, there is no specific provision for the movement of pedestrians. Each lot will have access to the local road network via an appropriately designed and constructed rural crossover.
The provision and location of reserves for public open space and other community facilities.	As a two-lot re-subdivision of lots, there is no requirement for the provision of public open space reserves or community facilities. It has been noted numerous times in this report that the broader Greta locality supports a primary school and sports reserves. There are extensive tracts of Crown land to the south of the subject site.
The staging of the subdivision.	The subdivision is only two lots and will not be staged.
The design and siting of buildings having regard to safety and the risk of spread of fire.	The existing dwelling will have sufficient setbacks from lot boundaries to meet the requirements of the Building Code of Australia with regards the spread of fire. There are no buildings and works proposed as part of the subdivision apart from any servicing of lots and construction of rural crossovers.
The provision of off-street parking.	There is adequate space for the parking of vehicles on each lot.
The provision and location of common property.	No common property is proposed as part of this subdivision.
The functions of any body corporate.	There will be no body corporate.



Approval of an application to subdivide land	Application Response
<p>The availability and provision of utility services, including water, sewerage, drainage, electricity and gas</p>	<p>Proposed Lot 1 is already connected to power via an overhead powerline from the Wangaratta-Kilfeera Road. Lot 2 is also connected to power at the old dairy and former dwelling site. There is no reticulated water, sewer or gas in the vicinity of the site. The lots will be required to contain and dispose of their own wastewater and stormwater to Council standards. Connection to telecommunications will be installed as per authority requirements.</p>
<p>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.</p>	<p>The location of the effluent disposal system has been identified behind the existing dwelling. It is well within the boundaries of the new lot, thereby ensuring that the dwelling can continue to retain and treat all wastewater generated on the site.</p>
<p>Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.</p>	<p>There is no remnant native vegetation lost or considered lost as a result of this subdivision. The new internal boundary fence comes close to a planted shelter belt but will not impact the existing planted trees.</p>
<p>The impact the development will have on the current and future development and operation of the transport system.</p>	<p>The re-subdivision will have no impact on the current or future operation of the transport system. Lot 1 will continue to gain access to Grahams Lane from existing vehicle crossovers. Lot 2 has frontage to three local roads being Tanners Lane, Grahams Lane and the Wangaratta-Kilfeera Road. Access points could be designed and constructed at any point along any of these roads, providing they are to Council standards. The traffic generated from either lot will be minimal and have no detrimental impact on the operation of the local road network.</p>





## 5.0 Conclusion

The proposed re-subdivision of two lots at 64 Grahams Lane Hansonville will create a new small lot for an existing dwelling, allowing the long-term owner of the property to retire in place whilst managing his withdrawal from the family farming business. A new large balance lot of over 60 hectares will also be created, providing opportunity for new or existing farmers to purchase in an area of high agricultural versatility.

The proposal responds to the natural environment, by incorporating the existing lagoons and planted shelter belts into one large farming lot to make long term management easier and more sustainable. The lot layout ensures the important farming infrastructure such as new cattle yards on Tanners Lane, dams and fenced paddocks stay with the large farming lot and will continue to be used for grazing or other agricultural purposes.

The creation of a new vacant lot over 40 hectares does provide the opportunity for a new dwelling on proposed Lot 2, although this is not a given outcome. A new dwelling in this area will help retain population in the Greta South/Hansonville locality, in turn supporting the local primary school and other community facilities. This is an important purpose of the Farming Zone. The density of settlement within this locality is reasonably high for a farming area, demonstrating that not only is the area capable of supporting smaller lots, but that farming activities and associated houses are living in relative harmony with each other.

The amount of land considered 'lost to agriculture' by planning policy through the creation of a small house lot is 2.0 hectares. It is argued that, in fact, a lot of this size will need to be actively farmed to ensure management of pest plants and animals. A range of small farming activities could be supported on this property, thereby ensuring the land is farmed and not lost to production. In the end, any farming land can be sold to anyone, regardless of their experience with farming or desire to maintain a working farm.

The proposed re-subdivision of two existing farming lots into a small rural living lot and a large balance lot is not an unreasonable outcome in the Farming Zone. The re-subdivision will greatly assist the current owner to better manage his farm into the future, whilst creating opportunity for new owners to enter the market in this highly desirable and sought after farming district. The original purpose of the small house lot excision is very relevant here – the provision exists specifically for retiring farmers to remain in their family home and within the community that they know and that supports them. Allowing this proposal is a fair and reasonable outcome for a farmer with strong connections to the Greta South/Hansonville locality.

The proposal is generally consistent with the purposes and provisions of the Farming Zone and is supported by local and State planning policy with regards protection and management of agricultural land. In the end, this proposal is about supporting a local farmer from a family that has been in the district for generations to live, work and eventually retire in a rural community that can easily accommodate the proposed changes. In supporting this proposal, a large farming lot is also created which provides opportunity for new families in the area. Without succession planning, these rural communities will struggle to remain viable in the face of climate change and an aging rural population.

It is requested, therefore that a permit be issued, granting approval for the re-subdivision of lots at 64 Grahams Lane Hansonville as outlined within this report.



## APPENDIX 1 – Concept Development Plan

(Refer to separate document)



**APPENDIX 2 – Copy of titles**

(Refer to separate documents)



## APPENDIX 3 – Photographs of site and surrounds



View of property from rear of dwelling – looking south to lagoon, overhead power line and shelter belts



Panorama view from rear of farm dwelling





Rear of farm dwelling showing shedding and water tank



Panorama view of existing farm dwelling





View north to rear of farm dwelling and shed



Gardens and vehicle access from Grahams Lane





Sheds associated with farm dwelling



Western vehicle crossover from Grahams Lane to dwelling





View of western crossover to Grahams Lane



View south to existing pump (for domestic water supply) and overhead powerline







Close up view of pump shed located adjacent shelter belt



Planted river red gums forming a number of shelter belts across the property





View east along Grahams Lane adjacent farm dwelling



View of eastern vehicle cross over from Grahams Lane





View north showing new cattle yards on Tanner Lane  
with dwelling in the background



View west along Tanner Lane





View south across property showing surrounding farming land and distant hills

