This publication is intended to be of assistance to all people involved in Rural Land Use Planning, but the Rural City of Wangaratta, its employees and consultants, do no guarantee that the publication is without flaw of any kind or that it is wholly appropriate for the particular purposes of individuals, and therefore disclaim any liability for any error, loss or other consequences which may arise from reliance on any information in this publication.
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Rural City of Wangaratta
Executive Summary

Overview

This document fulfils Council’s obligation to review its adopted Rural Land Strategy (2012) in response to Council's resolution from November 2012 which states:

“Take no further action with the adopted Rural Land Strategy (2012) pending a review of its contents”

In addition to this requirement, this current strategy known as the Draft Rural Strategy 2015 (Strategy 2015), has taken into account recent State-wide changes made by the State Government to the Victoria Planning Provisions, which were introduced into all Victorian planning schemes through Amendment VC103. In particular, the changes to the suite of rural land use zones, and native vegetation and bushfire regulations, market changes and the impacts of climate change have all been considered in the preparation of this Strategy.

Purpose of the Strategy

The purpose of the Strategy 2015 is to:

- Protect agricultural land
- Protect key rural landscapes
- Minimise land use conflicts
- Provide opportunities for regional growth and development
- Create appropriate opportunities for rural living
- Provide a framework for decision making on rural land use issues

This Strategy 2015 has been developed in the context of the Victorian Planning Provisions taking account of broader issues and strategies that may impact on future rural land use and development in the municipality.

How the Strategy Review was undertaken

The process undertaken to develop the Strategy 2015, is outlined in Section 1.3 of this document.

This process included a complete review of the contents and recommendations of Council’s adopted Rural Land Strategy 2012, including a review of the community feedback received during the public exhibition of this document.

The analysis of the adopted Strategy 2012 has been undertaken in the context of the recent State Government changes to planning and other policy affecting rural land use planning.

This Strategy 2015 has also considered input from a range of recently adopted Council Strategies, including the Population and Housing Strategy 2013 and the Roadside Conservation Management Plan 2014.

All outcomes and recommendations of the new Strategy 2015 have been balanced and tested against Councils corporate values.
Recommendations of the Strategy 2015

A comprehensive list of recommendations from this strategy, are contained at section 7 of this report.

This Strategy includes a total of seven recommendation areas. The first recommendation is a comprehensive review of the 25 recommendations of the adopted Strategy 2012. A further six new recommendations are made based on analysis of current planning provisions and rural issues. These recommendations involve a range of changes to existing planning controls and are proposed to be implemented through staged amendments to the Wangaratta Planning Scheme.

In summary, the Strategy recommends the following key changes and policy directions:

**Zoning**

- Retain Farming Zone as the predominant zone across the rural landscape.
- Retain 40 hectares as the minimum lot size for an ‘as-of-right’ dwelling in the Farming Zone.
- Retain 40 hectares as the minimum lot size for subdivision within the Farming Zone.
- Introduce the Rural Activity Zone in selected areas around the township of Milawa.
- Re-zone selected areas of land of high conservation value where agriculture is not the primary use to Rural Conservation Zone.
- Re-zone selected areas around existing townships to Rural Living Zone in line with Council’s adopted Township Development Plans for Glenrowan, Oxley and Milawa.
- Re-zone Crown land incorrectly zoned Farming Zone and Rural Conservation Zone to Public Conservation and Resource Zone.

**Overlays**

- Apply the Significant Landscape Overlays to key parts of the King Valley and Glenrowan Gap.
- Extend the application of the Vegetation Protection Overlay across newly classified “High Conservation” roadsides and remove the Vegetation Protection Overlay from downgraded roadsides (High to Medium).
- Introduce exemptions from planning permit to the Vegetation Protection Overlay to allow landholders to trim and lop vegetation for maintenance of fence lines and driveways.

**Local Planning Policy**

- Introduce two new Local Planning Policies into the Wangaratta Planning Scheme to guide decision-making in rural areas on:
  - Tourism.
  - Industry, Warehousing, Trade Supplies in Rural Areas.
  - Intensive Animal Husbandry.

- Revise existing Local Planning Policies contained within the Wangaratta Planning Scheme that guide decision-making on:
  - Subdivision in Rural Areas.
  - Dwellings in Rural Areas.
  - Rural Industry.

**Strategic Studies**

- Prepare a Township Development Plan for Moyhu.
Proposed Next Steps

Implementation of this Strategy will be undertaken through the following steps:

2. Consideration of Submissions on the Draft Strategy with modification to the document as appropriate.
3. Report to a meeting of Council for adoption.
4. Preparation of a Planning Scheme Amendment to implement recommendations.
5. Public Exhibition of this Amendment.
6. Approval of the Planning Scheme Amendment (Minister for Planning)
1.0 INTRODUCTION

1.1 Reasons for Review

This Strategy 2015 (has been prepared in response to a resolution of Council at its meeting held on 20 November 2012, where Council resolved to:

“Take no further action with the adopted Rural Land Strategy (2012) pending review of its contents.”

Since that time, Council has worked to prepare a list of factors that will guide this review process. In short, a number of changes to State planning policy, legislation and specific changes to the suite of rural zones under the Victoria Planning Provisions form the basis for revision.

1.2 Purpose of the Rural Strategy 2015

The purpose of the Strategy 2015 is to:

- Protect agricultural land
- Protect key rural landscapes
- Minimise land use conflicts
- Provide opportunities for regional growth and development
- Create appropriate opportunities for rural living
- Provide a framework for decision making on rural land use issues

This Strategy 2015 has been developed in the context of the Victorian Planning Provisions, taking account of broader issues and strategies that may impact on future rural land use and development in the municipality.

The strategy also takes into account the Rural City of Wangaratta 2030 Community Vision which sets out the community view for rural lands in 2030, as follows:

“In 2030 the Rural City of Wangaratta maintains a sustainable balance between urban and rural environments; each benefiting from the other...The rural townships have grown in size to meet service and infrastructure needs. The growth in population across rural townships has been instrumental in reviving these communities. The high-value and productive rural agricultural land in the Rural City of Wangaratta has been strongly preserved for agricultural activities. This has maintained the rural feel of the area and ensured that agriculture continues to form a key element of the local economy.”
1.3 **Methodology**

The process undertaken for this strategy is outlined in the following diagram:

![Diagram](image)

*Figure 1: Process for the preparation of the Rural Strategy 2015*

The strategy 2015 analyses existing rural land use policy, studies and community input, together with relevant updated data captured by Council from previous studies.

It reviews the currency and quality of the data as well as identifying data gaps that would limit the effectiveness of rural planning policy. Relevant policy includes access to water entitlements, climate variability, agricultural policy, catchment management policy, new technologies, international market information and the like.

All of the above information has been placed in the context of current State government planning policy, the likely future directions for State policy and the current local planning policy expressed in the Wangaratta Planning Scheme.
1.4 **Background to the Strategy**

In recent years there have been several attempts at developing and implementing rural land strategies for the Rural City of Wangaratta.

The original driver for these projects was the introduction of new rural zones in 2004 which created the Farming Zone, Rural Conservation Zone and Rural Activity Zone. These were designed as replacement zones for the Rural Zone and the Environmental Rural Zone.

At the direction of State Government, Councils were required to carry out the necessary strategic work to justify the application of the new zones within an initial two year period.

Outside of this timeframe, the State directly translated from Rural Zone to Farming Zone and Environmental Rural Zone to Rural Conservation Zone. There was no direct translation for the Rural Activity Zone and in order for Councils to use this zone, further strategic planning work was required. This requirement formed the basis for preparation of rural strategies across the state.

The new Farming Zone had a more limited range of permissible uses and development than the previous Rural Zone, creating a new set of issues for Councils. These limitations created further justification for a rural land strategy to be developed.

An original draft Rural Land Strategy 2011 (RMCG Consultants, 2011) was exhibited for consultation purposes but not adopted. It was undertaken in response to:

- Perceived pressure for subdivision and non-farm related new dwellings in the Farming Zone, and the expectation that a dwelling could be constructed on every lot.
- The need to prevent rural land use conflict between farming and non-farming neighbours.
- The need to provide wider opportunities for tourism in the municipality’s rural areas.

The draft Rural Land Strategy 2011 included research and investigation of rural land use and development trends and issues, as well as consultation with stakeholders including agencies and referral authorities.

Council received feedback from the community in the form of 400 written submissions, many with strong objection to the draft Strategy. A revised document, ‘Rural Land Strategy 2012’ was prepared and adopted by Council at its meeting on the 26 June 2012, after a two month period of public consultation. Significantly fewer submissions to this Strategy were received, indicating a much wider community acceptance of its recommendations.

This Strategy 2012 included a total of 25 recommendations grouped within 13 key areas specifically designed to address known rural land issues. These recommendations considered community feedback from Version 1 and required implementation largely through the Wangaratta Planning Scheme.

Following the election of a new Council in November 2012, a motion was passed that the contents of the adopted 2012 Rural Land Strategy be reviewed. This motion forms the primary basis for this Strategy 2015.
2.0 SETTING THE SCENE

2.1 Rural Land Use Planning Controls

The zonings in rural areas within the Rural City of Wangaratta are, in many cases, a direct translation of the previous suite of rural zones. These, in turn, have been carried over from former municipalities which created the current Rural City of Wangaratta.

In preparing the Strategy 2015, one of the key considerations is that the current approach to Rural Zones by the Minister for Planning is to retain uniform Zone provisions across Victoria. As a result there is a limited opportunity for variation to these Zone provisions. Any such variation must be in the form of a Schedule to the Zone or a Local Planning Policy consistent with the State-wide Zone provisions.

In addition to the Zone provisions, the Wangaratta Planning Scheme comprises a State Planning Policy Framework (SPPF) and a Local Planning Policy Framework (LPPF). These key framework policies applying to rural land are summarised in Table 1 and 2. Supporting these key frameworks is a number of specific detailed planning controls aimed at implementing these policies.

Recently there have been a number of developments at the State and regional level that are likely to impact on the planning policy directions for rural lands. These may affect both the SPPF and the LPPF.

At the State level an Advisory Committee has been established to review the State Planning Policy Framework.

At a regional level the preparation of the Hume Regional Growth Plan has been finalised. This Plan has been endorsed by all twelve (12) Councils in the Hume Region. Reference to the Plan was introduced into the State Planning Policy Framework in May 2014 through Amendment VC106 to all planning schemes in the State.

The State Government’s new suite of Rural Zones was introduced into the Wangaratta Planning Scheme in 2013 to replace those zones in place since 2004. These new zones provide greater protection for productive agricultural land and discourage ad hoc and incompatible land use and development. At the same time, changes within the Zone provisions have seen an increase in ‘permissible’ uses and developments (ie. those that can be considered through an application for a planning permit). Whilst this allows greater flexibility within the Farming Zone, it can also create the potential for conflict. The development of strong Local Planning Policy is vital, therefore, to guide Council’s decision-making in rural areas.
2.2 State Planning Policy Framework

There are five State planning policies that affect planning for rural lands within the City. Table 1 provides a summary of these key state planning policies.

Table 1 – Summary of relevant State land use planning policies

<table>
<thead>
<tr>
<th>RELEVANT STATE POLICY &amp; OBJECTIVE</th>
<th>STRATEGY</th>
</tr>
</thead>
<tbody>
<tr>
<td>(11.05-3) Rural Productivity</td>
<td>• Prevent inappropriately dispersed urban activities in rural areas.</td>
</tr>
<tr>
<td>Objective</td>
<td>• Limit new housing development in rural areas, including directing housing growth into existing settlements and discouraging development of isolated small lots in the rural Zones from use for single dwellings, rural living or other incompatible uses.</td>
</tr>
<tr>
<td>To manage land use change and development in rural areas to promote agriculture and rural production.</td>
<td>• Encouraging consolidation of existing isolated small lots in rural Zones.</td>
</tr>
<tr>
<td></td>
<td>• Restructure old and inappropriate subdivisions.</td>
</tr>
</tbody>
</table>

| (14.01-1) Protection of agricultural land | • Ensure that the State’s agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use. |
| Objective                                | • Consult with the Department of Primary Industries and utilise available information to identify areas of productive agricultural land. |
| To protect productive farmland that is of strategic significance in the local or regional context. | • Take into consideration regional, state and local issues and characteristics in the assessment of agricultural quality and productivity. |
|                                          | • Permanent removal of productive agricultural land from the State’s agricultural base must not be undertaken without consideration of its economic importance for the agricultural production and processing sectors. |
|                                          | • Subdivision of productive agricultural land should not detract from the long-term productive capacity of the land. |

<p>| (14.01-2) Sustainable agricultural land use | • Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources. |
| Objective                                  | • Encourage sustainable agricultural and associated rural land use and support and assist the development of innovative approaches to sustainable practices. |
| To encourage sustainable agricultural land use. | • Support effective agricultural production and processing infrastructure, rural industry and farm-related retailing and assist genuine farming enterprises to adjust flexibly to market changes. |
|                                          | • Facilitate the establishment and expansion of cattle feedlots, piggeries, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment. |</p>
<table>
<thead>
<tr>
<th>RELEVANT STATE POLICY &amp; OBJECTIVE</th>
<th>STRATEGY</th>
</tr>
</thead>
<tbody>
<tr>
<td>(14.02-1) Catchment planning and management</td>
<td>Planning must consider as relevant:</td>
</tr>
<tr>
<td><strong>Objective</strong></td>
<td>- Any regional catchment strategies approved under the <em>Catchment and Land Protection Act 1994</em> and any associated implementation plan or strategy including any regional river health and wetland strategies.</td>
</tr>
<tr>
<td><em>To assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.</em></td>
<td>- Any special area plans approved under the <em>Catchment and Land Protection Act 1994</em></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(14.02-12) Water quality</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Objective</strong></td>
<td>- Protect reservoirs, water mains and local storage facilities from potential contamination.</td>
</tr>
<tr>
<td><em>To protect water quality.</em></td>
<td>- Ensure that land use activities potentially discharging contaminated runoff or wastes to waterways are sited and managed to minimise such discharges and to protect the quality of surface water and groundwater resources, rivers, streams, wetlands, estuaries and marine environments.</td>
</tr>
<tr>
<td></td>
<td>- Discourage incompatible land use activities in areas subject to flooding, severe soil degradation, groundwater salinity or geotechnical hazards where the land cannot be sustainably managed to ensure minimum impact on downstream water quality or flow volumes.</td>
</tr>
<tr>
<td></td>
<td>- Prevent the establishment of incompatible land uses in aquifer recharge or saline discharge areas and in potable water catchments.</td>
</tr>
</tbody>
</table>
2.3 Local Planning Policy Framework

The key strategic directions from the existing Local Planning Policy Framework of the Wangaratta Planning Scheme impact on the land use planning outcomes for rural land within the City. Table 2 provides a summary of these key local policies.

Table 2: Local Planning Policy for Rural Lands

<table>
<thead>
<tr>
<th>LOCAL POLICY</th>
<th>KEY PLANNING OBJECTIVES</th>
</tr>
</thead>
</table>
| (21.05) Rural Land Use and Agriculture| • Encourage the growth and development of environmentally and economically sustainable agricultural enterprises.  
• Recognise and protect agriculture and other rural uses as significant economic strengths, social capital and productive resources.  
• Maintain the productivity and versatility of agricultural land, particularly in higher agricultural productivity and versatility areas.  
• Establish the municipality as the primary centre for the wine industry in north eastern Victoria.  
• Minimise potential amenity impacts between rural agricultural uses and rural lifestyle uses, particularly in higher agricultural productivity and versatility areas.  
• Maintain and enhance the potential for viticultural use and development particularly in the Milawa, Oxley and King Valley areas.  
• Ensure that any subdivision and rural housing proposals in higher agricultural productivity and versatility areas are directly linked to an agricultural use, retain productive agricultural use of the land and area, protect the economic potential of the land and area for agriculture, and are not used for rural lifestyle purposes.  
• Encourage and protect the potential for intensive animal industries, such as broiler farms, in appropriate locations.  
• Support timber production and processing as locational and economic strengths of the area and region.                                                                 |
| (22.01) Subdivision and Housing       | • Ensure that rural subdivision and housing is provided with a level of infrastructure that is required for that use or development.  
• Ensure that any subdivision of land for ‘house lot excision’ maintains the agricultural land resource by minimising the parcel size of an existing house that is to be excised and maintaining a large vacant balance of land for agricultural purposes. |
| (22.04-2) Wineries and Cellar Door Sales| • Ensure that wineries and their cellar door sales facilities are compatible with the rural character of the area, and compatible with the environmental and aesthetic character of surrounding rural land.  
• Ensure that cellar door sales operations do not adversely affect surrounding land uses and residents.  
• Ensure that wineries can be provided with adequate infrastructure.  
• Ensure that adequate car and bus parking is provided on-site. |
### (22.06-1) Effluent Disposal and Water Quality
- Ensure water quality and human and animal health is not affected by development.
- Ensure that effluent disposal systems are suitable to the soil type and topography of the site, and are appropriately located away from environmentally sensitive features.

### (22.06-2) Ridgelines, Escarpments and Hilltops
- Protect the landscape and scenic quality of highly visible elevated areas.
- Limit development on or near prominent ridgelines, escarpments and hilltops, or on or near other visually prominent land features.
2.4 Recent Changes to the Wangaratta Planning Scheme

Council has recently undertaken a number of strategic actions that are relevant to rural land use planning. These take two forms, being the development of new policies and strategies, and direct changes to the Wangaratta Planning Scheme through the planning scheme amendment process. Relevant amendments to the Planning Scheme are listed below. These amendments are in various stages of completion:

- Amendment C43 - Introduces the Heritage Overlay over 25 rural properties
- Amendment C48 – Implements the King River Floodplain Study 2004 and the King Valley Tributaries Study 2004
- Amendment C52 – Introduces reference to the Ovens River Floodplain Management Plan
- Amendment C56 – Rezones land from Farming Zone to a Special Use Zone to facilitate equine development
- Amendment C58 – Rezones land from Farming Zone to Township Zone (Milawa Cheese Factory)

Given the dynamic nature of local government policy it is important that policy development be constantly monitored to avoid inconsistencies with State policy and provisions.

2.5 Other Relevant Council Documents

The following policies and Strategies have been developed by Council and have relevance to the issues of Rural Land Use Planning:

- Rural Land Use Strategy 2012 – Rural City of Wangaratta
- Draft King Valley to Milawa Master Plan – Urban Enterprises 2013
- Population and Housing Strategy – 2013
- Township Development Plans 2015 for Glenrowan, Oxley and Milawa
- Environmental Sustainability Strategy 2014 – Rural City of Wangaratta
- Wangaratta Rural Landscape Assessment 2009 & 2012 – Planisphere
- Roadside Conservation Management Plan 2014
- Flood Emergency Plan 2014 (Sub Plan – Municipal Emergency Plan)
- Municipal Fire Management Plan
- Municipal Domestic Waste Water Management Plan (under development)

A brief summary is provided below on the relevance of the documents to Rural Land Use Planning:

Rural City of Wangaratta - Rural Land Strategy (2012)

As discussed in Section 1.4 of this Review, the Wangaratta Rural Land Strategy 2012 was based on the draft Wangaratta Rural Land Strategy 2011. This Strategy 2012 was adopted by Council on 26 June 2012 and later placed under review by Council on 20 November 2012.

A review of the adopted recommendations has been completed and is contained within Appendix 2 of this document. This review is undertaken in the context of changing State planning policy including recent changes to the suite of rural zone.
Draft King Valley to Milawa Master Plan

In 2013 Urban Enterprise Pty Ltd produced a report for the Rural City of Wangaratta called the “King Valley to Milawa Master Plan”. The report addressed actions that should take place to encourage tourism, and to protect the landscape and environmental values of the King Valley.

The study objectives focussed on developing the existing character of the region, with a focus on townships, as well as identifying necessary infrastructure to allow tourism to grow.

It identified the need for strategies to attract suitable industry which “best utilises and complements our resources and competitive advantages” and sought recognition of the importance of the tourism sector on the local economy. It emphasized the need to ensure that infrastructure, services and skills are in place to enhance the visitor experience.

This report was placed on exhibition to the community in 2013, however, it has not been adopted by Council and therefore carries a draft status.

Population & Housing Strategy 2013

Council’s adopted Population and Housing Strategy provides the following direction:

- “It is anticipated that the preferred location, form and controls over rural housing in the Rural City would be established through the forthcoming review of the Draft Rural Land Strategy 2012.
- That a key component of the regional policy direction is the development of sustainable communities that create a balance between settlement and productive rural land for agricultural type uses.
- A moderate increase in residential development in rural areas including those in farming and rural zones is anticipated with an increase in future population.
- The primary use of land within the rural areas of Wangaratta is agriculture and should continue to be so in the future.
- The environmental sensitiveness of the King Valley and the unique landscape created by the Warby Ranges, King Valley and the Glenrowan Gap are unsympathetic to housing development. The design and siting of new housing should have regard to the surrounding environmental significances. It is recommended that these sensitivities be acknowledged through the endorsement of existing Significant Landscape Overlays, or through the application of new Significant Landscape Overlays within the Rural City.”

The recommendation to apply Significant Landscape Overlays repeats previous recommendations in the Wangaratta Rural Landscape Assessment 2009 and its Review document in 2012.

Township Development Plans 2015 – Glenrowan, Oxley and Milawa

In 2014, Mesh Planning was engaged to prepare Township Development Plans for Glenrowan, Oxley and Milawa. Funding for this project was provided by the (then) Department of Transport, Planning and Local Infrastructure (DTPLI). A key focus of the Township Development Plans is to provide guidance and certainty in relation to key land use planning issues and to ensure that changes within the townships will maintain and enhance the rural township lifestyle, whilst providing opportunities for those townships to grow. The plans also identify some areas around these townships offering opportunities for rural living and areas for future investigation for this purpose. All Township Development Plans were adopted by Council in April 2015.
Wangaratta Rural Landscape Assessment 2009 & 2012

Planisphere (Urban Strategy Planners) was commissioned in 2009 to undertake the Wangaratta Rural Landscape Assessment which included a Landscape Character Assessment to be undertaken to inform Council’s draft Rural Land Strategy 2011.

The study identified, mapped and assessed distinctive landscape elements and features within the Rural City of Wangaratta. It made recommendations as to the appropriate level of protection required and suggested planning controls for inclusion in the Wangaratta Planning Scheme to implement its findings and conclusions.

A further Landscape Review was made in 2012 which refined the findings of the 2009 Report, in response to community concern about the mechanisms for protection of significant rural landscapes.

Council’s adopted Strategy 2012 recommended the implementation of the revised Landscape Assessment 2012. These recommendations are reviewed at Appendix 1 of this document.

Amendment C65 – Environmental Significance Overlay

Council at its meeting of December 2014 resolved to prepare Amendment C65 to the Wangaratta Planning Scheme to introduce an Environmental Significance Overlay (ESO) over the proclaimed Special Water Supply Catchment Areas listed in Schedule 5 of the Catchment and Land Protection Act 1994. The application of an ESO would introduce permit triggers into the Scheme for buildings and works associated with particular uses that may impact on water quality.

Preparation of this amendment will require Council to work closely with the relevant water authorities to deliver sub-catchment plans. At the same time Council will progress the finalisation and implementation of the Municipal Domestic Wastewater Management Plan which is further discussed in the section below.

Municipal Domestic Wastewater Management Plan

Clause 14.02 and 19.03 (State Policy) of the Scheme requires Council to consider as relevant the Guidelines for ‘Planning Permit Applications in open, potable water supply catchment areas – November 2012 (DSE)’. The purpose of these guidelines is to ‘protect the quality of potable water supplies, using a risk based approach, whilst facilitating appropriate development within these catchments’.

In particular the guidelines apply criteria for the development of dwellings and the subdivision of land, applying a density ratio of 1:40ha for dwellings and a minimum subdivision lot size of 40 hectares (in the absence of reticulated sewerage) irrespective of zoning.

These factors have implications on the potential for growth and development in rural areas and townships located within the Water Supply Catchment areas. More than 70% of the municipality is within a Special Water Supply Catchment Area.

The relevant water authorities can consider variations to the density prescribed within the guideline, subject to conditions. One such condition is that Council prepare, adopt and implement a Domestic Wastewater Management Plan (DWMP).

This strategy 2015 recognises the importance of having a DWMP and its impact on the identification of appropriate land for rural living purposes around existing townships.
Recent actions through the Small Towns Reticulated Sewerage program by North East Region Water Corporation has seen the townships of Glenrowan, Milawa and Oxley connected to reticulated sewerage. The connection process for the townships of Milawa and Oxley will assist in reducing the density of dwellings within the Special Water Catchment when calculated against the 1:40ha ratio. The township of Moyhu is the next town for sewerage rollout, however beyond that there are no further townships designated for connection. As in the case of Milawa and Oxley, connection of the Moyhu township to sewer will remove dwellings from density calculations. These changes are expected to have a positive impact on the townships and their ability to grow.

Council developed a draft DWMP in 2013. This plan was placed on hold whilst a pilot program was trialled at Mansfield Shire Council in partnership with State government. The pilot has been completed with guidance now available on the preparation of plans for consistency across the state. Council’s draft DWMP is undergoing further development and will be finalised in 2016 however implementation will be subject to further resource allocations.

Roadside Conservation Management Plan 2014

Council’s Roadside Conservation Management Plan 2014 (RCMP) which quotes the 2011 report Remnant Native Vegetation Investigation by the Victorian Environment Assessment Council (VEAC), highlights the threat to biodiversity posed by loss and fragmentation of remnant vegetation in the Rural City of Wangaratta.

The Plan highlights the importance of Bio-links or Wildlife Corridors and states that in many areas, the existing network of roadside and streamside vegetation plays a critical role in maintaining corridors for wildlife.

The Plan reviews Councils network of Roads and current Vegetation Protection Overlay (VPO) which applies to roadsides of ‘High Significance’. A change to the Wangaratta Planning Scheme will be required to include these roadsides in the VPO. The Plan also recommends planning permit exemptions to better enable the management of roadside vegetation.

Information about Bio-links, areas of significance and threatened species should be input into Councils GIS system to ensure that this information is readily accessible to assist Council in land use planning decisions.
3.0 The Local Context

3.1 Population and Demographics

The total population of the Rural City of Wangaratta is estimated at 27,117 (ABS ERP 2014). The land area of the Rural City of Wangaratta is 3644 km² giving an average population density of 0.07 persons per hectare.

Council’s Population and Housing Strategy 2013 analysed the rate of development in the non-urban areas. This was achieved through spatial analysis of dwelling approvals throughout the rural areas and through an analysis of ABS statistics for the rural areas. Relevant information has been included below.

<table>
<thead>
<tr>
<th>Town</th>
<th>2011</th>
<th>2021</th>
<th>2031</th>
<th>2011-2031 Growth</th>
<th>2011-2031 AAGR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wangaratta</td>
<td>18,475</td>
<td>19,410</td>
<td>20,335</td>
<td>1,860</td>
<td>0.5%</td>
</tr>
<tr>
<td>Eldorado</td>
<td>230</td>
<td>235</td>
<td>240</td>
<td>10</td>
<td>0.2%</td>
</tr>
<tr>
<td>Everton</td>
<td>140</td>
<td>140</td>
<td>145</td>
<td>5</td>
<td>0.2%</td>
</tr>
<tr>
<td>Glenrowan</td>
<td>295</td>
<td>335</td>
<td>380</td>
<td>85</td>
<td>1.3%</td>
</tr>
<tr>
<td>Milawa</td>
<td>205</td>
<td>245</td>
<td>290</td>
<td>85</td>
<td>1.7%</td>
</tr>
<tr>
<td>Moyhu</td>
<td>200</td>
<td>215</td>
<td>230</td>
<td>30</td>
<td>0.7%</td>
</tr>
<tr>
<td>Oxley</td>
<td>350</td>
<td>400</td>
<td>450</td>
<td>100</td>
<td>1.3%</td>
</tr>
<tr>
<td>Peechelba</td>
<td>95</td>
<td>95</td>
<td>95</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>Springhurst</td>
<td>180</td>
<td>180</td>
<td>180</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>Whitfield</td>
<td>65</td>
<td>65</td>
<td>65</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>Whorouly</td>
<td>70</td>
<td>70</td>
<td>75</td>
<td>5</td>
<td>0.3%</td>
</tr>
<tr>
<td>Rural Balance</td>
<td>6,505</td>
<td>6,600</td>
<td>6,675</td>
<td>170</td>
<td>0.1%</td>
</tr>
<tr>
<td>Wangaratta (RC)</td>
<td>26,810</td>
<td>27,990</td>
<td>29,160</td>
<td>2,350</td>
<td>0.4%</td>
</tr>
</tbody>
</table>

(Source – Rural City of Wangaratta – Population and Housing Strategy 2013)

It is noted that the above table does not provide details for all of the rural townships within Wangaratta. Section 4.2 of Councils Population and Housing Strategy 2013 outlines that townships including Cheshunt and Tarrawingee are included within the ‘Rural Balance’. In the case of these settlements, data specifically on the township population could not accurately be separated from the surrounding rural area contained within their respective Statistical Areas used within the ABS Census, therefore they were placed in the Rural Balance.
Rural City of Wangaratta

The above table demonstrated that the “rural balance” of the municipality has over three times the population of all of the townships put together. This figure is somewhat distorted by the inclusion of the township of Tarrawingee as previously discussed. The rate of projected growth by 2031 within the Rural Balance is 0.1%. It is not possible by the statistics alone, however, to accurately locate the areas in which the existing population exists and where growth will occur.

3.2 Data on Dwelling and Subdivision Approvals

Council records have recently been examined to determine the extent of additional housing approved within the Farming Zone either via a planning permit or a building permit over the last 10 years. These figures are outlined in the table below and within Figure 2 (below) which maps the distribution of these new dwellings.

<table>
<thead>
<tr>
<th>Table 4 - Dwelling Approvals within Farming Zone (FZ)</th>
<th>Period Between 1/1/05 – 31/10/14</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling on lots Greater than 40ha+ (Building Permit)</td>
<td>80</td>
</tr>
<tr>
<td>Dwelling on lots less than 40ha (Planning Permit)</td>
<td>60</td>
</tr>
<tr>
<td>Total</td>
<td>140</td>
</tr>
</tbody>
</table>

Analysis of the data shows that whilst there has not been rapid or concentrated rural dwelling development throughout the rural areas, there has been a steady long term trend to higher dwelling densities over most of the rural areas.

The map and table do not clearly demonstrate the time at which approval of these dwellings occurred. From general observations it can be concluded that in recent years the rate of dwelling approvals of small lots (less than 40 hectares) has slowed.

<table>
<thead>
<tr>
<th>Table 5 - Approved Subdivision type / Lot Size</th>
<th>1999-2010</th>
<th>2010-2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>House Lot Excisions</td>
<td>100</td>
<td>7</td>
</tr>
</tbody>
</table>

The same scenario can be seen within the context of subdivision approvals specifically in relation to house lot excisions as outlined in the above table. During the last four years a total of 7 excisions have been approved, an average of less than 2 approvals per year. In comparison, pre-2010 (1999-2010), 100 excisions where approved or an average of approximately 9 excisions per annum.

It is expected that changes in State planning policy and provisions during this time had an impact on the rate of approval of small lot excisions.

On balance, with a tightening in State planning controls and Council’s local planning policies, the current rate of dwelling approvals and small lot subdivision in rural areas does not warrant a major change in planning policy through changes to minimum lot sizes for dwellings or subdivision.

What is demonstrated is that the application of the existing local policy is proving to be an effective tool in the control of dwelling approvals on small lots. Further refinement of this policy should occur in light of the recent State Government changes to Rural Zones with regard a broader range of permissible uses.
Figure 2 - New Dwelling Approvals in the Farming Zone 2005-2014
3.3 Environmental Conditions

Area Profile

Ranging from mountains in the south to wide flat ancient floodplains to the north, the Rural City of Wangaratta possesses a warm temperate climate with warm dry summers and colder wet winters.

Two main rivers, the Ovens and the King, transect the Municipality generally running from the south to the north, with the King joining the Ovens just south of the town of Wangaratta.

Wangaratta contains nearly 70% of the approximately 27,000 population of the Municipality and sits within the northern part of the Municipality on the main interstate road and rail links between Melbourne and Sydney.

The economy of the Municipality is to a large extent based on agriculture, agricultural processing, manufacturing, retail trade, health, education, tourism and transport industries.

European settlement in the Rural City of Wangaratta, started after 1838. Popular understanding of local history is dominated by the story of the Kelly Gang and the siege at Glenrowan, however, the area also has a strong rural heritage and an extensive aboriginal heritage going back many thousands of years.

There are many examples of historic buildings and townships which currently enrich the cultural experience of the area and contribute to a unique tourism experience. Heritage protection has been provided for a number of buildings and features in the rural areas of the Municipality. Council has been active in seeking to conserve this heritage.

Relics of the area’s Aboriginal heritage, such as scar trees and middens, are found in many areas, especially around streams and water bodies, and are subject to protection under the Aboriginal Heritage Act, an important land use planning consideration.

The Ovens River has been declared as a Heritage River downstream of Killawarra, and landscapes within the municipality have been classified by the National Trust.

Climate

In general the municipality has a warm temperate climate, with moderate rainfall ranging from 1000mm per annum in the southern, higher elevations, down to slightly below 600mm per annum in the northern, lowland areas (refer to fig 3, pg.21).

The area is characterised by hot, dry summers and cool, rainy winters. Despite its location close to the Great Dividing Range, the lowland areas are relatively mild in winter and daytime maximum temperatures are mild. Cold air drifting down from the mountains can cause frosty mornings during clear winter nights. Summers are hot and occasionally sultry, with frequent storm events.

Occasional severe heat waves are caused by hot, dry air from the central deserts of Australia moving over the area. 40°C temperatures occur 2–4 times a year on average, however, heatwaves are often succeeded by cold fronts, which cause a significant drop in the temperature.

Climate change will bring a long term increase in temperature. Associated impacts for north east Victoria by 2030 for a moderate projection are:
- average annual temperature increase of around 1 degree
- annual rainfall decrease of 3%
- annual evaporation increase of 3%
- runoff decrease of 25% and stream flow decrease of 5% (Ovens Basin projection)
Long term climate characteristics need to be considered in the context of climate change and the changes that may occur to both averages and extremes in the future and what that may mean for the future of the municipality. The planning implications of this are discussed later in this document.

**Declared Special Water Supply Catchments**

The Wangaratta water supply is drawn from the Ovens River which is fed by the open water supply catchment of the Ovens and King Valleys. It is important to ensure that the water quality of the river is not compromised by pollution from inappropriate development.

The catchments of the Ovens and King Rivers are currently not formally identified within the Planning Scheme, and therefore are afforded limited protection in the Planning Scheme.

Approximately 70% of the Municipality is contained within a Declared Special Water Catchment as indicated in the map below (Defined by purple overlay):

Council is currently undertaking two bodies of work, being the preparation of a Domestic Wastewater Management Plan and a Planning Scheme Amendment formally identifying the Water Catchment through the application of an Environmental Significance Overlay (ESO). Both of these processes are occurring separately to this Strategy 2015 and are discussed within the Strategic Studies section 2.5 of this document.
3.4 Agricultural Versatility

An assessment of agricultural land capability has been undertaken by the North East Catchment Management Authority as shown below. Highest capability tends to occur in the floodplains of the Ovens and King Rivers and in the foothills areas.

Agricultural Capability and Rainfall

A study of agricultural versatility has previously been undertaken by Agriculture Victoria (April 2000), for the Rural City of Wangaratta (refer to Figure 4). The versatility of the land is a reasonable guide as to the agricultural productivity that can be expected in various areas of the Rural City of Wangaratta. The study produced a map shown overleaf that has been overlaid with land use comments from the Centre for Land Protection Research, Bendigo (please note that Capability and Versatility ratings of the two maps are not directly comparable). This mapping is currently referenced within the Wangaratta Planning Scheme and specifically guides Councils Decision making process in relation to many rural based applications.

Figure 3 Agricultural Capability and Rainfall (source NECMA)

Agricultural Versatility and Land Use

A study of agricultural versatility has previously been undertaken by Agriculture Victoria (April 2000), for the Rural City of Wangaratta (refer to Figure 4). The versatility of the land is a reasonable guide as to the agricultural productivity that can be expected in various areas of the Rural City of Wangaratta. The study produced a map shown overleaf that has been overlaid with land use comments from the Centre for Land Protection Research, Bendigo (please note that Capability and Versatility ratings of the two maps are not directly comparable). This mapping is currently referenced within the Wangaratta Planning Scheme and specifically guides Councils Decision making process in relation to many rural based applications.
Figure 4 Agricultural Versatility & Land Use (Source: Agriculture Victoria - Centre for Land Protection Research, Bendigo – April 2000)
4.0 FACTORS INFORMING THE REVIEW

4.1 Reforms to the Rural Zones

The Victorian State government introduced a new suite of rural zones within the Victorian Planning Provisions in 2013, following a Ministerial Advisory Committee.

In general the reformed rural zones support agricultural activity, allow more tourism related uses and support population retention and growth to sustain rural communities. Unnecessary conditions and the prohibition of some land uses have been removed and more permit exemptions have been applied to farming related activity.

Relevant changes to this Strategy 2015 are summarised below:

**Farming Zone**

The Farming Zone is strongly focussed on protecting and promoting farming activity and agriculture.

The changes to the existing Farming Zone include:

- a new purpose statement promoting the retention of employment and population to support existing rural communities
- reducing the restrictions for alterations and extensions to dwellings and farm buildings
- removing the requirement for a mandatory section 173 agreement which restricts future subdivision after an initial subdivision is approved
- making less uses prohibited and more uses discretionary including some accommodation, retail, commercial and industrial uses
- removing the prohibition on group accommodation, landscape gardening supplies, market, trade supplies, warehouse and primary and secondary schools
- increasing the threshold for persons that can be accommodated in a bed and breakfast from six (6) to ten (10) without a permit
- removing the ‘in conjunction’ requirement which restricts uses such as group accommodation, residential hotel and restaurant
- removing other conditions which restrict uses such as group accommodation, place of assembly, store and transfer station, and
- removing permit requirements for uses such as primary produce sales, rural industry and rural store.

The Schedule to the Farming Zone has not been amended.

**Rural Activity Zone**

The Rural Activity Zone is a mixed use rural zone that caters for farming and other compatible land uses.

The new rural zone provisions have also altered the provisions for the Rural Activity Zone. This Zone is currently not included within the Wangaratta Planning Scheme.
The alterations to the Rural Activity Zone include:

- reducing the restrictions for alterations and extensions to dwellings and farm buildings
- removing the requirement for a mandatory section 173 agreement which restricts future subdivision after an initial subdivision is approved
- removing the prohibition on backpacker’s lodge, camping and caravan park, group accommodation, hotel, host farm, landscape gardening supplies, manufacturing sales, restaurant, residential hotel, trade supplies and tavern uses
- increasing the threshold for persons that can be accommodated in a bed and breakfast from six to 10 without a permit; and,
- removing permit requirements for uses such as rural industry and rural store.

The Schedule to the Rural Activity Zone has not been amended.

**Rural Conservation Zone**

The Rural Conservation Zone is a conservation zone that caters for rural areas with special environmental characteristics.

The changes to the existing Rural Conservation Zone include:

- reducing the restrictions for alterations and extensions to dwellings and farm buildings
- removing the requirement for a mandatory section 173 agreement which restricts future subdivision after an initial subdivision is approved
- making less uses prohibited and more uses discretionary including some accommodation, retail and commercial uses
- removing the prohibition on primary and secondary schools
- increasing the threshold for persons that can be accommodated in a bed and breakfast from six (6) to ten (10) without a permit
- removing the ‘in conjunction with agriculture’ requirement and other conditions for uses such as group accommodation, residential hotel and restaurant; and,
- removing other conditions which restrict uses such as freezing and cool storage, group accommodation, residential hotel and restaurant.

The Schedule to the Rural Conservation Zone has been amended to remove the ability for councils to limit the number of bedrooms to a residential hotel and number of patrons to a restaurant.

**Rural Living Zone**

The Rural Living Zone is a zone that caters for residential use in a rural setting.

The changes to the existing Rural Living Zone have included:

- removing the requirement for a mandatory section 173 agreement which restricts future subdivision
- reducing the restrictions for alterations and extensions to dwellings and farm buildings
- reducing the minimum lot size for subdivision and construction of a single dwelling from eight (8) hectares to two (2) hectares; and,
- increasing the threshold for persons that can be accommodated in a bed and breakfast from six (6) to ten (10) without a permit.

The Schedule to the Rural Living Zone has not been amended.
The new rural zones have a number of land use and planning implications, including increased potential for land use conflict due to the liberalisation of the some uses. An analysis of prohibited uses and comparison of permit exemptions is contained at Appendix 9 and 10 and attached to this report.

4.2 Hume Regional Growth Plan (Department of Transport, Planning and Local Infrastructure 2014)

The Hume Regional Growth Plan (RGP) is one of eight regional growth plans being developed across Victoria. Together with the Metropolitan Planning Strategy (MPS), the plans form the basis of the State Government’s Vision for Victoria.

This Plan has been endorsed by all the twelve (12) Councils within the region and was introduced into the State Planning Policy Framework in May 2014.

The Plan:
- Builds on the land use directions of the Hume Strategy for Sustainable Communities.
- Establishes a regional understanding of opportunities for growth and change.
- Provides directions for managing future growth and change to capitalise on the region’s competitive advantages, opportunities and strengths.
- Spatially identifies key employment and urban growth locations.
- Considers broad infrastructure requirements to support regional growth.
- Identifies important regional environmental, economic, community and cultural resources to be preserved, maintained or developed.

This Plan specifically focuses on the issues associated with rural lands, agricultural productivity and rural settlement.

The Plan identifies a number of key regional outcomes relevant for land use planning for rural lands in the broader context of social, economic and environmental issues.

The Plan identifies agricultural land of national, state, regional and sub-regional value. This land has been identified as those rural areas which have versatility in production, are of significant scale, located in proximity to value-adding processing and have access to secure water supplies.

From a regional perspective, measures to protect those areas identified as strategic agricultural land of national / state, regional or sub-regional significance include directing proposals for settlement in these areas to existing centres and townships, directing large commercial tourism uses away from these areas to urban locations or to rural areas of lower agricultural value, and avoiding encroachment from rural residential settlement and other land uses that are non-complementary to agriculture.

In terms of key directions affecting the preparation of this Strategy the following influence the direction of the Local Planning Policy Framework for rural lands:

- Supporting and managing intensive agricultural production. The Plan highlights areas that could be identified in the region where these types of agricultural activities should be encouraged due to locational opportunities, such as access to water, energy and transport, and separation from sensitive land uses. Consideration would be given to clustering intensive agricultural production in these areas. This does not prevent these industries from locating in other suitable locations where compliance with the relevant code of practice and appropriate separation distances can be achieved.
• **Support changing farm sizes, methods, strategies and land uses.** The Plan advocates that land use planning should continue to support the viability of farming through providing for increasing farm sizes. Some areas currently used by these industries could transition towards other uses such as different agricultural activities (including greenhouses), forestry, renewable energy generation, carbon farming and conservation activities. Planning for specific activities in these different areas and supporting compatible mixed uses in suitable locations within these areas could help diversify the regional economy.

• **Plan for the potential impacts of climate change on agriculture.** Land use planning in the region should support the ability of the agricultural sector to respond to the challenges and opportunities presented by climate change. This includes examining the issues of water, changes in farming and developing appropriate responses.

• **Minimise fragmentation of agricultural land.** Fragmentation of farmland occurs when traditional farming areas are broken up by the introduction of alternative, predominantly non-farming, uses such as lifestyle dwellings and rural residential subdivisions, tourism and boutique industries. These changes may limit agricultural intensification, diversification or expansion and restrict current farming practices or even make them untenable. Strategic planning for these non-farming uses in rural areas should continue to take into account the potential impacts on farming activities.

• **Avoid conflicting land uses and activities.** Introduction of sensitive uses, such as housing, can compromise opportunities for growth and investment in productive rural areas. Conflicts can arise as a result of noise, dust, spray drift, water usage and odours from farming activities. Considering the right to farm in these areas and providing for strategically located rural residential developments may help to minimise conflict between sensitive land uses and agricultural activities in rural areas. Applying appropriate buffers between agricultural uses or rural industries and sensitive land uses, such as residential uses, will also contribute to this.

• **Identify, manage and protect significant regional cultural landscapes.** Landscapes in the Hume Region are highly valued by the community, tourists and visitors for their scenic amenity and heritage values. They contribute to the economy and liveability of the region and attract investment, residents and visitors. The Plan highlights that these landscapes need to be identified, classified and described in a consistent way so they can be protected and managed by suitable mechanisms such as land use planning tools. The protection and promotion of cultural landscapes can help expand tourism opportunities and associated economic activity.

• **Protect and enhance terrestrial habitat.** The Plan advocates managing the impacts of land use change and development on terrestrial habitat by directing growth towards areas identified as having lower environmental values, avoiding development in areas with regionally significant terrestrial habitat, protecting significant vegetation assets through strategic planning and improving regional vegetation connectivity (landscape connectivity), including enhancing vegetation corridors between existing native vegetation.

• **Manage water as a key environmental, social and economic asset.** The Plan considers that decisions regarding the use and development of land along major waterways, within floodplains and around water bodies should be consistent across the region to manage potential impacts on waterways and water assets including groundwater. Land use planning challenges arise due to the large areas of declared water supply catchments within the region, which are under pressure for development. In these catchments, land use and development, such as certain types of agriculture and un-sewered residential development have the potential to impact adversely on water quality if not managed appropriately. Land use planning decisions
in these areas need to consider the management of risks relating to wastewater and the individual and cumulative implications of development on groundwater and surface water uses.

- **Plan for rural residential use.** The Plan identifies that where planning for rural residential use is to be considered rural residential development will need to be located where it will not impact adversely on regional assets, such as agricultural land, landscapes and the natural environment and has a sustainable settlement pattern. The Plan requires that in planning for rural residential areas there is a need to ensure there are sufficient areas of rural residential zoned land in strategic locations to help reduce development pressures on agricultural land. The Plan suggests that there needs to be a range of lot sizes to meet differing needs.

The Hume Regional Growth Plan provides guidance for the development of local planning policy for rural land across the municipality. Key directions are considered in the formation of new and revised local policy as discussed later in this document.

### 4.3 Planning and Environment Act 1987

Section 4 of the *Planning and Environment Act 1987* clearly describes a framework for planning for the use, development and protection of land in Victoria in the present and long-term interests of all Victorians.

This framework is based on the ‘Objectives of Planning in Victoria’ which are to provide for the:

- fair, orderly, economic and sustainable use and development of land
- protection of natural and man-made resources
- securing of a pleasant, efficient and safe working, living and recreational environment
- conservation and enhancement of assets of special cultural value
- enablement of the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community
- facilitation of development in accordance with the above & the balancing of the present and future interests of all Victorians.

Balancing all of the above factors is an important and potentially complicated exercise in which reliable and up-to-date data and information plays a critical part.

### 4.4 Population and Housing Strategy

Councils adopted *Population and Housing Strategy 2013* provides comment and direction around Rural Housing, Population Growth and the Protection of Agricultural Land, as follows:

**Rural Areas**

The relevant state, regional and local policies and strategy documents have identified resources such as land, infrastructure and housing stock required to accommodate the growth being experienced by the Hume Region. Given that this region is home to significant environmental landscapes, the Rural City has identified that natural resources including remnant native vegetation, wetlands, significant landscapes and areas of general environmental significance must be given significant consideration.
Protection of agriculture
Historically, Wangaratta was located on a high quality agricultural land. Given the identified growth and the strong demand for future housing and development, the supply of high quality agricultural land will likely be affected. The Hume Regional Plan outlines the significance of retaining productive rural land for agriculture and other compatible rural uses.

The Municipal Land Strategy (2004) outlines that in order for the city to expand there must be some loss of high quality agricultural land and it is generally accepted that any future residential development should be contiguous with existing development to take advantage of existing services available. Geographically, the best quality agricultural land is located along the river flats and it has been identified by the means of the planning scheme, that because this land is subject to flooding, it is not suitable for residential expansion.

The Central Hume Sub-Regional Plan distinctly outlines:

- Retaining productive rural land for agriculture and other compatible rural uses.
- Protecting rural land from inappropriate housing development, in order to retain opportunities for quality agricultural production into the future.

Key Direction 19.1 encourages development and implementation of rural land strategies whilst considering the conflict between the demand for rural lifestyle opportunities and the protection of agricultural land.

The Rural City of Wangaratta 2030 Community Vision states:

“The high-value and productive rural agricultural land in the Rural City of Wangaratta has been strongly protected and preserved for agricultural activities.”

The planning scheme establishes the need to protect and preserve the high quality agricultural land from future residential development and fragmentation across the municipality. Land to the northwest and west of Wangaratta has been identified for future residential growth due to its strategic location away from valuable agricultural land and environmental constraints.

The planning scheme encourages the development of liveable and sustainable communities that aim to ‘protect significant vegetation and site features’ (Clause 56.03-5 Neighbourhood character objective). Clause 22.01 of the planning scheme identifies the economic and social significance of the agricultural sector and aims to:

- Ensure that new dwellings do not undermine the productive agricultural base of the municipality, particularly in ‘very high’ and ‘high’ agricultural versatility areas.
- Ensure that dwellings do not adversely impact on the rural and agricultural activities carried out on the land and the general area.
- Ensure that housing in rural areas support rural activities and production and is not undertaken to meet rural lifestyle objectives that may conflict with the rural use of the land.
Appropriate siting of dwellings and other rural land uses is essential in order to minimise any potential amenity impact on adjacent or nearby land and not reduce the potential for agricultural production.

**Scenic landscapes**
The Rural City of Wangaratta is nestled between the Warby Ranges and the King Valley that dominates the scenic region and forms a significant natural feature defining the landscape character across the municipality.

Clause 22.06-2 Ridgelines, Escarpments and Hilltops of the planning scheme provides the following direction:

- The rural landscape of the municipality is an important natural asset that requires protection from inappropriate land use and development. In particular, many ridgelines, escarpments and hilltops can be seen in the distance from almost anywhere in the municipality, including many public places, thoroughfares and tourist routes. The visual and environmental implications of development on or in the vicinity of these valued landscape features can degrade the attractiveness and visual quality of the area.

The planning scheme aims to protect the significant landscape and scenic qualities across the municipality by limiting development on or near prominent ridgelines, escarpments and hilltops and significant land features.

The Review of the 2009 Rural Landscape Assessment Study Recommendations (2012) provides detailed recommendations for the management of the scenic landscapes at the Glenrowan Gap and the King Valley, including the extent of the application of the proposed Significant Landscape Overlay to each of the landscapes. In addition, rural views and vistas including the views to Mount Buffalo and the Warby Ranges, the Glenrowan Gap, and agricultural landscape views within the rural areas surrounding Wangaratta should be protected.

**Environmental sensitivities**
The Rural City of Wangaratta is home to the major river systems of the Ovens and King Rivers, comprising significant ecological corridors and major floodplains within the north-eastern area of the Hume Region. The Local Planning Policy Framework has identified that alongside weed invasion, human and stock access, agricultural inputs and inappropriate management have reduced biodiversity value of remnant native vegetation within the municipality.

The Rural City of Wangaratta 2030 Community Vision aims for areas of high value environmental areas across the ranges to be quarantined from further housing development.

Clause 21.10 of the Local Planning Policy Framework recognises that the Oven River riverine corridor is an important ecological resource that runs through the Wangaratta urban area which has been progressively developed. The planning scheme attains to provide guidance to protect these areas of environmental sensitivities through:

- Clause 21.10 Environmental Management and Heritage

- Subdivision and development proposals in both rural and urban areas need to be designed and constructed on a land capability basis to identify, protect and enhance existing native vegetation.
• Careful design, siting and construction of buildings and works are required to minimise environmental impacts.
• There are particular setbacks and land management requirements for heritage rivers, e.g. Ovens River (being classified as a ‘heritage river’ due to its cultural and historic significance).

4.5 Review of State Planning Policy Framework

The Minister for Planning appointed an Advisory Committee in mid-2013 to review the current Planning Policy Framework of Planning Schemes across Victoria. The State Planning Policy Framework (SPPF) is a key part of the Victorian planning system. It sets the key policy direction for state planning issues. One of the key drivers of the review was the need to integrate the new Metropolitan Strategy (Plan Melbourne) and the Regional Growth Plans into the planning schemes and to make the SPPF easier to navigate. Directions for the Committee have been to review the State Planning Policy Framework (SPPF) and the ways in which Local Planning Policy Frameworks (LPPF) could be better aligned with the SPPF.

Specifically, the purpose of the Advisory Committee is to advise on the content and structure of a revised SPPF and formatting of Municipal Strategic Statements (MSS) to apply any consequential changes arising from recent legislation and to align and integrate with the review of each of the following state policy matters:

- the Vision for Victoria
- the proposed Metropolitan Planning Strategy
- the eight Regional Growth Plans (Central Highlands, G21 - Geelong Region Alliance, Gippsland, Great South Coast, Hume, Loddon Mallee North, Loddon Mallee South, Wimmera Southern Mallee)
- the reformed commercial, industrial, residential and rural Zones
- the Development Contributions system
- the Local Planning Policy Framework, MSS and Council policy.

The Advisory Committee undertook targeted consultation with a range of stakeholders during August and September 2013. The Committee prepared a document called the draft Planning Policy Framework (PPF), which shows how the Committee believes a revised format for the SPPF and LPPF could work. The draft PPF was made public for comment in late April this year. Council has given its feedback to the Committee in May 2014.

It is to be noted that on May 30, 2014, through an amendment (VC106) the Minister for Planning has incorporated Plan Melbourne and the 8 Regional Growth Plans (including the Hume Regional Growth Plan) into the Victorian Planning Schemes. The draft PPF circulated for public comment is policy neutral.

At the time of writing no timeline or implementation plan has been progressed by the State Government, therefore Council must operate on the existing PPF when considering changes to the Municipal Strategic Statement and any Local Planning Policy prescribed by this Review.

4.6 Review of Municipal Strategic Statement Requirement

Council has a legislated requirement as a Planning Authority to regularly review the provisions of its Planning Scheme and in particular update the Municipal Strategic Statement (MSS) every 4 years. This Strategy 2015 can inform Councils impending MSS review and further sections of this report review and propose changes to Councils existing Local Planning Policy and MSS content.
5.0 Rural Land Issues

Planning Schemes attempt to integrate and co-ordinate with relevant Council strategies and responsibilities through the Municipal Strategic Statement and Local Policies.

Council has prepared and adopted a number of studies relevant to planning in recent years. These studies have been discussed in Section 2.5 of this Strategy 2015. The outcomes and recommendations from these studies have been used to inform the recommendation of this Strategy 2015. In addition, extensive community consultation from previous Land Strategies has been reviewed. Key feedback is discussed below.

5.1 Local Feedback from Strategies

There has been considerable background work, research and consultation with the local community during the development of a Rural Land Strategy within the municipality over the past few years.

A number of key local rural land issues were identified in the adopted Version 2 of the Rural Land Strategy.

These key issues include:

**Agricultural trends** – The general view expressed by the community is that farms will either get bigger (with the inevitability of less farms) or get very small. The other option is that there will be an increase in off-farm employment to support the farming business. Small farms are seen by some to be a source of problems (drive up land prices, increase biosecurity risk, food safety threat or poor resource managers) while others argue the contrary position (small and efficient, look after the land, have access to capital). There is a strong view that small farms add to social capital.

**Farm expansion** – The Wangaratta region has been described as an “Amenity Landscape” where the amenity attribute inflates property valuations beyond their productive value. This is supposed to prevent farmers from expanding their operations and holdings or increase the risk of farm business failure. However, review of property transactions has shown that this appears not to be the case in the Rural City of Wangaratta. Around 550 farming enterprises owned 1682 individual properties in 1999. In the period from 1999 to 2010, 202 of these enterprises purchased a further 272 properties (20,900ha). The average size of the purchases was 154ha. This appears to suggest that farm expansion activity is continuing for other reasons other than that rural land is priced out of the reach of farmers.

**Dwellings in Rural areas** – There have been significant numbers of dwelling houses constructed in rural areas. Since 1999, of the 671 dwellings constructed in rural areas, 397 were in the current Farming or previous Rural Zones and 235 of these were on lots less than 40 hectares. In the same period, 289 planning permits were approved for dwellings on lots less than 40 hectares. In the same period there were 17 refusals of applications for dwellings on small lots and 11 of these related to the impact of various overlay controls.

**Dwellings and Farming Zone** – The introduction of the Farming Zone in 2006 has resulted in a reduction in both applications and dwellings on small lots. Since 2009 there have been more dwellings constructed on lots greater than 40ha than on smaller lots and in 2011 only one house was constructed on a small lot. The number of applications for dwellings on small lots has reduced from almost 50 in 2001 to less than 10 per year since 2007.
Demographics – During previous community consultation one of the key concerns raised with Council was that restricting the development of dwellings in rural areas had contributed to the loss of vitality in rural communities. The community further identified that if more dwellings were constructed, rural communities would prosper and grow.

In responding to this issue the fact is that there has already been a substantial increase in the number of dwellings on rural land in recent years. From Council records this equates to almost 700 new dwelling houses in rural areas since 1999. Of these almost 400 (more than 50%) were in Farming or Rural Zones and only 274 in Township or Rural Living Zones. For the same time period, the number of residents in rural areas has increased from 8,829 to 9,156. While this might seem to support the community view at the same time the City has enjoyed a change in the rural population, the proportion of older people increased and the numbers of young people decreased. From this analysis, there is some support for the view that increased dwelling construction increases the number of residents. The age distribution, however, means that the rural population continues to age.

Social Outcomes – In the rural areas of the City the changing circumstances facing farmers make it almost inevitable that increasing size of farms and reduced labour requirements are the outcomes of the change in our economy and community.

Economics – Agriculture is a significant sector of the local economy. In 2006 agriculture was the fourth most important employer in the municipality, with 1,117 people employed. There are also another 288 jobs that relate to value adding manufacture in the areas of timber, meat and dairy products.

The data supporting the Gross Value of Agricultural Production shows that in the City, beef, fruit and grape production increased from 1997 to 2006 whereas sheep and broad acre cropping both decreased. It must be noted that 2006 was also the last year of tobacco production and the extremely dry seasons between 2003 to 2006 impacted on agricultural production.

Development in Water Supply Catchments – The Ministerial Guidelines regarding Planning Permit applications in open, potable water supply catchment areas was released in November 2012.

The Guidelines require that the density of dwellings in declared catchments should be no more than one dwelling per 40 hectares and each lot created in a subdivision should be at least 40 hectares.

As previously stated within Section 2.5 and 3.3 of this report, the application of an Environmental Significance Overlay and the concurrent development of the Municipal Domestic Wastewater Plan are designed to deal with the issues around Water Quality within the catchment area as previously discussed within this report.

Community views – Consultation with the community, undertaken as part of investigating rural lands, produced a range of differing messages. The community has raised concern about the economic sustainability of agriculture, the ageing of farmers and the loss of vitality of rural communities. There has also been concern about the undermining of “right to farm” but, at the same time, the community supports relaxation, rather than tightening, of land use planning controls in rural areas. In both rounds many contended that changing land use planning controls would affect superannuation and succession plans, while a number suggested that young people aren’t interested in agriculture so there is no succession. Some argued that subdivision was a necessary response to low farming profits and others considered this added to problems.

Overall the issues identified within the adopted Strategy and the previous community feedback have been considered within the development of this Strategy (2015).
5.2 Rural Sector Changes and Trends

5.2.1 Global

The global landscape is constantly changing and Council has limited influence over Global agreements, including Free Trade Agreements. However, agricultural producers and the like are subject to market forces and agreements, which provide new markets and potential demands for rural produce grown and produced within the north east region.

5.2.2 National

The following Federal Government policies have a direct impact on the rural sector:

- Murray Darling Basin Plan
- Greenhouse Gas Emissions Strategies
- Renewable Energy Target (RET)

Developments at a National level through the above programs and others have a local impact and whilst the Strategy cannot influence these programs, Council must be conscious of these programs within its decision making and strategic planning.

Trends within the agricultural sector also have an influence on land use planning. Some current issues are discussed below.

**Dry land Grain Farming**

There is a clear economic advantage for dry-land grain farming to be undertaken on the largest possible holdings. This is driven by economies of scale based on considerable investment in large hi-tech tractor technology that reduces the need for human input and optimises yields over large areas. This technology works best in extremely large fields with few fences and, combining single pass sewing/fertilising with no-till techniques, produces excellent yields and returns on investment compared to smaller operations. It is also a type of farming more resilient to climate variability. This type of farming therefore embodies a strong incentive for larger holdings and is very sensitive to the increases in demand for farming land caused by lifestyle blocks as it makes expansion of farm size more difficult.

**Intensive Agriculture**

It should be noted that there is an emerging potential for the large scale shedding of dairy and beef cattle in enclosures in combination with associated processing facilities on the same land. These establishments are of a scale, in particular within the dairy sector, which has not been seen in the municipality. Some of these industries have codes of practice around their operation, and require suitable buffer distances to sensitive receptors like dwellings, which would typically restrict their location to the northern section of the municipality.

As previously stated, the municipality has not experienced significant demand for these types of uses. It is also considered unlikely that these intensive operations will replace traditional farming formats within the local context. However they may play a role in the future of agriculture on the regional and national landscape and it is prudent to have some appropriate policy in place to guide decision-making for intensive animal industries.

Council’s current Municipal Strategic Statement at Clause 21.05 has highlighted the need to identify areas for intensive animal industries in association with relevant government agencies. Whilst this work has not been done to date, some key influences include the location of Special Water Supply Catchments, physical constraints such as flooding and the number of sensitive receptors. Further discussion of this issue is contained within Section 7.2.1 of this report.
6.0 ANALYSIS AND DISCUSSION

6.1 Rural Land Use Strategy 2012 Recommendations

The 25 recommended actions from the 2012 Rural Land Strategy have been reviewed against the background of the reformed Rural Zones and State Government policy changes outlined within this report.

Appendix 1 contains a full analysis of the recommendations and outlines whether they should be retained, amended or abandoned. The recommendations outlined for retention and amendment are outlined below:

- Retain 40 hectares as the minimum lot size for an ‘as-of-right’ dwelling in the Farming Zone.
- Retain 40 hectares as the minimum lot size for subdivision within the Farming Zone.
- Council policy will continue to strongly discourage dwellings on small lots in the Farming Zone. Where excisions are approved, it will be on the proviso that the balance of the lot must be 40 hectares or more and further subdivision or construction of a new dwelling on the balance of the lot will be removed by an agreement registered on the title for each lot created.
- Council policy will consider second and subsequent dwellings on the same title as existing farm dwellings and/or infrastructure. Approval for the dwelling would be conditional on entering an agreement that would carry over with any change of ownership, that the dwellings could not be subdivided or excised from the original title.
- Zoning anomalies around the township of Everton and on the western boundary of Oxley to be corrected as soon as possible.
- Key landscape areas are to be protected through application of the Significant Landscape Overlay. Apply a Significant Landscape Overlay within 200 metres either side of the Wangaratta-Whitfield Road, between Moyhu and Whitfield as outlined within the ‘Rural City of Wangaratta – Rural Landscape Study – Revised 2012’ (refer to Appendix 7).

The Significant Landscape Overlay should include reference to:

- Specific Building and Works
- Vegetation removal exemptions. (fence lines etc.)

A Significant Landscape Overlay to be applied to a 500 metre stretch of land east of the Hume Freeway from Laceby-Glenrowan Road to Snow Road (refer to Appendix 7). Planning permit triggers will focus on new buildings and alterations and additions to existing buildings and removal of vegetation.

Additional information about the significance of the area, and control over vegetation removal is to be added to the Schedule to the Significant Landscape Overlay already applying to the Warby Ranges area.

- A local policy to be developed for Snow Road – Oxley to Markwood area to support and encourage uses in association with food and wine tourism including a range of accommodation and recreational opportunities and to ensure adequate consideration of landscape and heritage characteristics, including the views and vistas to and from Oxley and Milawa townships.
6.2 Discussion against the purpose of the Strategy

The following section of the report provides discussion and analysis against the key purposes identified within Section 1.2 of this Strategy, which are to:

- Protect agricultural land
- Protect key rural landscapes
- Minimise land use conflicts
- Provide opportunities for regional growth and development
- Create appropriate opportunities for rural living
- Provide a framework for decision making on rural land use issues

Each area is discussed in detail below.

6.2.1 Protect Agricultural Land

The Wangaratta Planning Scheme (the Scheme) prioritises the protection of rural land for the purpose of agriculture. This is articulated in Council’s vision within the Municipal Strategic Statement and local planning policies on rural issues. It is implemented through the wide application of the current Farming Zone across the rural areas of the municipality.

State Government reform of the rural zones, including the liberalisation of the Farming Zone, provides an ideal opportunity to review the application of rural zones within Wangaratta.

The Scheme currently uses three of the four Rural Zones available under the Victoria Planning Provisions. Of these, the Farming Zone is the dominant zone, covering 98% of rural land, as outlined in the table below:

<table>
<thead>
<tr>
<th>Zone</th>
<th>% of Rural Zoned Private Land (222,962ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farming</td>
<td>98.00</td>
</tr>
<tr>
<td>Rural Conservation</td>
<td>0.22</td>
</tr>
<tr>
<td>Rural Living – Schedule 1</td>
<td>0.23</td>
</tr>
<tr>
<td>Rural Living – Schedule 2</td>
<td>0.91</td>
</tr>
</tbody>
</table>


In reviewing the application of these zones, any proposal for change, must have a sound strategic basis with regards the zone’s primary purpose, permissible land uses and potential conflicts. The table below provides a summary of the primary intention of each of the zones.

<table>
<thead>
<tr>
<th>35.07 Farming Zone (FZ)</th>
<th>35.08 Rural Activity Zone (RAZ)</th>
<th>35.06 Rural Conservation Zone (RCZ)</th>
<th>35.03 Rural Living Zone (RLZ)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone gives priority to the use of land for agriculture and encourages the retention of productive agricultural land.</td>
<td>Flexibility of land uses available to be considered. Provides opportunities for other uses of the land compatible with agricultural, landscape and environmental characteristics of the surrounding area.</td>
<td>Conservation is the priority – all uses are subordinate to the environmental values of the land. Farming is allowed.</td>
<td>Residential living in a rural setting is the primary intention of this zone. The zone also provides the ability for agricultural activities to occur on the land, however these may not form the primary use of the land.</td>
</tr>
</tbody>
</table>
In addition to the primary intent of the Rural Zones, analysis of the full purpose, Table of Uses and Land Use Compatibility has been prepared as part of the Strategy 2015 and is attached to the report at Appendix 4 and 10.

The following discussion centres on the most appropriate zone for the protection of agricultural land whilst allowing flexibility to pursue activities complementary to and supportive of farming.

**Farming Zone**

As previously discussed the Farming Zone forms the major zone applied across the rural landscape. In the majority of cases this zone is reflective of the current land use occurring within these areas and therefore should be retained as the primary zone for the clear purpose of protecting agricultural land.

However, it is noted that in some instances this zone does not reflect the land use conditions and subdivision pattern to which it is applied. This has occurred historically in many ways, including the blanket translation from the former ‘Rural Zone’ around townships, the urban fringe of Wangaratta City, and over existing inappropriate and isolated subdivisions. In these instances the zone is not reflective of the existing land use characteristics, not the preferred future direction for that land. Further, it undermines the application of the Farming Zone across genuine agricultural land. Further work is required within this area and discussion of some areas identified for alternative zones is contained later within this document.

This Strategy 2015 has identified through a desktop assessment that the Farming Zone has been incorrectly applied over a number of Crown land parcels under State Government management. As public land, these parcels should be rezoned to Public Conservation and Resource Zone to accurately reflect their public land status.

**Rural Land Characteristics and Lot Sizes**

The topography of rural land is varied across the municipality from open undulating plains in the north to the narrow alpine valleys in the south. Across these varying landscapes there are a diverse range of agricultural activities which respond to the underlying land form.

The Farming Zone presently applies in the same fashion over the majority of this rural land and it could be argued that this one size fits all model is not responsive to the different land conditions. A contrary argument could be that the new Farming Zone has enough flexibility to respond to the variety of agricultural practices within the municipality. Currently, land use planning decisions are based on the existing pattern of subdivision, agricultural capability of the area and its ability to sustain a particular agricultural activity.

Councils draft Rural Land Strategy Version 1 (RMCG) explored the issue of varying the minimum lot size for subdivision and dwelling rights and proposed a minimum lot size of 100ha (subdivision) and 250ha (as-of-right dwelling) respectively. It did not promote breaking the municipality into different areas based on agricultural capability or topography. This recommendation of the draft Strategy was met with considerable opposition from Wangaratta’s rural community and was later abandoned in the adopted Version 2 of this Strategy.

There is industry commentary that the nexus between subdivision size and dwelling, can lead to inflated land prices and limits the ability of farmers to expand their operations (due to the ability to construct a dwelling on land greater than 40 hectares as of right). This report does not include any statistical analysis to support or disprove this theory. Without such analysis, it is difficult to justify a variation to the default provision of the Farming Zone. It should also be noted that planning policy is not in the area of market regulation of land prices.
Council’s adopted Strategy (2012) discussed the issue of farm expansion based on community feedback within the Background and Issues Section stating:

‘Farm expansion – The Wangaratta region has been described as an “Amenity Landscape” where the amenity attribute inflates property valuations beyond their productive value. This is supposed to prevent farmers from expanding their operations and holdings or increase the risk of farm business failure. However, review of property transactions has shown that this appears not to be the case in the Rural City of Wangaratta. Around 550 farming enterprises owned 1682 individual properties in 1999. In the period from 1999 to 2010, 202 of these enterprises purchased a further 272 properties (20,900ha). The average size of the purchases was 154ha. This appears to suggest that farm expansion activity is continuing for reasons other than that rural land is priced out of the reach of farmers.’

On this basis and the evidence before Council from previous strategies, it is considered that there is no clear need to amend either the minimum subdivision lot size or minimum dwelling lot size in the Farming Zone.

Farming models, including the leasing of land and re-subdivision of land between adjoining properties presently allow for the expansion and contraction of many farming operations within the municipality.

As previously stated, the Farming Zone should be retained as the predominant zone as it is the only zone for which its stated purpose is the protection of agricultural land.

In protecting this land Council must also consider areas available for intensive agricultural activities, to ensure their protection and viability with respect to buffer distances to sensitive uses (ie a dwelling). Council’s current MSS at Clause 21.05 addresses the need to identify land for intensive agricultural activities, including broiler farms and cattle feedlots, many of which have industry Codes of Practice governing locational and operational requirements.

Detailed work has not yet been undertaken by Council on this issue. However, preliminary analysis shows that constraints to these types of industries include potable water supply catchments, flood affected land, fragmented land patterns and proximity to sensitive receptors (primarily Accommodation Uses). Conversely, land in large holdings with few dwellings, an absence of environmental constraints and access to services and transport are positive attributes for the location of intensive animal industries.

Based on these factors and a broad analysis of the municipality, it is clear that possible locations for these intensive forms of agriculture would generally be within the northern parts of the municipality. The southern part of the municipality generally contains more of these constraints and therefore is generally less suited to intensive animal industries.

A Local Planning Policy is attached at Appendix 6, which recommends the establishment of these types of uses within the northern section of the Municipality, most specifically outside the declared Special Water Supply Catchment area.

This important issue needs further investigation in consultation with the relevant Government agencies, industry groups and the community, to clearly identify buffer areas around major sensitive uses including the Rural Living Zoned land located immediately north of the City and other subdivisions along the Wangaratta-Yarrawonga Road and the townships of Peechelba, Springhurst and Boorhaman.
Rural Activity Zone (RAZ)

The Rural Activity Zone (RAZ) is not currently used within the Wangaratta Planning Scheme, however it is one of the available Rural Zones that Council can apply to achieve a land use outcome.

The table at Appendix 11 indicates that the RAZ may have less potential for land use conflicts than the Farming Zone, due to the fact that more land uses are subject to a permit and potential conflict can be controlled either through planning permit conditions or not supporting a development and use. Conversely, by having a broader suite of permissible land uses, the opportunity for conflict can be considered greater than under the Farming Zone provisions.

The purpose and provisions of the RAZ support the continuation and growth of farming but provide the opportunity for non-farming uses to be considered in appropriate locations. This zone supports a wide range of tourism, commercial and retail uses, some of which may be best located in townships rather than rural settings. One major difference between the two zones is the requirement for a planning permit for all dwellings regardless of lot size in the RAZ in contrast to that of the Farming Zone.

This analysis is limited to an assessment of permissible uses. It must be balanced against the stated primary purposes of each zone, and as stated previously the Farming Zone is the only zone that gives priority to the protection of productive agricultural land.

In recognition of existing agribusiness/tourism nodes, a number of sites along the King Valley were considered for rezoning to Rural Activity Zone. Due to land use constraints such as flood and fire risk and landscape vulnerability, it was determined that the majority of areas are not appropriate for more intensive tourism and commercial-style development promoted by the RAZ.

An area immediately to the south and east of the Milawa township has been identified as most appropriate for rezoning to RAZ (refer to Map 4 – Appendix 5). This area includes the existing Brown Brothers and Lindenwarrah complex. This proposed rezoning to RAZ recognises the existing land use conditions and provides opportunities for further tourism expansion in close proximity to Milawa township. The area is also free from flood and fire risk and has access to a major transport link (the Snow Road) and reticulated services including sewer.

Whilst application of the RAZ may be considered relatively limited, it should not be seen as lack of support for tourism in the King Valley region. A local policy has been developed specifically to support the development and establishment of tourism businesses in appropriate locations, in particular in townships with appropriate services and an underlying Township Zone. The policy is attached at Appendix 6.

Zoning Anomalies / Inappropriate Zoning

As previously mentioned the translation of the former Rural Zone to the Farming Zone resulted in situations where the Farming Zone has inappropriately been applied to land and corrective rezoning should occur.

In the following instances, land has been identified for re-zoning to Rural Conservation Zone to reflect the existing land use conditions.

Assessment has taken into account that many lots located within the southern alpine valleys transcend a range of topography consisting of cleared valley floors intersected by steeply vegetated slopes. In some cases this is the boundary between private and public land, however in many examples this transition occurs on parcels of private land within one ownership.
This assessment has generally excluded these lots due to the following factors:

- General characteristics of the area,
- Agricultural activities occurring on the valley floor which is rated as having high to very high agricultural versatility; and
- Aversion to multiple zones on one parcel of land.

Therefore, the areas selected below, display in general some of the following characteristics:

- High coverage of vegetation (80% or greater)
- Conservation values (Removed from Agriculture)
- Used for purpose other than agriculture.
- Cluster of small allotments – generally developed with a dwelling.
- Presence of Overlays

The following areas should be considered for re-zoning and maps are contained at Appendix 5 to this report:

1. **Illawong and Yarrabee Roads (Henley Ridge Estate).**
   The subdivision known as Henley Ridge is located on the southern side of the Snow Road. The area is generally developed with dwellings on the lots and secondary hobby farming occurring on the land. The area partly contains a mixed cover of native vegetation along the generally steep sided land which is partially covered by the Bushfire Management Overlay.

   The existing pattern of subdivision and development would prohibit any commercial agriculture occurring on the land. Therefore it is recommended that part re-zoning of the estate occur to Rural Conservation Zone with no change to any overlays, to recognise the constraints and values of this land.

   A new Schedule to the Rural Conservation Zone should be introduced to the Scheme with a minimum subdivision size of 40 hectares for Henley Ridge, with the aim of avoiding further intensification of development in this area.

2. **Baileys Road, Wangaratta South (South Side – Warby Ranges)**
   A precinct of land is located to the west of the intersection of Bailey’s Road and Futters Road, Wangaratta, which contains land with high levels of vegetation cover, steep and undulating land and a mix of zonings from Farming Zone to Rural Conservation.

   A large orchard is located on the northern side of Baileys Road and is zoned Rural Conservation, however the land to the south (the subject area) and a Crown parcel to the east is zoned Farming Zone and is covered by a Significant Landscape Overlay and Bushfire Management Overlay.

   In similar circumstances as Henley Ridge, the combination of current land use, vegetative cover and slope means that the land is unlikely to be used for commercial agriculture in the future.

   On this basis it is recommended that the land be rezoned to Rural Conservation Zone to recognise the environmental values and constraints, and the existing ‘Warby Ranges’ schedule apply to prevent any further subdivision.
3. **Old Coach Rd & Excelsior Track, Byawatha**  
This area contains land currently zoned Farming Zone surrounded by National Park to the north, east and west. The land is under a mix of private and public ownership, contains high levels of vegetation and in some instances there is a dwelling on the lot. As described within the map, this area should be re-zoned to both Rural Conservation Zone over the private land and Public Conservation and Resource Zone over the public land.

4. **McFeeters Road West, Eldorado**  
This area contains a mix of existing subdivision parcels zoned Farming Zone and affected by the Bushfire Management Overlay. The area contains some development in the form of dwellings on small lots along a valley floor, which has a high level of vegetation cover. It is proposed to re-zone this area as marked on the map to Rural Conservation Zone.

In addition to the above, two areas of Crown land were identified as being incorrectly zoned, and should be re-zoned to reflect both their public ownership and current land use. These are discussed below and a full list of all parcels is contained at Appendix 2.

**Crown Land**  
A desktop analysis of the rural areas has indicated that a number of Crown lots are zoned as Farming Zone, with many of these lots being surrounded by or located on the border of Public Conservation and Resource Zoned land. The Farming Zone is not an accurate reflection of the use of this land and this situation should be rectified through a planning scheme amendment to allow the management by the relevant government agency. A full list of inappropriately zoned Crown lots is located at Appendix 2 of this report.

**Rail Trail**  
The Murray to Mountains Rail Trail is a major Regional Tourism and Recreation Resource, which commences in the urban centre of Wangaratta and generally follows the old Wangaratta - Bright Railway reserve.

Currently the rail trail reserve is located in a mixture of Zones from Public Use Zone 4 (Transport), to a Farming Zone. It is considered that the zoning should be consistent and that zoning should be reflective of its public ownership and provide recognition of the importance of this asset within the Scheme. Therefore Public Use Zone 4 is the most appropriate Zone, and options could be explored to work with our neighbouring Shires of Indigo and Alpine for a combined scheme amendment.

**6.2.2 Protect Key Rural Landscapes**

The Municipality contains a range of rural landscapes, ranging from mountains in the south to wide flat ancient floodplains located in the north. Protection of these landscapes has been identified as a key purpose of this review, which seeks to build on the current levels of protection within the Planning Scheme. Two identified methods of protection are through the application of a Significant Landscape Overlay and a Vegetation Protection Overlay within the Planning Scheme. Both options are discussed below within the local context.

**Significant Landscape Overlays (SLO)**  
Council's Rural Landscape Assessment Study 2009 and Supplementary Review 2012 (Planisphere) provided an assessment of Council's key rural landscapes and provided key recommendations around the protection of these landscapes within the 2012 adopted Strategy. In general this document described the distinctive aspects of the Rural City of Wangaratta landscape as follows:
“Ovens and King sub-alpine Valleys are notable for their distinctive landscape qualities where substantially cleared rustic valleys give way to steep sloped foothills and mountains leading to the Alpine Areas. Winter views include snow - capped mountains and the views and ambience contributes to the attractiveness of tourist enterprises in the valleys. Similarly, the gentle slopes of the Warby ranges and its location near the Ovens River has contributed to the establishment of rural living in close proximity to Wangaratta. Glenrowan to the south of Wangaratta has distinctive landscape qualities that have been recognised by the Landscape Study.”

The recommendations of this document formed a component of the 2012 adopted Strategy and as previously mentioned have now been the subject of this Strategy 2015. The findings of the 2012 Landscape Assessment are generally supported. However, the mechanism for protection of the King Valley landscape is recommended here to be a Significant Landscape Overlay, rather than an additional control in the schedule to the Farming Zone. The reason for this is the application of the SLO is a clear and visible layer in the Planning Scheme, with an appropriate purpose and the ability to tailor objectives to be achieved, permit triggers, application requirements and decision guidelines. Use of a permit trigger within the Farming Zone Schedule is not a visible control and does not allow the tailoring of controls for the purpose of landscape protection.

Draft Schedules to the Significant Landscape Overlays for the King Valley and the Glenrowan Gap are outlined at Appendix 7.

The primary purpose of the Significant Landscape Overlay is:

- ‘To identify significant landscapes; and
- To conserve and enhance the character of significant landscapes’

The Wangaratta Planning Scheme currently contains a SLO which has the intent of protecting significant views and landscapes from inappropriately sited built form, earth works and removal of vegetation over sections of the Warby Ranges.

Vegetation Protection Overlays (VPO)

Council’s recently adopted ‘Roadside Conservation Management Plan 2014’, has assessed Council’s network of Roads and the current Vegetation Protection Overlay which is applied to roadsides of ‘High Significance’.

This assessment was undertaken for reserves alongside 1550 km of the 2100 km network of roads within the municipality, and concluded that:

- From this review, the values rating of reserves along 228 km of road has altered.
- The category of reserve along 173 km of road changed from medium to high.

These roadsides have been assessed primarily from a conservation perspective under this Plan, however their contribution to the rural landscape cannot be understated.

Therefore, in line with recommendation 62 of the Conservation Management Plan, a planning scheme amendment should be undertaken to provide extension of Vegetation Protection Overlays over the new roadsides classified as having a high conservation value and removal of existing Vegetation Protection Overlays from roadsides which have been down-graded from high to medium conservation value.
At the same time, to assist in the on-going management of fence lines for adjoining landowners, the current Schedule to the Vegetation Protection Overlay is to be amended to facilitate the introduction of new exemptions to allow landowners to maintain fence lines through the trimming and lopping of vegetation without the current requirement for a planning permit.

Overall it is considered that the introduction of the Significant Landscape Overlays and the expansion of the existing Vegetation Protection Overlay provides significant protection of key landscapes and values across the rural landscape.

6.2.3 Minimise Land Use Conflict

A key purpose of this Review 2015 is to minimise the potential for land use conflict within our rural land. The recent State Government changes to the zone provisions have opened up the table of uses which are permissible within the Farming Zone, some of which may lead to conflict with existing agricultural activities.

Conversely, this has allowed the consideration of new uses which can add value to an existing agricultural operation such as farm gate sales and greater accommodation options. Therefore minimising conflict can be achieved through a combination of appropriate zone controls, and strong policy which sets a clear direction and vision for Rural Land.

Two main issues arising from changes to the Farming Zone are the allowance of industrial uses within the Farming Zone and potential encroachment within buffer areas (of intensive animal industries) from sensitive land uses. These two issues are discussed below.

Industries in Rural Areas

Rural industries form an integral part of a rural economy providing local employment and economic development opportunities throughout the municipality. Rural industries are defined by the Victoria Planning Provisions as those industries which process rural produce from the locality. This applies to activities such as dairies, wineries, cheese factories, grain milling, fruit packaging and the like.

However, the Farming Zone now allows for any type of industry to be considered, subject to permit (eg: this includes uses with adverse amenity and pollution potential as included in Section 52.10 of the Scheme). This may include uses such as materials recycling, which includes tyre recycling, auto recycling and the like and chemical processing industries.

These types of industrial uses pose two major threats to rural activity; firstly removing strategic agricultural land from production and secondly the potential to adversely impact on the surrounding farm land and alter the land use fabric in a detrimental manner. Requirements for upgraded transport routes and connection to services, dust, odour, noise and light spill are all by-products of industrial land use.

Council at present has not experienced pressure for these types of uses. However, it is important to have strong policy in place to guide decision-making related to industrial uses. It is considered appropriate to strongly discourage industrial uses not related to agriculture within the Farming Zone and encourage their location within areas zoned for industrial purposes. These industrial areas, such as North Wangaratta and areas of southern Wangaratta are strategically located close to transport links, well serviced by infrastructure and designed to minimise off site impacts to sensitive uses.

A local policy has been developed to guide the appropriate location of new industrial uses, as well as Trade Supplies and Warehousing outside the Farming Zone. The proposed Local Policy is attached at Appendix 6.
Buffers, Encroachment and Land Use Conflict

The recent changes to the rural zones mean that there is a much wider range of uses that can establish in the rural areas without planning permission. This includes a range of incompatible land uses.

Incompatibility can manifest in a range of ways. An example would be encroachment on an existing use with off-site amenity/health or safety impacts, such as a dwelling locating near a cattle feed lot or mega dairies, thereby leading to low amenity for the dwelling occupants and potential complaints to health authorities or the Environmental Protection Authority. There are a number of establishments around Victoria that have been forced to relocate because of encroachment issues.

However land use conflicts can also occur in the reverse scenario where a use with off-site amenity/health or safety impacts, establishes near sensitive uses such as dwellings or tourist accommodation. Similar outcomes can occur in this scenario.

The most effective way of ensuring these scenarios do not occur is through planning controls that allow discretion by the Responsible Authority to mediate and avoid such outcomes. This can be achieved through the selection of appropriate zones with relevant permit triggers and Local Planning Policies to guide discretion.

Council’s current Planning Scheme at Clause 21.05 has listed the following further work:

‘In conjunction with the Department of Primary Industries, identify suitable areas for intensive animal industries, such as broiler farms, and consider land use planning measures to provide long term security for these industries’

It is recommended that this work be undertaken as part of implementing this Strategy 2015, to ensure that existing and future facilities have adequate buffer distances. The northern area of the municipality between the Hume Highway and the Ovens River has been broadly identified as the preferred location for intensive animal industry. Industry input during the consultation period will be considered and this has been previously discussed at Section 6.2.1 of this report.

Council’s Local Planning Policy

Council’s Local Planning Policy currently contains broad rural land use and agriculture statements as well as specific policies which deal in detail with ‘permit required’ uses.

Whilst it is convenient to deal with separate categories of land use, land uses are often combinations of vertically integrated business operations combining several uses (eg: agricultural production, rural industry, dwellings and tourism).

The economic and social wellbeing of some areas is fundamentally linked to the interrelationship between these different land uses, the environment and community infrastructure.

The synergistic relationship between land use, tourism, rural landscape quality, healthy biodiversity, easy road access and agriculture is crucial to the economy of large parts of the municipality, such as the Ovens and King Valleys for grape growing, wine making, cellar door sales and epicurean attractions like cheese making and other local food products.

Landscape and amenity protection are critical to the long term future of these types of rural land use and continued economic wellbeing.
Adverse land use decisions involving the establishment of inappropriate development and land use are usually long term and irreversible and therefore impose a long term penalty on the broader economy.

It is essential that planning balance the various interdependent characteristics and qualities of the rural areas with the overall intention of maximising net community benefit as is mandated in the State Planning Policy Framework. The Local Policy Framework has been reviewed with this in mind and a suite of new draft planning policies have been developed and are attached at Appendix 6 to this report.

Council’s existing policy at Clause 21.05, recognises the importance of agriculture and its contribution to the local and regional economy, employment and social contribution.

There is a real need to protect agricultural land as the highest priority as without agriculture the aforementioned tourism, wine and epicurean experiences cannot exist (local paddock to plate etc.). The recent Farming Zone changes open up consideration to new uses which have the potential to both ‘value add’ to existing agricultural business and to adversely impact on adjoining agricultural operations.

This integrated policy makes paramount the protection of agriculture as its primary purpose, recognising its role in supporting many tourist/gourmet industries within the region.

Secondly this policy clearly supports value adding to existing agricultural activities, including accommodation uses, processing and applicable sales on the land: Cellar Door/ Primary produce Sales etc.

However, this policy must also indicate that where accommodation or the like is proposed with no direct relationship to the rural use of the land, protecting the rights of adjoining farm land will be paramount and it must be demonstrated how these rights will be protected. Failing to achieve this, these types of uses will be encouraged to locate within the existing network of small townships.

A Suite of Local Planning Policies to Address the Full Range of Potential Land Use Conflicts

Further to having an overarching Local Policy, specific land use or potential conflicting use policy should be created as a subset to the main policy. These policies should address the following areas:

<table>
<thead>
<tr>
<th>Policy Area</th>
<th>Policy Specifics / Direction</th>
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</table>
| **Agriculture**| • Support - Agriculture based tourism, Accommodation, Farm gate experiences (value add).  
 • Protection of strategically significant agriculture land from conflicting land uses.  
 • Supporting sustainable and alternative agricultural uses |
| **Subdivision**| • House Lot Excision – Strengthen existing policy – Strongly discourage  
 • Re-Subdivision – Strengthen existing policy  
 • General Subdivision |
| **Rural Industry**| • Rural industries and their ability to value add including the retention of population and create employment opportunities around Wangaratta and townships – Policy to support. |
| **Dwellings**   | • Strengthen our position discouraging Dwellings on lots less than 40ha.  
 • Second Dwellings within the Farm Zone – Criteria for consideration and support.  
 • Farm Workers Accommodation - Criteria for consideration and support.  
 • Rural Living Zone – Alternative for Rural Lifestyle. |
A number of draft Local Policies are attached to this report at Appendix 6, which encapsulate the above mentioned areas. These policies should be introduced in the Planning Scheme through an appropriate amendment.

### 6.2.4 Provide Opportunities for Regional Growth and Development

Land use planning plays a key role in facilitating opportunities for growth and development through the application of appropriate zoning controls and policy. Two areas with potential for growth within this region are listed below.

**Value Adding / Farm Gate Experience**

Small niche markets can be well served by (comparatively) smaller, more intense operations, often horticultural and relying on diversified business models dependant on the tourist trade and value adding such as wineries, cheese factories and cottage industries. Key aspects of these businesses include the ability to market to a passing tourist trade. This is highly dependent on an attractive and interesting landscape environment assisted by the convenient availability of accommodation, associated culinary and other recreational experiences in the region. Given adequate access to the internet, these businesses can be assisted by the ability to market themselves, the region and their products worldwide.

This type of land use co-exists and often integrates with more traditional grazing operations which may not be the primary source of income for the farmer but which constitute a technically viable farming unit and land management tool, which can be self-funding and contributory to landscape values as well as preserving the option of future horticultural expansion.

The Rural City displays these attributes and currently many rural operators embrace these factors along the major tourist routes and gourmet trails. In general the municipality has a strategic advantage in this area, which this Strategy should support through Local Planning Policy.

**Rural Tourism**

The Draft King Valley to Milawa Master Plan notes the following:

> “The King Valley to Milawa region has well developed food and wine tourism product, with key nodes around Milawa Oxley and Whitfield. There is potential to increase tourist visitation in the region through improved accommodation supply, particularly in the Whitfield area. There are also food produce development opportunities, leveraging off the Milawa Gourmet Brand and farm stay accommodation potential in the rural areas.

> The Milawa Gourmet Brand has been a highly successful geographic branding exercise which has added value to food and wine produce in the region. The King Valley to Milawa region also has great potential to develop into a regional tourism destination.”

In addition to the above areas there is also potential for tourism, in whole or in part attributable to the rural character of the municipality, in the Glenrowan and Warby Ranges areas, and additional potential for farm-stay on larger farm holdings in the areas north of Wangaratta.
Overall this document has advocated the protection of agricultural land as a priority both reflecting the existing direction of the current planning scheme and also the proposed future direction. The protection of this land allows firstly the continued operation of agricultural operations and also the ability for expansion based on market forces beyond this document.

Growing in conjunction and association with agricultural production is the Tourism industry, through value adding as discussed previously. However, this growth must be balanced and not at the detriment of the agricultural sector which underpins the gourmet/farm gate experience. It is considered Local Policy is an appropriate planning tool to facilitate this intended outcome.

In situations where tourism or like development (not value adding to existing operations) have the ability to impact on existing adjoining agricultural operations, these developments should be directed to establish within existing townships where their impact can be mitigated and appropriate infrastructure can facilitate their needs. Local policy in association with appropriate zoning can facilitate this strategic direction and is considered the most appropriate planning tool.

6.2.5 Rural Living Opportunities

Rural living (otherwise known as rural residential) land use occurs in the form of lifestyle lots and within the rural zones, through the Rural Living Zone. The Planning Scheme currently contains Rural Living Zoned land in two different forms with varied minimum lot sizes of 2 hectares and 8 hectares.

It is important to acknowledge that rural living and the Rural Living Zone are important aspects of rural land use that need to be considered in the overall context of any rural land review.

Scattered rural living/lifestyle lots can have an adverse impact on farming practices, biodiversity and the landscape because of the propensity of such uses to be “part time” farming properties, holiday houses and “weekenders”. These impact on the ability to control pests and weeds and maintain lots in a tidy manner. In addition, where occupied full time these dwellings can impact on the ability of farmers to undertake farming operations (eg: 24 hour sowing and harvesting) due to EPA requirements and Local Government nuisance provisions. Bird scaring, pesticide and fungicide spraying can also be curtailed. This can in turn become a burden for regulating authorities such as the EPA and Council.

It is however considered that Rural Living areas/estates, can play a key role in providing rural lifestyle opportunities for the market and reducing potential lifestyle applications to Council for dwellings on small lots within the Farming Zone, which can have the greatest potential for land use conflict. The provision of suitably zoned land around or in proximity to townships does not only meet the demand for rural lifestyle housing but help take pressure from the high and very high quality farmland and the rural infrastructure meant for agricultural purposes. Additionally, such an opportunity around townships contributes to the townships’ vitality and social and economic prosperity. Also these zones if appropriately located can provide a buffer between other urban interfaces (Low Density Residential) and rural land.

This Strategy:

(a) supports the staged rezoning (including long term investigations) of farming land as identified in the Township Development Plans 2015 for Glenrowan, Oxley and Milawa for rural living purposes;

(b) identifies South Wangaratta, the area defined as south of Clarkes Lane, and bounded by Greta Road to the west, Murdoch Road to the east and the Hume Freeway along the southern boundary, as potentially suitable for rural living purposes. This area is currently zoned Farming Zone and is affected by an Airport Environs Overlay, a Flood Overlay and Land Subject to Inundation Overlay.
The area is mixed in land size ranging between 2 and 27ha parcels, which in some instances are transcended by waterways.

This area adjoins Council’s designated Southern Residential Growth Area along Greta Road and is surrounded by a mix of Low Density Residential and Farming zoned land. Many of the parcels within this area are developed with dwellings, with some associated hobby farming / lifestyle operation, which would render them commercially viable farming units.

On this basis a direct translation to the Rural Living Zone could be appropriate with any minimum lot size for Rural Living Zone be in the order of 8 ha (RLZ – Schedule 2). It is also noted that a variation to this lot size may be possible only within the north east section of this area for those lots adjoining Clarke’s Lane as part of a transitioning process. Given the known issues in the area with regards to flooding, airport environments, future urban interface and waterways, it is considered that this area requires further consultation/investigation to ensure that any further subdivision of this area is co-ordinated and considers all the above issues. Further investigation of this area for Rural Living purposes is recommended as a future action of the Review 2015.

(c) supports rezoning of default rural living type pockets of land use. The Review has also identified that there are a number of default rural living areas within the Municipality which are currently zoned Farming Zone. This default status has been achieved through their historical pattern of subdivision and dwelling establishment, which renders them more reflective of a Rural Living Zone. These identified areas are discussed below and in some instances are recommended for re-zoning.

It should be noted, however, that any outcome of future investigations or rezoning will be aligned with an assessment of the issues of land capability, water quality and wastewater disposal. This is particularly relevant in the Declared Special Water Catchment areas.

As previously mentioned within this report, the Ministers ‘Guidelines for Planning Permit applications in open, potable water catchment areas 2012 (DSE)’ prescribe density requirements and minimum lot sizes for subdivision irrespective of zoning.

- The density of dwellings should be no greater than one dwelling per 40 hectares (1:40ha); and;
- Each lot created in the subdivision should be at least 40 hectares in area.

These factors can be varied where a number of conditions are met, including the approval of a Domestic Wastewater Management Plan. Therefore this plan is an important consideration for future growth and subdivision around small townships.

Council should also actively advance discussions with the relevant Water Management and Catchment Management Agencies to produce Sub Catchment Plans for Wangaratta’s Six Sub Special Water Catchments, to enable the accurate calculation of dwellings densities within their respective catchments.

In the interim, a re-zoning exercise should occur on the following areas, due to their existing pattern of subdivision and land use conditions which clearly define them as a default Rural Living Zones.
Glenrowan (Refer to Plan 2 Appendix 5)

Areas A and B
Areas A and B as indicated on the map are located generally west of the main township of Glenrowan and are bounded by Egan Road, the Old Hume Highway and a combination of Crown land and the Hume Highway to the south.

This land is currently being used for rural residential purposes, through its density of subdivision and level of dwelling development (all but two lots have a dwelling), and its location adjacent to the Hume Freeway and Melbourne-Sydney railway line means that it very unlikely the land could return to commercial agriculture in the future.

Part of these areas are outside of the township area which was considered within the Glenrowan Township Development Plan and therefore these areas have been considered as part of this strategy, that the land be re-zoned to Rural Living to reflect these existing circumstances.

Oxley (Refer to Plan 3 Appendix 5)

Area A: - West of Main Township, Snow Road, Wangaratta – Whitfield Road.

This area consists of land situated between the intersection of the Snow Road and the Wangaratta-Whitfield Road and bound by Factory Creek to the west. This area consists of a historic pattern of subdivision which has seen the establishment of dwellings on the majority of land, which is reflective of the purpose of the Rural Living Zone, rather than the Farming Zone to which it is presently zoned. Re-zoning this area would be reflecting the existing pattern of development and an appropriate schedule should be developed to prevent any further subdivision which would be contrary to the purpose of the Township Development Plan for Oxley.

Area B: North of Township, Morse Land and Gibbs Street.

This area consists of an existing pattern of subdivision, and is presently used as vacant agricultural land. Councils Township Development Plan indicates that this area is a future investigation area, which implies its long term characteristics based on the supply of land within the township being fully exhausted. Again at this stage it is not considered necessary to re-zone this land, in the short term, however in the long term it may have a role to play in the development of the Township of Oxley as outlined within the Township Development Plan.

Milawa (Refer to Plan 4 Appendix 5)

Area A – Kerrs Road, Milawa Bobinawarrah Road and Oxley Flats Road

This area is referred to within Councils Township Development Plan for re-zoning to Rural Living Zone which is considered consistent with the existing pattern of land use within this area.

Moyhu

The township of Moyhu is currently undergoing connection to a reticulated sewerage network. This investment in infrastructure follows on from similar projects to sewer the townships of Glenrowan, Oxley and Milawa.

This connection process has considerable benefits to the township, both environmentally, but also for the ability to consider new land uses within the township boundary. Given the strategic location of Moyhu within the King Valley, its potential as a tourist hub for both accommodation and tourist activities warrants further investigation.
It is noted that the area immediately to the east of the township is subject to flooding, which is currently under review through Amendment C48 (King River Flood Study) to the Wangaratta Planning Scheme. Therefore it is considered that any logical growth of the township would occur either through the re-use of existing buildings or from development of land presently zoned Farming and Low Density Residential, on the western side of the township and bounded by the Glenrowan-Moyhu and Wangaratta-Whitfield Roads.

In order to ensure that any growth or development occurs in a co-ordinated manner, it is considered that a Structure Planning exercise should be undertaken similar to which occurred at Glenrowan, Milawa and Oxley. This process would include considerable community and stakeholder consultation, to develop a vision for the town.

6.2.6 Provide a Framework for Decision Making on Rural Land Use Issues

As previously discussed within this document, Local Policy plays a major role within the decision making process for any land use issues, in addition to zone and overlay objectives and requirements. It has been identified that Council’s existing Local Planning Policy Framework requires some updating to align with State Government changes to the rural zones and State policy. It should be reflective of, and consistent with the significant amount of strategic work done across a number of Council directorates in recent years.

A suite of revised Local Policies has been drafted as part of this Strategy and is attached at Appendix 6 to this report. This suite of policies outlines Council’s vision, expectations, application requirements and decision guidelines with regards a range of rural land uses and development. This suite of policies will guide Council in its assessment and determination of applications and clearly articulate requirements and expectations to the community. It is therefore considered that the revised Local Policies clearly meet this purpose.

7.0 RECOMMENDATIONS

Based on the discussion and analysis within this document, a set of seven new recommendations is proposed by this Strategy 2015.

Recommendation 1 is a collation of the 25 recommended actions from the adopted Strategy 2012. These previously adopted recommendations have been reviewed against the background of the reformed rural zones and State government policy changes. More detailed discussion is provided at Appendix 1 to this document.

A further six new recommendations are summarised below. More detailed analysis and discussion is provided at Appendix 2 to this document, which also provides an implementation program.

**Recommendation 1: - Revised 2012 adopted strategy recommendations**

- Retain 40 hectares as the minimum lot size for an ‘as-of-right’ dwelling in the Farming Zone.

- Retain 40 hectares as the minimum lot size for subdivision within the Farming Zone.
• Council policy will continue to strongly discourage dwellings on lots less than 40 hectares in the Farming Zone.

• Council policy will strongly discourage house lot excisions. Where an excision is approved, that it be on the proviso that the balance of the lot must be 40ha or more and further subdivision or construction of a new dwelling on the balance of the lot will be removed by an agreement registered on the title for each lot created.

• Council policy will consider second and subsequent dwellings on the same title as existing farm dwellings and/or infrastructure where there is a proven benefit to agriculture. Any approval for the dwelling would be conditional on entering an agreement that would carry over with any change of ownership, that the dwellings could not be subdivided or excised from the original title.

• Correct zoning anomalies around the townships of Everton and on the western boundary of Oxley as soon as possible.

• Apply a Significant Landscape Overlay within 200 metres either side of the Wangaratta - Whitfield Road, between Moyhu and Whitfield to the area outlined within the ‘Rural City of Wangaratta – Rural Landscape Study – Revised 2012’

  The Schedule to the Significant Landscape Overlay should include reference to:
  • Specific Building and Works
  • Vegetation removal exemptions. (Fence lines etc.)

• Apply a Significant Landscape Overlay to a 500 metre stretch of land east of the Hume Freeway from Laceby Glenrowan Road to Snow Road.

• Additional information about the significance of the area, and controls over vegetation removal shall be added to the Schedule to the Significant Landscape Overlay already applying to the Warby Ranges area.

**Recommendation 2: - Zoning**

• That Council retain the Farming Zone as the predominant zone across its rural landscape with no change to the minimum lot size for subdivision and ‘as of right’ dwellings; and

• That Council as outlined within this Review undertake a planning scheme amendment to enable the re-zoning of both private and public land as outlined within Appendix 5. These re-zonings are to reflect the existing land use, development patterns and ownership of these parcels.

• Apply appropriate zones to direct and facilitate non-agricultural uses in appropriate locations where there is no adverse detriment to agricultural pursuits.
Recommendation 3: - Local Planning Policy

- That Council review its existing local planning policy and prepare new local planning policy in relation to rural land use as follows:
  - Rural land use and agriculture (Revised)
  - Subdivisions in rural areas (Revised)
  - Tourism (New)
  - Industry, Warehousing, Trade supplies and Intensive Animal Husbandry (New)

Recommendation 4: - Rural Living

- That Council support the staged rezoning of farming land for Rural Living purposes as identified in Council’s Township Development Plans 2015 for Glenrowan, Oxley and Milawa;
- That Council support default Rural Living zoning for selected areas as referred in the text of this document; and
- As a long term project, investigate the possible rezoning of Farming land in South Wangaratta to Rural Living Zone as referred in this Strategy Review.

Recommendation 5: - Vegetation Protection Overlays (VPO) - ‘High Conservation Roadsides’

- That Council undertake a planning scheme amendment to implement Action No.62 of Councils ‘Roadside Conservation Management Plan 2014’, to extend the VPO to roads newly classified as High Conservation in the 2011 Roadside Conservation Map, and remove the VPO from roadsides downgraded from High to Medium Conservation Value; and
- Amend Schedule 2 to the VPO in light of further exemptions in Clause 52.17 since 2000, to facilitate the ability of landholders to trim and lop vegetation for maintenance of fence lines and driveways without requiring a planning permit.

Recommendation 6: - Intensive Animal Industries

- That Council undertake consultations/investigations for the location and development of intensive animal industry in future within the north-west area between the Hume Highway and the Ovens River (outside the Special Water Supply Catchment) with the view that this is the preferred location for these industries.

Recommendation 7: - Township Development Plan – Moyhu

- That Council undertake the preparation of a Township Development Plan for Moyhu to provide a strategic vision for the future of this town. This process will involve community consultation and explore issues around township expansion, tourism land uses and the possible implementation of the Rural Activity Zone surrounding the township.
8.0 References


Rural City of Wangaratta. (2012). *Rural land Use Strategy*


Figures

Figure 1: Process for the preparation of the DRLPR2014
Figure 2: New Dwelling Building and Planning Permits in Farmining Zone
Figure 3: Agricultural Capability and Rainfall (source NECMA)
Figure 4: Agricultural Versatility & Land Use (Source: Centre for Land Protection Research, Bendigo)

Tables

Table 1: Summary of relevant State land use planning policies
Table 2: Local Planning Policies for Rural Lands
Table 3: Base population forecasts
Table 4: Dwelling Approvals within the Farming Zone
Table 5: Approved Subdivision type/lot sizes
9.0 Appendices