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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 08008 FOLIO 109

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LAND DESCRIPTION

Crown Allotment 47A and Crown Allotment 47B Parish of Maindample.
PARENT TITLE Volume 00990 Folio 859
Created by instrument 2540066 04/02/1953

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
DIANE MARGARET QUICK of 47 RAGLAN STREET YEA 3717
AB166401X 21/03/2002

ENCUMBRANCES, CAVEATS AND NOTICES

For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP314949R FOR FURTHER DETAILS AND BOUNDARIES

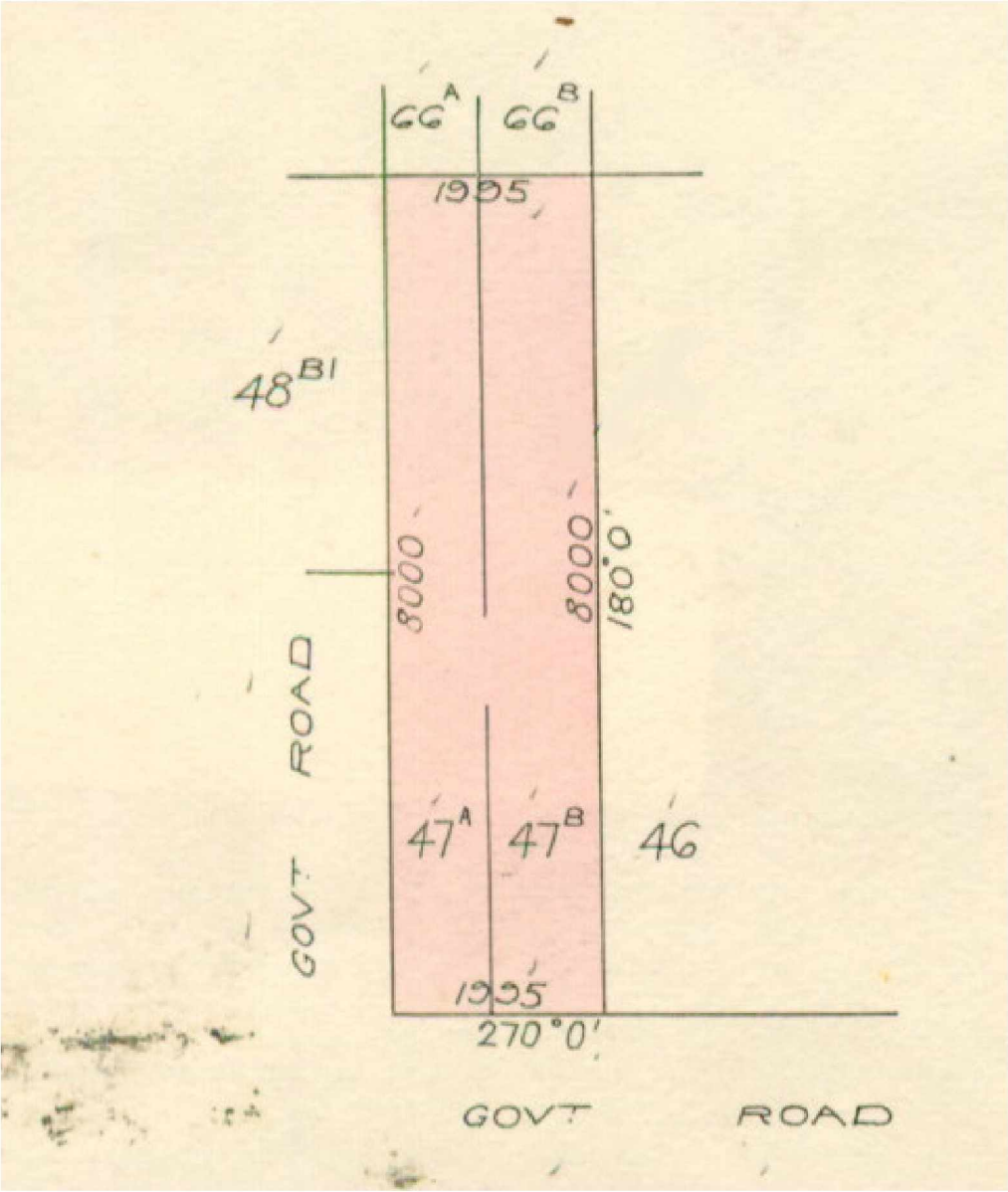
ACTIVITY IN THE LAST 125 DAYS

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TITLE PLAN	EDITION 1	TP 314949R
Location of Land Parish: MAINDAMPLE Township: Section: Crown Allotment: 47A, 47B Crown Portion: Last Plan Reference: Derived From: VOL 8008 FOL 109 Depth Limitation: NIL		Notations ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN
Description of Land / Easement Information TOTAL AREA = 159A 2R 28P 		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 14/02/2000 VERIFIED: EWA
LENGTHS ARE IN LINKS	Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 1 sheets



Planning Report

Two Lot Re-Subdivision (FZ)

600 Aldous Road, Mansfield
(CA 47A & 47B)



Aerial photo of the subject land

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Appendices

Appendix 1: Proposed Subdivision Plan

Appendix 2: Copies of title

Appendix 3: Cultural Heritage Assessment

Appendix 4: Site Photos

1.0 Introduction

This report is prepared in support of a planning permit application seeking approval to re-subdivide two existing lots at 600 Aldous Road, Mansfield. The re-subdivision will create a smaller lot of approximately 9 hectares for the existing dwelling at 600 Aldous Road and a balance lot of over 55 hectares for ongoing farming.

The proposal is consistent with the purposes of the Farming Zone, and agricultural land use policy within the Mansfield Planning Scheme.

This report addresses:

- Objectives and requirements of the Farming Zone;
- The policy provisions of the Mansfield Planning Scheme, including the Victorian and Local Planning Policy Framework.

2.0 The Proposal

The proposal is to re-subdivide two existing lots at 600 Aldous Road, Mansfield. The re-subdivision will create a smaller lot of approximately 9 hectares for the dwelling at 600 Aldous Road, and a larger farming lot of approximately 55 hectares.

Details are summarised in Table 1 below:

Lot #	Address	Parcel Details	Current area	Proposed new area
1	600 Aldous Road, Mansfield	CA47A/PP3037	Approx. 32.3ha	8.984ha
2	600 Aldous Road, Mansfield	CA47B/PP3037	Approx. 32.3ha	55.60ha
			TOTAL	64.58ha

Proposed Lot 1 will contain the existing dwelling, three large dams, associated sheds and other infrastructure within a smaller house lot of 8.984ha. Proposed Lot 2 will form the balance of the land in CA47A and CA47B to create a larger farming parcel of 55.60ha. It is unlikely that a dwelling will be constructed on Lot 2 in the future, however being greater than 40ha in size, a dwelling could be constructed on the land as-of-right.

It is proposed that Lot 1 will retain its existing vehicle access from Aldous Road to the dwelling. Proposed Lot 2 will use the existing gateway entrance in the south western corner of the land, which will be upgraded.



Figure 1: Proposed re-subdivision

Refer to **Appendix 1** for a larger version of the Proposed Subdivision Plan.

3.0 Site and Surrounds

The property that forms the subject site is addressed as:

- 600 Aldous Road, Mansfield (CA 47A/PP3037 & CA 47B/PP3037)

Table 1 details the land description of each lot.

Refer to **Appendix 2** for a copy of the title. Both Crown Allotments are on the same title.

The site is located approximately 8.2 kilometres northwest of Mansfield on Aldous Road. The land is currently used for grazing. The land contains an existing dwelling near to Aldous Road, along with shedding, dams and other farming infrastructure.

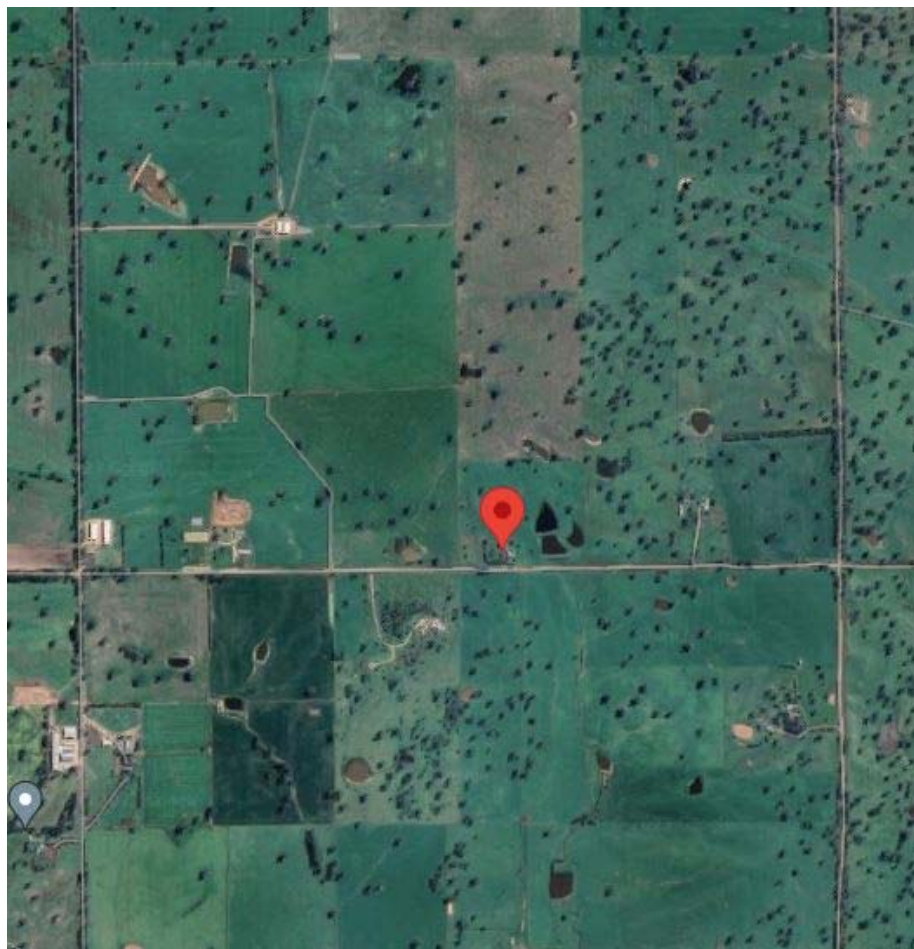


Figure 2: Subject site and surrounding land uses

The dwelling and associated sheds are located on a high point of the site. There are gullies that run east and west of the dwelling. This land is not subject to inundation or flooding. There are three dams located in the gully east of the house. These dams are connected to the house to provide a water supply. There are a number of other small dams on the property.

Whilst the land is mainly cleared of native vegetation, there remain some significant trees scattered throughout the property. There is an established garden of predominantly planted vegetation surrounding the dwelling at 600 Aldous Road.

The subject land is located on Aldous Road, Mansfield, between Mansfield and Maindample (refer to locality plan at Figure 3 below).

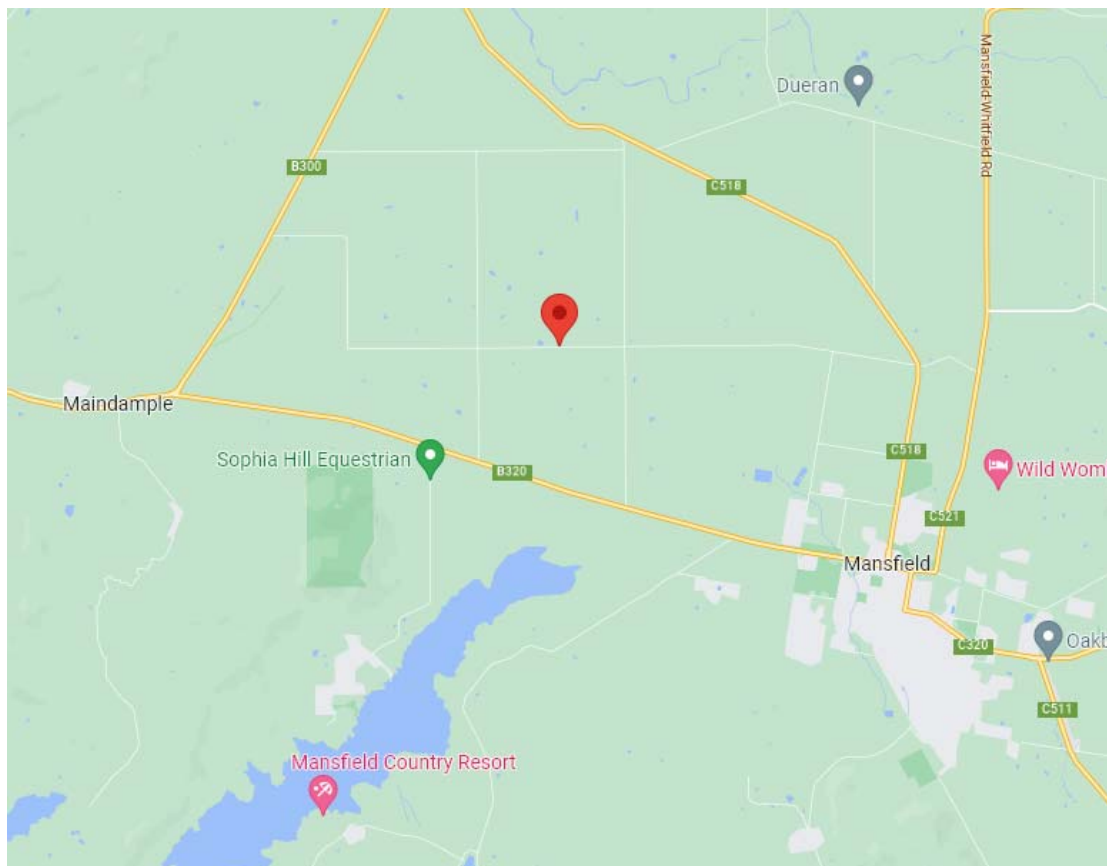


Figure 3: Locality plan

Surrounding land uses are predominantly agricultural, with a mix of cropping and grazing. Land is generally heavily cleared, and developed with typical agricultural infrastructure such as fenced paddocks, dams and gravel roads. It is noted that a significant proportion of land surrounding the property is owned by a single owner and it is likely that if the proposed farming lot is to be sold in the future, that they may seek to buy it.

The subject land is zoned Farming Zone. Surrounding land in all directions is also zoned for farming. There are no planning overlays affecting the land.

Aboriginal Heritage Sensitivity Mapping

The land at 600 Aldous Rd is not affected by the mapping for Aboriginal Cultural Heritage Sensitivity. Therefore, a Cultural Heritage Management Plan is not required.

Refer to **Appendix 3** for a copy of the Cultural Heritage Assessment Process List.

4.0 Planning Assessment

The proposal to re-subdivide two farming lots is assessed against the following provisions of the Mansfield Planning Scheme:

- Clause 35.07 – Farming Zone
- SPPF – Clause 14.01-2S Sustainable Agricultural Land Use
- SPPF – Clause 17.01-1S A Diversified Economy
- LPPF – Clause 14.01-1L Dwellings and Subdivisions in Rural Areas
- General Provisions - Clause 65 Decision Guidelines

4.1 Zone provisions

Clause 35.07 Farming Zone

The subject land is located within the Farming Zone (FZ) of the Mansfield Planning Scheme (the Scheme) as seen below at Figure 4 below.

Clause 35.07-3 of the Scheme directs that a planning permit is required to subdivide land. Each lot must be at least 40 hectares, however, smaller lots may be created if:

- *The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision.*
- *The subdivision is the re-subdivision of existing lots and the number of lots is not increased.*
- *The subdivision is by a public authority or utility service provider to create a lot for a utility installation*

This application is prepared based on the first two points. The subdivision will create a lot for an existing dwelling and creates two new lots from two existing lots. No additional lots are created.

Proposed Lot 1 will contain the existing dwelling on the land and the subdivision will result in an entitlement for an additional dwelling on the land (Lot 2) as-of-right.

Relevant objectives of the FZ are:

- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

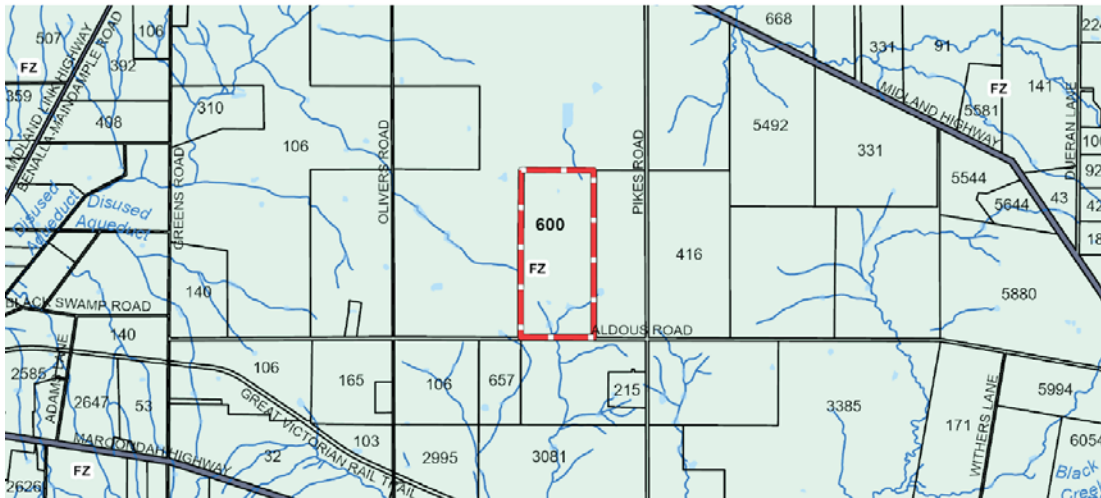


Figure 4: Zone map

The objectives of the Farming Zone recognise the importance of providing and protecting land for agricultural use. This includes ensuring that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture. The FZ also encourages uses that support employment in rural areas. Use and development of agricultural land should be based on sustainable land use practices and the appropriate provision of infrastructure.

The proposal is a re-subdivision of two small farming lots that are both less than 40 hectares in size. The re-subdivision will create a smaller lot containing the dwelling and associated sheds at 600 Aldous Road, and a larger farming lot incorporating all the remaining farming land. The proposal is considered to be an appropriate response to the objectives of the Farming Zone which furthers the potential for investment and development of the farming land. The smaller house lot will be approximately 8.984 hectares in size, keeping the amount of land considered to be lost to agricultural production to a minimum. The lot is large enough to incorporate the associated shedding, dams and water infrastructure required to support the dwelling, small scale hobbying farming, as well as adequate waste water management.

Proposed Lot 2 will be approximately 55.60 hectares in area. The lot will contain a number of small dams and have a frontage of over 75m to Aldous Road to the south, where reticulated power is available.

The re-arrangement of two lots (approximately 32ha each) to 8.984ha and 55.60 hectares is considered a positive outcome for farming in the area which supports ongoing farming on a larger lot.

Relevant decision guidelines for subdivision as set out at Clause 35.07-6 are discussed in Table 2 below:

Decision guidelines	Response
General Issues	
<i>The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i>	An assessment of the proposal against these provisions is made in Section 4 of this Report.
<i>Any Regional Catchment Strategy</i>	The land is within a Special Water Supply Catchment Area.
<i>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</i>	The existing effluent disposal area will be contained wholly within the proposed Lot 1 boundaries.
<i>How the use or development relates to sustainable land management.</i>	<p>The proposal will resubdivide two existing small farm lots to create a smaller 9ha lot for the existing dwelling and a lot over 55ha for continued farming. The resubdivision will consolidate viable farming land within a larger parcel that is of a suitable size to farm in its own right.</p> <p>The proposed house lot at 600 Aldous Road is as small as it can be to include the series of large dams currently connected to the house to provide a water supply. The layout minimises the amount of land considered to be lost to agricultural production, and the 9ha house lot can still be used to run a small number of sheep, cattle or horses.</p>
<i>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</i>	<p>The proposed rearrangement of lot boundaries will have no effect on adjoining and nearby land.</p> <p>The enlargement of the balance lot (Lot 2) for farming purposes is compatible with surrounding agricultural land uses. The proposed resubdivision creates a smaller house lot and a large balance lot, where both can still be used for farming.</p> <p>The proposed house lot fronts Aldous Road and has a good buffer of vegetation, and generous setbacks from lot boundaries around the dwelling, to ensure that there is minimal impact from the existing house on ongoing farming activities, and vice versa into the future.</p>
<i>How the use and development makes use of existing infrastructure and services.</i>	The proposed re-subdivision of lots will not materially change any existing infrastructure and services. Each lot will be adequately serviced with

	road access via existing accessways. Proposed Lot 1 is capable of managing its own wastewater within the boundaries of the lots, and is provided with an adequate domestic water supply from existing rainwater tanks and is also connected to dams on the lot.
Agricultural issues and the impacts from non-agricultural uses	
<i>Whether the use or development will support and enhance agricultural production.</i>	<p>The rearrangement of lots will have a negligible impact on agricultural productivity however it provides support for ongoing farming by creating a larger lot that is more viable for farming purposes in its own right.</p> <p>The creation of a smaller house lot will effectively remove 9 hectares of land from agricultural production. This smaller rural land parcel could still support grazing for a number of horses or other stock, or another small scale rural activity.</p>
<i>Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.</i>	<p>The proposed re-subdivision will not impact on soil quality.</p> <p>The re-subdivision will not result in a loss of productive agricultural land. The proposed house lot is of sufficient size to still sustain some small scale farming on its own. The positive outcome of this arrangement is that the size of the balance lot (Lot 2) will be increased, making it a more viable farming parcel for ongoing agricultural activity.</p>
<i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses</i>	The proposed re-subdivision will not impact on the use or development of the surrounding land. A generous buffer has been provided within the boundaries of Lot 1 to ensure that the existing dwelling is not impacted by adjoining and nearby agricultural uses.
<i>The capacity of the site to sustain the agricultural use.</i>	The re-subdivision will consolidate farmland to create a balance farming parcel (Lot 2) of over 55.06ha, capable of sustaining agricultural use.
<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	<p>The subject land is located in an area identified as being of high agricultural quality with good access to water from a number of dams.</p> <p>Both proposed lots have access and frontage to Aldous Road and the site is a short distance from Mansfield.</p>

<i>Any integrated land management plan prepared for the site.</i>	There is no integrated land management plan for the land.
Environmental issues	
<i>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</i>	There will be no material impact on the natural physical features or resources of the area. Lot 1 is already developed with a dwelling and associated rural infrastructure. There is no proposal to remove native vegetation or significantly change the way the land is being used or developed. Controls for native vegetation removal will continue to apply to both lots.
<i>The impact of the use or development on the flora and fauna on the site and its surrounds.</i>	Refer to comments above.
<i>The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area</i>	<p>The proposed re-subdivision will not result in any loss of native vegetation. The proposed property boundary has been located to avoid impacts to native vegetation.</p> <p>With the majority of the land to be contained within proposed Lot 2, there may be opportunity in the future for the planting of habitat corridors along fence lines and around farm dams.</p> <p>The proposed northern boundary of Lot 1 has not been located on the existing fence line due to the presence of native vegetation.</p>
<i>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</i>	The existing effluent disposal field is located on the eastern side of the dwelling and will be wholly contained within the Lot 1 boundaries and set back from the nearest dams and waterways.
Design and Siting Issues	
<i>The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.</i>	The existing dwelling and associated infrastructure including shedding, dams and water supply infrastructure, will be contained within the boundaries of proposed Lot 1 at 600 Aldous Road. The proposed lot size is as small as practical to contain these features.
<i>The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.</i>	Not applicable.

<i>The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.</i>	Not applicable.
<i>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</i>	<p>The existing dwelling is supplied with power from a power pole to the south of the dwelling, in the Aldous Rd reserve. Telecommunications is also available from Aldous Road. Each of the proposed lots will continue to be accessed via their existing gateways from Aldous Rd.</p> <p>The existing effluent field is located on the eastern side of the dwelling and will be wholly contained within the boundaries of Lot 1.</p>
<i>Whether the use and development will require traffic management measures.</i>	Each lot has existing driveway access from Aldous Road. The access to proposed Lot 2 will be upgraded.

4.2 Victorian Planning Policy Framework

The following sections of the State Planning Policy Framework (VPPF) are relevant in the consideration of this planning permit application:

Clause 14.01-2S Sustainable Agricultural Land Use: The objective of this policy is ‘to encourage sustainable agricultural land use’.

Strategies to achieve this objective include:

- *Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.*
- *Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices.*
- *Encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing*
- *Assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.*

The proposed resubdivision of land will result in two small rural lots being reconfigured to create a smaller lot for the existing dwelling and a larger lot for continued farming. The result will be a new lot over 55 hectares in size that will be more sustainable for farming purposes. The residual house lot is small, thereby minimising the amount of land considered to be lost to agricultural production.

The proposed subdivision will create an additional entitlement for a dwelling on proposed Lot 2 as of right based on the new lot size.

Clause 17.01-1S A Diversified Economy: The objective of this policy is to *'To strengthen and diversify the economy'*.

Strategies to achieve this objective include to:

- *Improve access to jobs closer to where people live.*
- *Support rural economies to grow and diversify*

This proposal is consistent with the objective and relevant strategies as it re-subdivides two small farming lots (less than 40ha) to create a larger a lot more able to sustain farming in its own right.

4.3 Local Planning Policy Framework

The following sections of the Local Planning Policy Framework (LPPF) are relevant in the consideration of this planning permit application:

Clause 14.01-1L Dwellings and Subdivisions in Rural Areas:

The objectives of this clause are;

- *To protect productive agricultural land from competing and inappropriate land uses, including residential use not associated with agriculture.*
- *To prevent dwelling excisions and the development of existing small rural allotments from prejudicing any existing surrounding agricultural activities.*

Relevant strategies to support this clause include:

Discourage dwellings and subdivision (including house lot excisions) unless:

- *It is required to support the agricultural use of the land.*
- *Off-site impacts and land use conflicts can be minimised and it will not result in reduced agricultural capability of the land or long-term viability of rural production in the area.*
- *It will result in no net loss of vegetation.*
- *Any development is sited, designed and constructed to mitigate bushfire risks.*
- *The provision of necessary infrastructure for the dwelling or lot created (such as access to potable water supply, effluent disposal and stormwater drainage systems) is consistent with the capability of the land.*

The proposed re-subdivision is required to support the ongoing agricultural use of the land. The landowners are seeking to reduce their land holding as they age, and the proposed re-subdivision will allow them to retain their existing dwelling on a smaller lot and to create a larger parcel which can be sold for ongoing farming. The consequence of not permitting the subdivision would be that the landholders would need to retain existing Crown Allotment 47A

which is over 32ha in size, in order to retain their dwelling. The proposed re-subdivision will ensure that an additional 23ha of land continues to be available for farming as part of a larger parcel of over 55ha.

The small house lot at 600 Aldous Road (Lot 1) is proposed to be 9ha; the smallest size that will reasonably accommodate the dwelling, significant trees, extensive dams and associated shedding and infrastructure, whilst minimising the land considered to be lost to agriculture. The lot's size provides a generous buffer for the dwelling from the surrounding farmland, in particular a row of trees to the west of the house is included within the lot boundaries. The property 'Berilla', has been the family home of the Aldous' for a number of generations, and they wish to keep this house in the family for generations to come.

The balance farming parcel (Lot 2) will continue to be farmed. It is of sufficient scale to enable it to be farmed productively and independently of other land.

The proposal will not impact on native vegetation on the land.

4.4 General Provisions

Decision Guidelines – Clause 65

Table 2 below responds to the relevant decision guidelines at Clause 65:

Approval of an application or plan	Application response
Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:	
The matters set out in Section 60 of the Act.	The proposed development responds to the requirements of the Mansfield Planning Scheme and is consistent with, and promotes the objectives of planning in Victoria.
The SPPF and the LPPF, including the MSS and local planning policies.	Section 4 of this Planning Report responds to relevant State and local planning policy and provisions.
The purpose of the zone, overlay or other provisions.	The proposed re-subdivision is consistent with the purposes of the Farming Zone by creating an improved lot configuration that supports ongoing farming activities on a larger parcel. The subdivision layout responds to the existing dwelling and infrastructure on site, environmental constraints and surrounding rural character.
Any matter required to be considered in the zone, overlay or other provisions.	Section 4 of this Planning Report addresses the requirements of the relevant zone provisions.

The orderly planning of the area.	The re-subdivision of two small rural lots to create a smaller house lot of 9ha and a larger balance lot of over 55ha for continued farming, contributes to the orderly planning of the area.
The effect on the amenity of the area.	The re-subdivision will not directly have any impact on the amenity of the area.
The proximity of the land to any public land.	The subject land is distant from any public land.
Factors likely to cause or contribute to land degradation, salinity or reduce water quality.	The proposed re-subdivision will not cause or contribute to land degradation, salinity or reduce water quality.
Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.	The proposed re-subdivision of lots will not have any direct impact on the quality of stormwater leaving the site.
The extent and character of native vegetation and the likelihood of its destruction.	There is remnant vegetation on the subject site. No native vegetation will be impacted by the re-subdivision.
Whether native vegetation is to be or can be protected, planted or allowed to regenerate.	The land is proposed to be used for grazing and crops. Revegetation and regeneration of native vegetation is not proposed.
The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.	The existing dwelling and farm infrastructure will not be exposed to any change in flood or fire risk as a result of the subdivision.

5.0 Conclusion

The proposed re-subdivision of two rural lots less than 40ha to create a smaller house lot of approximately 9ha, and larger balance lot over 55ha, is consistent with the purposes of the Farming Zone.

The VPPF and LPPF encourage development that supports rural businesses and the sustainable use of agricultural land in appropriate locations within the municipality. The proposal will result in the creation of a smaller house lot, and a potential loss of approximately 9ha to agriculture, however the outcome will also create a lot that is more able to sustain agricultural activity in its own right by consolidating the viable agricultural land of the property into a larger farming lot.

The proposed re-subdivision will create a smaller lot for the existing dwelling to enable the current owners to retain their family home and downsize their landholding whilst consolidating viable agricultural land to create a larger balance lot for ongoing farming.

Each lot is suitably serviced with road access, services and farming infrastructure appropriate to its ongoing use. The re-subdivision of land will not create any additional lots, however, it will create an entitlement for a new dwelling on proposed Lot 2.

This report leads to the following conclusions:

- The proposal meets the purpose and requirements of the Farming Zone for the re-subdivision of agricultural land.
- The proposal has considered, and meets the requirements of relevant rural and environmental land use policy within the Mansfield Planning Scheme.
- The proposal will support ongoing farming on the land by reconfiguring existing lots to create a smaller house lot, and consolidating high quality agricultural land to create a larger and more viable farming lot.

It is therefore requested that a permit is granted for the re-subdivision of the two lots as outlined in this report.