

Submitter 1:

Ana Mitrov, Strategic Planning Advisory, Environment Protection Authority Victoria

Issues raised:

With regard to Ministerial Direction 19, please note that this direction requires planning authorities to seek the written views of the EPA, in the preparation of planning scheme reviews and amendments that could result in use or development of land that may result in significant impacts on the environment, amenity and human health due to pollution and waste. The criteria as outlined in Ministerial Direction 19 include:

- Allowing the use or development of potentially contaminated land, and/or trigger the requirements of Ministerial Direction No. 1;
- Allowing the use or development of land that could result in water, noise, air or land pollution impacts on the environment, amenity or human health;
- Allowing the use or development of land within a buffer or separation distance for industry, including as set out in the Recommended Separation Distances for Industrial Residual Air Emissions – Guideline – EPA Publication 1518, as amended, and other relevant EPA guidelines; and
- Allowing the use or development of land within a buffer or separation distance for an industry engaged in materials recycling, refuse disposal, transfer station (waste and resource recovery facility), including as set out in the EPA Victoria Best Practice Environmental Management Publication 788.3, Siting, design, operation and rehabilitation of landfills (Landfill BPEM), as amended, and other relevant EPA guidelines.

It is unclear to the EPA Strategic Planning, which MD19 criteria listed above is/are relevant to your proposal, and therefore why Council has referred the proposal to EPA. Unfortunately, due to ongoing issues associated with staff leave (illness etc) and vacant positions, we are very constrained in our ability to respond to requests for advice at the present time.

If there are any specific concerns that fall within EPA's remit then you are welcome to raise this with us; however, at this time – we will not be providing comments on the Review of the Ararat Planning Scheme.

Response to issues:

Already sent

As an outcome of the Planning Scheme Review we are revisiting a number of our existing controls as well as zones and overlays and when these reviews are done we will undertake formal consultation on the proposed changes with EPA and ensure MD19 is addressed.

We are interested in any information EPA may hold on existing sites in our Scheme with Environmental Audit Overlays on them so if there is any information the team have on this it would be much appreciated.

Advice received in response

Upon a quick review, it appears that EPA did not provide any comments when EAO was applied throughout the Shire via Amendments C7 and C14 to the Ararat Planning Scheme.

The only information we have is on site subject to EAO at 26-28 Grano Street, Ararat which is publicly available through Victoria Unearthed map on the link below.

Victoria Unearthed map provides information about land, groundwater, past business listings and potential contamination.

<https://mapshare.vic.gov.au/victoriaunearthed/>

Submitter 2:

Dean Robertson, GMMWater

Issues raised:

A quick question for you. Is the Review of the Ararat Planning Scheme an opportunity to apply public utility zoning to sites that are public utilities? There's about six sites where I would suggest changing the zoning makes sense (they are currently FZ, RLZ, etc.).

And a follow up question. Would it be possible in a planning permit application to include a change of zoning where GMMWater was developing a new facility? For example, if we put a pump station in the RLZ but we'd like it to be a PUZ once the planning permit is issued. I'd guess a change of zoning like this requires a planning scheme amendment.

Response to issues:

Already sent

The Planning Scheme Review itself won't change the zone, but is the right place to highlight some that need to be fixed.

You can do a planning permit and rezone at once (called a S96 application) – they generally take 12-18 months but there are a couple of benefits such as:

1. You get the planning permit conditions drafted before you start assuming the Council says go to the rezone
2. If you get submissions, they go to a Planning Panel not VCAT
3. We set the Planning Panel date before we start advertising – which means unlike VCAT you know when things will happen.

The drawbacks are that GMM would need someone to draft all the strategic justification before we start and not many people know about them – this adds time as well as costs to the process to get the planning consultant to put it together. So you pay about \$7,000 to Council and DELWP as well as that much again or more to the planning consultants to draft the amendment plus the cost of any supporting technical reports you need in any case. I have attached a generic table we have used with other clients to map out a s96 process.

Simpler option would be to apply for a permit for the 6 sites as utility installation (Section 2 use – allowed with a permit in most zones) and for around \$1,500 for the multiple sites (unless the combined works exceeds \$1M) you should get approval in about 8-10 weeks and we can fix the zones for free as part of the Planning Scheme Review. You still need any supporting technical reports (native vegetation assessment and CHMP – but whichever way you cut it you will need these)

Submitter 3:

Marion Da Costa

Issues raised:

I understand that the availability of housing is an essential thing if Ararat is to grow. My concern is the removal of urban green spaces to allow for housing. There are eight green spaces being rezoned to residential. Once gone it's unlikely that they will be replaced.

Council needs to mandate that all developers include green spaces as part of any housing development as part of Council's commitment/policy to manage climate change. Green spaces with trees are one of the strategies to mitigate climate change.

Response to issues:

Currently seeking clarification on the **8 green spaces being rezoned** to understand what is being referred to. *Ararat in Transition* proposes the investigation of 5 areas for development and only one of these is green space – being Centenary Park.

The other sites are private land, and have zonings already to permit development being:

- The Prestige Mill Site – zoned Mixed Use
- 2 Ironbark Lane and 91 Queen Street – zoned General Residential (PA3134)
- Gordon Street- Industrial 1 and 3 zones
- Alfred Street – Industrial 1 zone

Note: clarification that the Gordon Street precinct Industrial review does not include the open spaces nominated; they are the boundary to the area.

The Planning Scheme and *Subdivision Act* already allow Council to secure 5% of land, or the equivalent cash value, that is developed for residential or industrial purposes. Taking land is desirable where it contributes to the strategic open space network or meets a particular need. There is no evidence that the town has an undersupply of open space for active, passive or environmental use.

Council is already working with the Urban Landcare Group to look at how we can better utilise these existing spaces and road reserves for shade and carbon management.

Staff are also setting conditions to ensure new small lot housing stock has active and passive energy efficient features such as 4.5star reverse cycle air conditioning/heating, solar energy panels and/or double glazing to enhance the resilience of future residents to climate change and energy shocks. These conditions have been accepted by developers without pushback.

Submitter 4:

Daryl Scherger

Issues raised:

I wish to make the following comments on the Ararat Rural City Planning Scheme Review. The proposed action 2.21 – Rezone the area defined as Centenary Park to General Residential is a bad decision and extremely short sighted. If Ararat develops as suggested then large areas of public open space will be essential for recreation and the general well-being of surrounding residents. There is a substantial amount of private land surrounding Centenary Park that has the potential for infill development and Council should focus on facilitating its development instead.

The Review includes a Flooding Overlay but doesn't mention actions to prevent or minimise flash flooding which is likely to become more frequent as a result of climate change. The Planning Scheme should include the requirement for any development to use Water Sensitive Urban Design strategies to minimise the impact of intense rainfall.

The review correctly focuses development outside the Bushfire Management Overlay but does not address the likelihood of more frequent and intense bushfires as a result of climate change. Council has a Defendable Space Strategy document and the Review should include measures to create a defendable space on the western side of Ararat from the Western Highway to the Ararat – Mortlake Road.

Heatwaves are likely to be more frequent and severe as a result of climate change and research indicates that a tree canopy cover of at least 20% in urban areas can reduce the impact of heatwaves on public health. The Review should include actions to achieve a minimum 20% tree cover across all residential areas of Ararat as soon as possible.

More severe and prolonged droughts are another likely effect of climate change and the Review should include actions to extend the use of recycled water for any new residential development as well as existing residential areas.

Passive solar design can substantially reduce a home's energy use but relies on appropriate home orientation to achieve the maximum benefit. The Review should include a requirement for developers to orientate housing allotments (generally east – west) to allow for passive solar design to be used.

A recent Victorian Government report has recommended that Victorian household switch from gas to electricity for all cooking and heating needs. The Review should facilitate this recommendation by excluding any requirement for future developments to be connected to reticulated gas.

The use of common trenching for services such as water, sewerage and electricity is becoming more common and reduces development costs. It also minimises the impact of trenching on existing trees and any additional ones. The review should include a requirement for developers to use common trenching or ducting for utilities wherever possible. This approach would also minimise the installation cost of future new services such as optical fibre or district heating/cooling.

The community satisfaction survey included in the supporting documentation highlighted waste management as an issue of concern for residents. The Pomonal Road Landfill has a limited life and Council needs a long-term plan to manage non-recyclable waste. Small scale waste to energy plants are becoming economically viable due to higher energy prices. A 2015 Murdoch University study on the economics of small-scale waste to energy plants found a 5,274 tpa plant had a simple payback period of 3.8 years, see: [WHOLE.pdf \(murdoch.edu.au\)](#) The Review should identify suitable locations around Ararat for a waste to energy plant.

Response to issues:

The rezone of Centenary Park is only one of the options proposed from the *Ararat in Transition* report and if pursued would be subject to a separate process to test community acceptance, or otherwise of the proposal. The *Ararat in Transition* work also focusses on infill using the existing large residential lots as the first method of improving the efficient use of land; and since the work was developed there has been a strong uptake in this opportunity.

The existing Infrastructure Design Manual that the Council staff use when assessing subdivisions includes the provision of Water Sensitive Urban Design techniques to both harvest rainwater for re-use and minimise flooding. These techniques do not resolve the scenarios that intense rainfall events, particularly in saturated conditions present.

Recent road construction projects have also included sub-pavement drainage improvements to deal with larger rain events effectively providing storage capacity out of site to hold and slow water movement through the network.

The Council work on defendable space planning is from 2014 and has not been raised by any state agency in work the current team have done since 2019. This is most likely due to the changes to the planning scheme statewide under VC 148 from 31 July 2018 which embedded the new Clause 13.02 across the state which is significantly more advanced than the proposed policy the 2014 work drafted for the Ararat Scheme. The draft policy in the 2014 work was never included in the planning scheme.

The development of more shade and associated tree cover is in progress and is not of itself a planning scheme issue.

The planning scheme already permits and encourages the use of recycled water and passive solar design in Clauses 54, 55 and 56. The ability to access recycled water universally in the town is subject to GWM Water infrastructure. It is understood that this water is directed to public parkland and agricultural land as higher order needs. Water tanks are required for infill development to offset increased runoff from development and these can be used in gardens, toilets and laundry areas.

Council staff have not enforced the provision of reticulated gas for more than 2 years in light of the predicted challenges in cost and supply in the foreseeable future and the embedded energy it is production. As noted above the Council has moved to better passive control of heat and cold transfer as well as measures to ensure new homes and industries include solar generation and that small households are not disadvantaged economically or environmentally.

Common trenching is common practice in new developments and has been so for many years.

Waste to energy is not a matter for the planning scheme as small-scale plants can be located in the Industrial 1 or Farming zone with ease.

Submitter 5:

Mark Williams, GWM

Issues raised:

GWM Water is pleased to provide comments on the Ararat Planning Scheme Review. GWM Water and Council (ARCC) have overlapping area of interest related to the provision of essential services to the broader Ararat community.

GWM Water notes measures to promote urban consolidation or infill within the City of Ararat. GWM Water is conscious of aging assets and pressure and flow constraints within areas of the urban network. Water and sewer mains are progressively renewed and investigations are ongoing to identify issues and improve water and wastewater services.

A strategic or “masterplan” approach is supported for planning the extension of networks to service new developments and peri-urban areas.

A Domestic Wastewater Management Plan developed for the City of Ararat would support GWM Water planning for extensions or upgrades to sewers to service new area. GWM Water would welcome a copy of this plan if it already exists.

Heritage features are an area of interest to GWM Water. Some of the region’s water infrastructure may be characterized as such as it was developed as European settlement expanded. GWM Water is not necessarily against listing water infrastructure within the Heritage Overlay but we must be allowed to carry out maintenance activities and manage public safety risks as necessary.

The East Grampians Rural Pipeline is well advanced in terms of approvals. We hope to construct the pipeline in 2022/2023. The pipeline will provide a secure water supply for stock and domestic use in the project area. We are confident the project will enable further development of agricultural enterprises in the area.

We operate and maintain a number of infrastructure sites in the Ararat area including reservoirs, water treatment plants (WTP) and wastewater treatment plants (WWTP). The sites servicing larger towns are zoned appropriately as public utility zone (PUZ).

GWM Water would also like to highlight a number of public utility sites where the current zoning could be updated. The sites identified are shown in Table 1.

Table 1: Sites to be considered for rezoning to Public Utility Zone

Site	Current Zoning	Parcel (note)
Buangor Storage	PUZ1	59D~6/PP2243 (PUZ appears to be wrongly placed within the larger PCRZ parcel)
East Grampians Rural Pipeline	Various	Various parcels where pump stations will be constructed during 2022/2023 (PSA GC200)
Elmhurst WTP	FZ	2/LP111631 (wrong parcel is zoned PUZ1)
Lake Bolac Tank	FZ	RES1/ PS747941
Lake Bolac WWTP	FZ	98/PP5444
Pomonal Tank	RCZ1	RES1/ PS304641
Pomonal WTP	RCZ1	RES1/ PS345023
Willaura WTP	TRZ1	RES1/ PS537397
Willaura WWTP	FZ	RES1/ PS640133, RES1/PS700305

Response to issues:

The *Ararat in Transition* report mapped the walkable neighbourhood as a basis for the focus of infill development; however recent presentations by the Victorian Planning Authority indicates this time/distance measure is under review. Until the outcome of this is known it is worthwhile to share this mapping with GWM to inform interim capital works planning.

Council staff are currently working through the land supply needs for the town and rural areas if a target population of 15,000 to 20,000 is to be reached. This information has been offered to staff to assist in aligning the operations of the 2 agencies.

It is agreed that this work is necessary, and plans are underway to deliver the Plan in the current financial year; given the previous plan ended in 2010. This document is integral to the safe provision of septics and the planning for reticulated sewerage where the risk to the environment means septics or package wastewater treatment plants are not possible.

Council has both urban and rural heritage studies completed in 1994 and 2016 respectively. Further work of this nature is not likely to be a priority for the next 10 years and in the event any is proposed it would include engagement with the relevant land owner.

Consideration of the benefits of the pipeline are integral to the planning for the growth of the community of Ararat to provide a ready workforce for the expanded agricultural production expected to be delivered by this project.

These sites will be included on the specific site amendment list for inclusion in the review and correction, providing the required documentation can be developed to the satisfaction of DELWP. The requested sites and proposed zones appear appropriate.

Submitter 6:

Derek Pope

Issues raised:

Concerned about the emphasis on population increase without adequate employment available locally. Ararat needs a population that can be properly employed which means that work needs to be potentially available when the workforce arrives. Assuming that employment will magically appear as population increases is unrealistic, especially if the potential workforce is untrained.

Otherwise the increasing numbers of unemployed will put more strain on community resources especially council services, medical and community support services.

Response to issues:

Council has done extensive work with major local businesses to establish that there is unmet productive and economic capacity in these businesses due to the absence of employees in the town. Bringing employees to the town is difficult where there are very low rental stocks and limited home purchase options.

This was seen when the new prison was built, and many staff had no choice but to live within a 90-minute drive as there was no housing strategy to capture the new employment.

In the last 12 months 2 of the major employers have taken unprecedented steps to create accommodation for more than 60 staff as a stepping-stone to a permanent solution. Similarly, the Stavely mine built accommodation for 32 staff at Willaura to meet its needs.

Council has also sought to ease the problem by working with providers to guarantee demand for new rooms provided.

Capture of new employees and their families will bring new opportunities for other sectors of the economy as partners, children or parents seek full-time or part-time work.

Growth is targeted to younger people and families to avoid exacerbating challenges with supporting aged care. Council is partnering with Wyndham Council to open people in the key life stage to see what rural life offers.

This is not a *build it and they will come* scenario; but an immediate identified and documented need.

Submitter 7:

Waterway Planning, Glenelg Hopkins Catchment Management Authority

Issues raised:

The CMA supports the Planning Scheme Review in principle with particular emphasis on adoption of flood risk related planning controls for Ararat based on the outputs of the 2017 Ararat Flood Investigation. As outlined in the Victorian Floodplain Management Strategy (VFMS), Council are accountable for ensuring their Planning Schemes correctly identify land at risk of inundation during 1% AEP floods.

Council committed to undertaking a Planning Scheme Amendment based on the 2017 Ararat Flood Investigation and subsequently it was included as an action in the 2017 Glenelg Hopkins Regional Floodplain Management Strategy (RFMS). Introduction of flood related planning controls is also backed strongly by the VFMS and Clause 13 of the VPP.

The 2017 Ararat Flood Investigation identified the areas of Ararat subject to flooding during events ranging from the 20% (1 in 5 year) AEP to the 0.5% (1 in 200 year) AEP floods as well as the area

of land within the Probable Maximum Flood extent. The study produced flood intelligence outputs including flood risk mapping, Municipal Flood Emergency Plan documentation, flood progression animations and draft Planning Scheme Amendment documentation to undertake amendment C36 and apply Floodway Overlay (FO) and Land Subject to Inundation Overlay (LSIO) to Ararat's floodplain.

Draft planning scheme documentation was developed as part of the 2017 Ararat Flood Investigation for proposed Amendment 36. A copy of all outputs was provided to both Council and GHCMA at the completion of the investigation.

It's likely that this draft documentation will require some revision given its age however it is anticipated that it provides a sound foundation for flood risk management related planning scheme amendment for Ararat.

In addition to the above-mentioned draft documentation, we strongly recommend adoption of a Local Floodplain Development Plan (LFDP) for Ararat and Wickliffe, as an element of the amendment. Absence of an LFDP incorporated into the scheme would trigger the need for Flood Risk Reports to be submitted with all permit applications for development within the FO. In addition to addressing this requirement of the FO, LFDPs provide transparency around the flood risk minimisation conditions to be met by floodplain development proposals. LFDP's have been adopted into 5 other Council scheme in the Glenelg Hopkins region.

Glenelg Hopkins CMA can provide an LFDP template for development of an LFDP covering Ararat and Wickliffe and is happy to assist in the development of such a document. We congratulate Council on completing this review and look forward to working together on developing the appropriate flood controls and continuing our partnership of management of the Ararat floodplain.

Response to issues:

A meeting is being arranged with the CMA and DELWP to better understand why this work did not proceed under C36 as intended.

Planning staff rely on the Municipal Flood Emergency Plan documentation as a key source of information on flood risk when considering planning enquiries and applications.

This work is pivotal to ensuring the planning scheme is ready for the next 30 years and the Action Plan includes a key project on Landscape Water Assessment. It is anticipated that this work could commence as early as July and be completed by October 2022, given the extensive work undertaken in 2017. This work would provide the necessary update highlighted by GHCMA.

Submitter 8:

Terry Keilar

Issues raised:

I live on a Rural Living zoned property in Moyston on 20 acres, nestled between other properties of 2 acres, 4 acres and 7 acres. Two of those properties have been able to build on their size land.

I wish to subdivide my 20 acres into 2 x 10 acres and build on it. Currently I am unable to do this. There are many examples in the last 4 years where property in the Moyston area has been built on with 10 acres or less. I don't understand why I am not able to subdivide my land considering I am zoned Rural Living and I am nestled in between other smaller properties.

Whilst greater housing opportunity in town is great for Ararat. There are many people who have been forever trying to get in a township like Moyston. A small lot just a short distance from town but still have that country feel. Scope to subdivide larger property in zoned rural would be beneficial without impacting farming.

Response to issues:

In the Planning Scheme Review in Section 3 – What isn't working noted at Item 2:

Likewise, much of the Rural Living Zone at Moyston is scheduled as 8ha/20acre lots. In other parts of the state such large lot requirements reflect land capability or risk of fire/flood or a similar scenario. These capability limits are not reflected in the overlays for the area, and the only logical answer appears to be that this is a legacy of the "default" area for Rural Living at the time the Victorian Planning Provisions standardized the controls across the state in the early 2000s.

Action: A review of the zonings across the municipal area is needed to ensure that the designations best reflect the current and future use given the environmental capacity, landscape values and risks/opportunities in the area.

Terry's land was one of several proposals that have highlighted this issue in the last 3 years. There is no clear reason for the current control other than historic standards. It is agreed that revising this will open up development potential, assuming no environmental challenges are found.

Submitter 9:

Tract for Noelhurst Pastoral Co Pty Ltd

Issues raised:

On behalf of our client we thank Council for the opportunity to make a submission with respect to the review of the Ararat Planning Scheme that is currently underway. By means of background, this submission has primarily been motivated because of the recent creation of smaller lots on surrounding land zoned for farming purposes.

The fragmentation of agricultural land within the region is contrary to state planning policy and is resulting in significant conflicting land uses and compatibility issues including amenity concerns and other impacts. Further, it is evident that this increased fragmentation of rural and farming land is not aligned with the approach taken in other rural Victorian shires and should be better addressed within the Ararat Planning Scheme.

More broadly, the incremental fragmentation of farming land leads to increased constraints on ability for existing farming operations to expand due to rapidly escalating land values. As an overarching issue, the development of additional lifestyle occupancies over time is progressively leading to the depletion of the agricultural land base in the area with many, if not most, lifestyle lots not being utilized to their full agricultural potential.

Whilst restoration of land for environmental purpose is broadly supported, in strategic agricultural areas it results in their permanent removal from the agricultural land base. This is evident in areas such as Pomonal where productive farm activities have all but been eliminated over the past approximately 50 years through the expansion of lifestyle properties. A similar situation exists on previously highly productive Hopkins River Flats north of Maroona as the result of fragmentation of previous broad acre holdings.

This submission highlights:

- The need to strengthen policy around dwelling lot excisions. For example: Local policy should mandate the requirement for a s173 agree restricting the ability for further subdivision. Rigorous assessment of applications and a requirement to provide evidence that an active dwelling is on the land provided.
- The need to strengthen policies around locating rural living development around the periphery of town centres, not on an ad-hoc basis in rural areas.
- The need to strengthen strategic policy around the protection of productive agricultural land in line with recent state and local strategic policy including: Central Highlands Regional Growth Plan Ararat Rural Zone Review, Green Wedge and Agricultural Land Review principles
- The opportunity to implement a permit trigger for a single dwelling on lots between 40ha and 100ha in the Farming Zone via amendment to the schedule to the zone.
- Amendments to Clause 14.01-2L requiring applicants to demonstrate how the development of a dwelling in the Farming Zone will not be adversely impacted by lawful existing agricultural land uses in the area.

These above points are discussed in further detail below:

1. Managing land use conflict The conflicts outlined above will increase over time unless the policy settings are robust and require careful justification for dwellings on land zoned for farming purposes. This submission seeks amendments to Clause 14.01-2L (Sustainable agricultural land use Ararat Rural City) to require that applications for dwelling in rural areas acknowledge and anticipate the inherent land use conflicts that can occur in this setting. Submission: Clause 14.01-2L should be amended to require that applicants articulate how the development of a dwelling in the Farming Zone will not be adversely impacted by lawful existing agricultural land uses in the area.

2. Increased scrutiny of applications for dwelling lot excisions

The ability to excise a small lot for an existing dwelling was introduced to enable farmers wishing to retire, to remain on their land and dispose of the farming operations to be managed independently. It is warranted in legitimate circumstances, where an occupied dwelling exists and the landowner seeks to dispose of the balance land. Unless appropriately controlled, dwelling lot excisions create issues that inhibit the expansion for farming and agricultural purpose and have a cumulative impact that reduces the viability and value of both the parent farming lot and surrounding area for farming activities. In recent years our client has observed the provision being utilised to subdivide land in circumstances where the dwelling is not occupied, and the remnants of a derelict and unoccupied former farmhouse has been used as a means of exploiting the provision.

For this reason, there is significant need to strengthen local policy to limit dwelling lot excisions that occur within rural and agricultural land so that they only occur in legitimate circumstances. Many rural shires within Victoria have introduced stringent policy restrictions to prevent subdivision by stealth through dwelling lot excisions such as restrictions to limit the ability for subsequent dwelling lot submissions to occur. By means of example, the Bass Coast Planning Scheme requires the Council to consider the following further measures when assessing applications for subdivision in rural areas:

- Discouraging dwellings on existing lots less than 2ha in area.
- Incorporating good land management practices such as the fencing of waterways, revegetation of degraded areas, enhancement of remnant vegetation, weed control and nutrient management.
- Using a legal agreement under Section 173 of the Planning and Environment Act 1987 that prevents: The construction of a dwelling on a residual lot unless, when combined with other land, the area satisfies the minimum lot size for the construction of a dwelling in the zone. The further subdivision of any lot created other than for consolidation purposes or in accordance with the minimum lot size for subdivision in the zone.

Submission: Clause 14.01-2L (Sustainable agricultural land use Ararat Rural City) should be amended to:

- mandate the requirement for a s173 agreement restricting the ability for further subdivision
- require a rigorous assessment of applications against the policy guidelines of the clause; and
- include a requirement to provide evidence to establish that an active /occupied dwelling exists on the land should the dwelling lot excision provision be used.

3. Increase minimum lot size for dwellings in the Farming Zone

The schedule to the Farming Zone in the Ararat Planning Scheme allows for a minimum lot size of 20 hectares for intensive horticultural purposes where the subdivision application is supported by a whole farm plan to the Council's satisfaction. In other circumstances, the minimum subdivision area is 40ha. The minimum lot size for a dwelling (as of right) reflects these same areas. In productive agricultural areas, this lot size is inadequate. An increased minimum lot size is warranted in areas where productive agricultural operations are established or adjoin established farming operations (to allow for farming expansion). Given the broadacre farming that exists in areas zoned for farming in the Moyston / Jallukar region, a minimum lot size of 100ha would be more appropriate.

Submission: The schedule to the Farming Zone should be amended to establish a minimum subdivision area of 100ha in productive agricultural areas.

Conclusion For reasons of sustainability and food security, it is imperative that the creation of rural lifestyle lots needs to be carefully managed to avoid the isolation of key rural infrastructure. This in turn protects farmers whose livelihoods depend upon the ability to carry out farming operations without invoking conflicts with adjoining landowners. The above amendments would offer clarity to landowners and decision makers alike and we look forward to Council's consideration of the matters raised

Response to issues:

The alleged creation of smaller lots is not a clear representation of the actions of a number of Council staff over 4 years. There has been a number of the subdivisions, primarily boundary re-alignments under the provisions within the Farming zone.

Council has not received any complaints or reports of conflict between land uses in the Moyston area in the vicinity of the submitter's land, or elsewhere across the municipality so it is unclear what concerns have arisen. It is acknowledged that this problem may arise, but in Ararat there is little documented incidences in the last 5 years

The submitter seems to not acknowledge that of the 7 parcels involved in the boundary re-alignments, 4 parcels have increased in area becoming over 40ha, 2 lots exceed 20ha and only one parcel is less than 3ha. The submission seems targeted to one particular landholder in the locality and it is unclear that in this situation is motivated by concerns for planning issues or some other matter.

The submission takes a very simplistic assessment on the loss of agricultural land and consideration of the changing dynamic of what is economically sustainable farming land. A more nuanced approach would consider:

- the changing interest in and capability of farming activities – broadacre farming in the southern part of the municipality remains the strongest productive agricultural activity
- the inability in some locations for rural production to increase where farmers are required to buy the house/other built infrastructure to expand their operations to nearby parcels and the inherent dislocation such an approach to succession has to the community

- the ability of both niche and small-scale farming activities (lifestyle lots) to contribute to the economy of the region and state without necessarily being a large operation. These properties carry a collectively significant stock level, result in purchases at local farm suppliers (hay, vet supplies and such) as well as bringing health benefits to the occupants and skills to local businesses, clubs and community groups.

The local policy proposed reflects the views of one individual and does not reflect the interactions reported back to the planning team by Councillors or the CEO or the planning teams own interactions with the community, If it was to be pursued, further support from across rural communities and representative groups would need to be evident to ensure efforts are not wasted if the view does not represent the majority.

The use of a S173 agreement has been described by others as a *blunt instrument* and it is not necessarily the best means of achieving the outcome, assuming there is broader support of a policy as proposed.

The Planning Scheme Review highlighted the need to review all zones and the efficient use of the Rural Living zone. The use of Rural Living on the periphery of urban areas has been repeatedly shown to be a folly when towns grow beyond projected levels either causing leap-frogging or inefficient redevelopment. Many peri-urban Councils around the metro area of Melbourne confront this issue. A more strategic approach is to identify areas suited for rural lifestyle development and basic services (shop, school, CFA, sports groups) and create communities in these areas. Pomonal, Moyston, Elmhurst and Buangor all present as possible cases where this approach might be considered.

As part of the review of all zonings there will be an assessment of the number of lots over 40ha. As a proportion of all Farming zone parcels it is unclear as this stage that the requirements for a trigger on lots between 40 and 100ha would restrict many proposals.

Further work on the controls in the Farming zone are not considered a primary issue at in the Moyston-Pomonal area given the Regional Plan for the area prioritises Tourism and Viticulture for this region and both can be incorporated into the rural landscape without the need for large rural parcels. This reflects the work of Ararat and Northern Grampians in planning for the *Ararat – Stawell - Halls Gap Triangle Strategy (C42)* and it is a significant deviation from this adopted regional and local strategy to that proposed by the submitter.

The pressures on the rural areas of Ararat bear no resemblance to that of Bass Coast, so such comparisons are erroneous. The physical distance to Melbourne, together with the access to coastal living create a very different dynamic than we have experienced to date or are likely to see in the next 4 years.