

**21.05**

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**NATURAL RESOURCE MANAGEMENT**

This clause provides local content to support Clause 14 (Natural Resource Management) of the State Planning Policy Framework.

Specific references to the towns are also contained in Clause 21.08 (Local Areas).

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**Agriculture**

The rural areas of the municipality comprise high quality and versatile agricultural land. Agricultural land is a significant income generating asset. Rural production is a very important component of the municipality's economy. Rural land is a finite resource and should be protected. Proposals for new dwellings must take into consideration the productive capacity of rural land. Agriculture contributes approximately \$112 million to the local economy every year. There are many small rural lots that are attractive to those seeking a rural lifestyle. This asset could be at threat from inappropriate subdivision and housing development.

Development of houses at a density greater than is required for the rural use of land can give rise to rural residential enclaves which are well removed from townships and which may be in conflict with farming practices. Isolated dwellings in the rural areas have the potential to disrupt agricultural activities and result in the inappropriate use of farming land. Adequate amounts of land have been set aside on the fringes of townships for rural residential purposes.

Rural activities produce off site effects that are often not compatible with residential uses. The farming practices in rural areas should not be diminished by encroachment of incompatible development in rural zones.

The fragmentation of high quality agricultural land is discouraged as farm sizes have progressively increased and farm consolidation is a fundamental long term objective of the Council.

Subdivision of rural land at a density greater than is required for rural use of the land could jeopardise the economic future of the municipality. However, Council acknowledges that one way of ensuring that the price of rural land is not distorted is to allow consideration, on a case by case basis, of a one-off excision of an unwanted rural dwelling. Council also acknowledges that small lot subdivisions (including facilitating housing excision) based solely on hardship, personal circumstances, retirement or superannuation grounds, are not relevant matters for the planning authority to consider.

Council's strategic position is that fragmentation of productive agricultural land by subdivision is to be avoided to ensure that the productive capacity of the land is maintained.

**Key Issues**

- Limiting subdivision and new dwellings on high quality and versatile agricultural land.
- Maintaining the sustainable use and productive potential of rural land.
- Protection of agricultural land from non-agricultural uses.
- Reduced viability of some traditional agriculture pursuits.

**Objective 1**

To protect agricultural areas from inappropriate and unsustainable housing development.

**Strategies**

- Limiting new dwelling development on high quality and versatile agricultural land.
- Ensuring that rural production is not compromised by housing not associated with agricultural purposes.
- Minimising the potential conflict between residential and rural land uses and protect primary producers from complaints based on perceived residential amenity rights.

## BENALLA PLANNING SCHEME

- Encourage and support viable and diversified alternative agricultural pursuits.
- Only consider proposals for non-agricultural uses in rural areas when they are compatible with surrounding agricultural use and when they can be justified in terms of broader community benefit.
- Encourage agricultural practices that are not detrimental to the environment.

### **Policy guidelines**

An application for a rural dwelling must be accompanied by the following information, as appropriate:

- A base plan showing the site, landforms and vegetation cover.
- A site plan drawn to scale and with a north point that shows:
  - Boundaries of the land derived from title or a certified plan
  - Abutting roads
  - The location of electricity or other service easements
  - The location of waterways and drainage lines
  - The location of existing buildings
  - Adjoining land uses
  - The distance of any buildings on adjoining land from the boundaries of the land.
- A copy of a land capability assessment may be required by the Responsible Authority indicating the ability of the site to contain and treat on site effluent and wastewater in accordance with the Code of Practice for Onsite Waste Water Management and Australian Standard 1547.
- A report that explains how the proposed small lot excision:
  - is consistent with the State Planning policy Framework, the Municipal Strategic Statement and this policy.
  - is consistent with the purpose of the zone.
  - addresses all decision guidelines for the zone.
  - is compatible with surrounding land uses.
  - is designed and sited to not adversely affect natural features and fully considers environmental constraints on the land and surrounding land.
  - can be serviced by suitable infrastructure.
  - can contain effluent on site.

For rural dwellings it is policy that:

- New dwellings will be discouraged on existing small lots except if:
  - Substantial services and infrastructure works have been completed; or
  - The applicant can substantiate that the land has no agricultural potential and native vegetation will be retained and managed; or
  - The development will not inhibit the agricultural practices of existing farms to continue their operations.

## BENALLA PLANNING SCHEME

- An application for a second dwelling on a lot will require a Section 173 agreement under the Planning and Environment Act prohibiting the subdivision of the second dwelling if the lot is less than the minimum lot size in the schedule to the zone. The application may need to be supported by a farm management plan that justifies the need for the second dwelling to assist in the operation of the farm.

When deciding on an application for a rural dwelling, the following matters will be considered, as appropriate:

- The agricultural quality of the land
- The planning history of the site
- The surrounding land uses
- The existing levels of infrastructure
- The level of any environmental constraints
- The degree to which the proposed dwelling is necessary for the continued agricultural use of the land
- Issues contained in the zone
- Level of flooding and the flooding extents
- Capability of the lot to contain wastewater disposal on site.

### **Objective 2**

To protect agricultural areas from inappropriate subdivision.

### **Strategies**

- Preventing the fragmentation of rural land and encouraging consolidation of farm lots.
- Discouraging subdivision (other than for farm consolidation) which results in a dwelling not related to rural purposes.
- Ensuring the activities conducted on small lots do not prejudice surrounding agricultural activities.

### **Policy guidelines**

An application for rural subdivision must be accompanied by the following information, as appropriate:

- A base plan showing the site, landforms and vegetation cover.
- A site plan drawn to scale and with a north point that shows:
  - Boundaries of the land derived from title or a certified plan
  - Abutting roads
  - The location of electricity or other service easements
  - The location of watercourses and drainage lines
  - The location of existing buildings
  - Adjoining land uses
  - The distance of any buildings on adjoining land from the boundaries of the land.
- A copy of a Land Capability Assessment may be required by the Responsible Authority indicating the ability of the site to contain and treat on site effluent and wastewater in accordance with the Code of Practice for Onsite Waste Water Management and Australian Standard 1547.

## BENALLA PLANNING SCHEME

- A report that explains how the proposed small lot excision:
  - Is consistent with the Municipal Strategic Statement and local policies
  - Is consistent with the purpose of the zone
  - Has addressed all decision guidelines of the zone.

It is policy that subdivision will be discouraged:

- On high or medium quality agricultural land as determined by Soil Conservation Authority reports or the Land Capability Assessment.
- If it is likely to lead to a concentration of lots so as to change the general land use and character of the rural area unless it can be shown that the clustering of lots will enhance the productive use of the land.
- Where the prime access is off a dry weather only road, to avoid the adverse impacts of raised dust.

It is policy that a small lot excision will be considered:

- By encouraging farm consolidation by allowing a “once-only” excision of existing dwellings on a lot of less than 40 hectares that existed prior to the introduction of the Benalla Planning Scheme (1st May 2003) subject to a Section 173 Agreement prohibiting further subdivision of the subject land if the minimum lot size for dwellings is not met and prohibiting any further dwelling on the subject land irrespective of land size;
- If the application is for a dwelling “excision” which will result in farm consolidation, the applicant is encouraged to lodge the application as a re-subdivision of the subject properties and the adjoining land with an acknowledgement that the remainder of the land will be subject to a Section 173 Agreement prohibiting further subdivision and a further dwelling;
- If the dwelling is in a habitable condition to the satisfaction of the responsible authority;
- By discouraging irregular shaped lots (to fit with existing characteristics) especially where there is no obvious frontage to the primary access road;
- Where the excision does not result in a cluster of dwellings that are not directly related to the agricultural use of the land;
- Where the rights of existing farms to continue their operations and not be adversely affected by residential amenity concerns;
- Where the smaller excised lot is 4000 square metres or greater;
- Where access is provided by an all weather road; and
- Where it has been demonstrated the small lot has the capability to accommodate onsite wastewater disposal.

It is policy that a re-subdivision (including boundary realignments) will be considered:

- By discouraging boundary re-alignments except if they are minor adjustments to take account of physical, man made or topographical features on the site;
- By encouraging re-subdivision if the lots created are for the purpose of assisting the use, sale, transfer or preservation of land for agricultural purposes. In such circumstances a condition of approval will require either the consolidation of titles or a Section 173 agreement specifying that the lots created cannot be further subdivided or used for the erection of further dwellings if on land of less than 40 hectares;
- By discouraging proposals that realign boundaries solely for the purpose of creating a new lot which has the potential for a dwelling.

When deciding on an application for a rural subdivision, the following matters will be considered, as appropriate:

- The agricultural quality of the land;
- The planning history of the site;
- The surrounding land uses;
- The existing levels of infrastructure;
- The level of any environmental constraints;
- The degree to which the proposed dwelling is necessary for the continued agricultural use of the land;
- Issues contained in the zone;
- Level of flooding and the flooding extents; and
- Capability of the lot to contain wastewater disposal on site.

**Objective 3**

To protect agricultural areas from inappropriate and unsustainable development.

**Strategies**

- Protect productive agricultural land from uses and developments that will reduce its potential for agricultural production.
- Encourage and support viable and diversified alternative agricultural pursuits.
- Only consider proposals for non-agricultural uses in rural areas when they are compatible with surrounding agricultural use and when they can be justified in terms of broader community benefit.
- Encourage agricultural practices that are not detrimental to the environment and maintain native vegetation as far as practicable.

**Objective 4**

To consider amenity impacts that may arise from intensifying agricultural practices.

**Strategy**

- Ensure intensive animal industries are appropriately located and that industry buffer distances and standards are met.

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**Water**

The provision of water for urban and agricultural use is a key concern for the municipality. The limitation on the availability of additional water resources for Benalla is recognised as an important issue for the town. At the same time as satisfying these needs there is an increasing awareness for the sustainable use of water and the protection of the catchments from inappropriate development. The upper catchments of the Broken and Goulburn Rivers provide 11% of the entire water resource of the Murray Darling Basin. Major sources of nutrients include inadequately treated effluent, sediment mobilisation and stormwater run-off.

Lake Mokoan has now been decommissioned and is progressively being converted into major regional wetlands – the Winton Wetlands.

The main urban water supply source for Benalla is provided from McCall-Say and Loombah Reservoirs in the Ryan's Creek catchment. The catchment is a declared water supply catchment under the *Catchment and Land Protection Act 1994* and is closed to the public to protect water quality. Lake Nillahcootie and the Broken River (including Lake Benalla) are also significant to the water catchments of the Municipality.

Lake Nillahcootie supplies domestic, stock and irrigation water for downstream users throughout the Broken catchment. The lake is important for the provision of aquatic habitat, wildlife and ecological refuge and recreational purposes. Land use and development within the catchments of the lake needs to be regulated to prevent detriment to water quality through pollutants such as nutrients and silt.

Residential development within the immediate vicinity of the Lake Nillahcootie is incompatible with its role as a water supply storage facility.

### **Key Issues**

- The protection of water quantity and quality as a potable water supply for the community.

### **Objective 1**

To protect water catchments and discourage unsustainable development from within the catchment.

### **Strategies**

- Protect and manage catchments in conjunction with the relevant Catchment Management Authorities, Goulburn Murray Water and other relevant organisations.
- Strongly discourage development in the catchment that is detrimental to water quality.
- Encourage drainage management practices that release water into the catchment in its best possible condition.
- Prevent flow variations in the catchment that are detrimental to catchment health.
- Improve the quality of urban stormwater entering the catchment.
- Recognise and protect the environmental significance of the proclaimed catchment for Lake Nillahcootie and Ryan's Creek.
- Improve water quality in the waterways and storages.
- Encourage rural land management practices that minimise impacts on water quality.
- Encourage the re-use of domestic, commercial and industrial wastes to reduce inputs to the catchment.
- Pursue the provision of reticulated sewer to small towns to improve water quality.
- In conjunction with North East Water, promote and encourage the need to reduce the demand for high quality water and promote the awareness of the need to conserve water in general.

### **Policy guidelines**

An application for use and development within the Lake Nillahcootie catchment must be accompanied by the following information, as appropriate:

- A management plan is to be prepared as part of an application to prevent the pollution of waterways and manage the consequences of any pollution which does occur from any uses.
- Applications to remove vegetation must be accompanied by a plan that includes proposals for maintaining and establishing native vegetation at other locations on the subject land.

In the Lake Nillahcootie catchment it is policy that:

- Development should be generally non-urban, and housing density and total population should be maintained at low levels within close proximity to the lake.
- The creation of new point source discharges should be avoided and support the rationalisation of existing discharge points.
- Works are to be scheduled for those times of the year where high rainfall events are not experienced.

## BENALLA PLANNING SCHEME

- Works are to be avoided on saturated soil where compaction is likely.
- Native vegetation and other significant stands of vegetation are to be protected to prevent land degradation and adverse affects of ground water recharge, maintain water quality and protect the bio-diversity of flora and fauna species.
- Land based effluent disposal systems and disposal areas should be located more than 300 metres from the full supply level of the lake and at least 100 metres from the banks of streams including ephemeral streams.
- A septic tank providing for households of less than 10 people and which handles all waste water should be regularly inspected and pumped out every three years.
- Permits for land use and development may include conditions requiring works to rectify land degradation to offset any potential impact on water quality from the proposed use and development.
- Above ground water storage areas should be sited where leakage into the ground water will be minimised or to sites where they are part of farm salinity mitigation works. When considering an application for a ground water storage area, the responsible authority should consider impacts on water yield and regime.
- Any application for semi-urban development should include water management measures for run off generated by any impervious areas.
- Diversions from the lake should be either limited or not permitted. Approval can be sought to draw waters from the lake. When considering an application to divert water from the lake, Goulburn Murray Water should consider potential impacts on water yield and regime.

When considering an application for the use of land, the responsible authority should consider:

- the potential for the proposed use to degrade water quality or quantity;
- the intensity of the use;
- the location of any effluent disposal field in relation to nutrient leakage to the lake.
- appropriate measures to prevent erosion of banks, streambeds and adjoining land and the siltation of waterways, drains and other features;
- appropriate measures to prevent pollution, increased nutrient loads and increased turbidity of water in waterways, drains and other features;
- appropriate measures to prevent increased surface water run-off or concentration of surface water run-off leading to erosion, siltation, pollution of waterways, drains and other features;
- any management plan prepared by the relevant water board or water supply authority; and
- the comments of the Department of Environment, Land, Water and Planning, relevant water board or water supply authority and Catchment Management Authority.

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### Scheme implementation

The objectives and strategies will be implemented by applying the following **zones**:

- *Farming Zone (FZ)* to all agricultural areas
- *Rural Conservation Zone (RCZ)* to private land with high conservation value.
- *Public Park and Recreation Zone (PPRZ)* to Crown land used for recreational purposes.
- *Public Conservation and Resource Zone (PCRZ)* to Crown land of high conservation value.

The objectives and strategies will be implemented by applying the following **overlays**:

- *Environmental Significance Overlay 3 (ESO3)* to Lake Nillahcootie water catchment.

**Other implementation**

Council will undertake **further strategic work** as follows:

- Rural Land Use Strategy to identify opportunities to facilitate appropriate future land uses in rural areas throughout the Rural City and to improve the protection and management of rural land within the planning scheme.
- Complete Domestic Wastewater Management Plans for small towns and unsewered areas of Benalla.

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**Reference Documents**

- *Wastewater Forward Development Plan for Benalla, Collection and Transfer Components*, KBR, September 2005
- *Water Supply Master Plan for Benalla*, BECA Pty Ltd, January 2004
- *Benalla Water Supply Demand Strategy*, SKM, 2012
- *Benalla Wastewater Strategy*, NEW, 2010
- *Goorambat Water Supply Demand Strategy*, SKM, 2012
- *Goulburn broken Regional River Health Strategy*, GBCMA, 2005