Dwellings on small lots in the Farming Zone

Land in the Farming Zone is primarily for farming and agricultural activities, including sustainable land management practices.

Small lots in the Farming Zone are typically defined as those being less than 40ha (100 acres) in area, most of which are a legacy of past subdivision practices, and a planning permit will be required for the use and development of a dwelling on small lots.

Managing the use and development of dwellings in the Farming Zone is important in order to protect and facilitate agricultural activities, ensure that non-agricultural uses do not adversely affect the use of land for agriculture, protect and enhance rural landscapes and the environment.

Dwellings on small lots in the Farming Zone are generally discouraged, unless they are required for the conduct of the agricultural activity on the site including management of the land and will not impact on farming practices both on the site and nearby properties. In these instances, Agricultural Business/Operational Plans and Whole Farm Plans will be required to be submitted with applications to outline how the agricultural activity will be conducted and operate. Additionally, mandatory requirements exist for all dwellings in relation to services (water, electricity, wastewater) and vehicle access.

Small lots in the Farming Zone are not appropriate for rural residential living, unlike the Rural Living Zone or Low Density Residential Zone which are established for those wishing to reside on larger lots or in rural areas without necessarily farming the land. This ensures that conflict associated with farming practices is minimised and the value of farming land is not impacted upon. The proliferation of dwellings on small lots can change the character of a locality and result in a loss of agricultural land forever.

There may be limited circumstances where a dwelling is appropriate or may not reasonably be required for an agricultural activity on a small lot in the Farming Zone. In these instances, Council will need to give careful consideration to the following:

- Whether the land is productive, located within an established agricultural area or requires a dwelling for land management?
- Whether the increase of a dwelling in the area will contribute to a change in character of the locality to rural residential and whether productive agricultural land will be lost forever?
- Will the dwelling contribute to a concentration or proliferation of dwellings in the area through incremental change or, will result in a loss or fragmentation of productive agricultural land?
- Has the area already been converted to a primarily rural residential area through fragmentation and loss of productive agricultural land or are the dwellings in the area isolated examples within an established farming area?
- Is there a need to reside on the property given availability of nearby land in a more appropriate zone and is the site remote from a township or does it form part of a settlement?
- Are adjoining lots small, rural residential in nature or used for agriculture purposes?
- Are there likely to be amenity impacts on the proposed dwelling from adjoining agricultural land uses?

Contact us:
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MITCHELL
SHIRE COUNCIL

Lodging an application

The following information (as a minimum) must accompany any planning permit application for a dwelling on a small lot in the Farming Zone:

☐ Application fee (schedule of fees available at Shire offices or on Council's website);

☐ Completed application form (form available at Shire offices or on Council's website);

☐ Full copy of property title, searched from the land titles office within the last 3 months, along with copies of any restrictions, covenants or agreements (available from the Land Titles Office or at www.land.vic.gov.au);

☐ Three (3) copies of scaled and fully dimensioned site plans showing:
  - Topography/contours;
  - Existing and proposed buildings and structures including fencing;
  - The location of existing buildings and type of uses on adjacent properties (including nominated setbacks from the common boundaries to the subject site).
  - Existing vegetation and any vegetation to be removed;
  - Dams/watercourses, effluent fields, vehicle accessways and crossovers;
  - Setbacks of all buildings and works from boundaries and other features on site (as noted above);

☐ Three (3) copies of scaled and fully dimensioned floor plans and elevations of the proposed dwelling including colours and materials.

☐ A written response to the mandatory requirements at Clause 35.07-2 and 35.07-5 of the Mitchell Planning Scheme (http://planningschemes.dpcd.vic.gov.au/mitchell/home.html).

☐ Written details of the proposed farming/agricultural activity including a Business/Operation Plan and Whole Farm/Land Management Plan.

Other considerations

There may be other planning controls that apply to the land that are also required to be considered that may affect your proposal. This includes, but is not limited to flooding, native vegetation, bushfire risk, erosion and salinity to name a few. Additionally, restrictions or agreements on title can also affect the outcome of an application and if applicable, need to be considered in the initial planning stages.

Contact Us

Pre-application meetings are a good way to discuss the application prior to lodging. This process can inform you of any potential issues with the proposal and possible solutions to avoid unnecessary delays. These discussions are indicative only and do not constitute any formal approval. To arrange a pre-application meeting, please contact Council's Planning Department on (03) 5734 6200.