



# ASSESSING THE COVERAGE OF MITCHELL SHIRE PROPOSED SIGNIFICANT LANDSCAPE OVERLAYS (SLOs)

**AUGUST 2024**

**An Analysis of the Scale and  
Scope of Coverage and Land  
Burdened by Proposed SLOs**

*“Rezoning by Stealth?”*



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## Executive Summary

### Overview

This report provides an analysis of Significant Landscape Overlays (SLOs) recommended by Mitchell Council's Landscape Assessment Study (Volume 3).

Using geographic information software (GIS), we evaluated the scale and scope of the proposed SLOs, compared them with current SLOs, and examined how these changes would affect privately owned farming land.

### Key Findings

#### Current SLOs Coverage:

- The existing SLOs cover 1.98% of Mitchell Shire and 2.71% when excluding military and conservation areas.
- These overlays predominantly affect public lands with minimal impact on private farming zones.

#### Proposed Expansion:

- The proposal to extend SLOs will cover a substantial 8.76% of Mitchell Shire, increasing the total coverage by 440%.
- Notably, 94% of the new SLO areas will encroach on privately owned land currently zoned as Farming Zone.

#### Impact on Landholders:

- The current SLOs affect 156 landholders.
- The proposed changes will increase this number to 439, representing a 180% rise in the number of affected landholders.
- Significant new areas include Cheery Tree Ranges, Trawool Valley, Granitic Uplands (Tooborac and Pyalong), and Mount Piper, with substantial increases in landholder burden.

### **Land Use and Zoning Compatibility:**

- The application of SLOs to privately owned farming land could be perceived as a covert re-zoning effort, burdening large areas of agricultural land with conservation-like restrictions without undergoing formal rezoning processes.

### **Implications**

The proposed SLO expansion would have significant implications for land use and farming operations in Mitchell Shire. With the vast majority of the new SLO areas affecting privately held farming land, there is a significant risk of reduced agricultural productivity and increased regulatory burdens on landholders. The shift from agricultural to conservation-like land management practices, if perceived as a de facto rezoning, could lead to concerns about the transparency and fairness of the planning process.

### **Disclaimer**

The spatial analysis presented in this report is based on the information released by Vicmap and Mitchell Shire Council as of August 2024. While every effort has been made to ensure the accuracy and reliability of the data, the areas covered by Significant Landscape Overlays (SLOs) have been calculated based on available information, which may be subject to minor inaccuracies or updates.

The analysis aims to provide a clear understanding of the scale and scope of the proposed SLOs and their potential impact on landholders. However, due to the nature of spatial data and the evolving planning process, there may be slight discrepancies in the exact areas affected. The report should be used as a general guide and not as a definitive source of spatial accuracy.

## 1. Victorian Planning Provisions – Zones and Overlays

Zones and overlays are crucial tools for determining land use and development in Victoria. Understanding their roles helps in navigating planning regulations effectively.

### 1.1 Zones

Zones are the primary method of organising land in Victoria. All land in Victoria is divided into areas called zones by local government in their planning schemes.

- zones indicate whether a planning permit is required to construct a building or carry out works.
- zones determine what land can and can't be used for.
- each Council's planning scheme zones land for particular uses, for example, rural, residential, industrial, commercial or other.
- each zone also contains information relating to land uses, subdivision of land, construction of new buildings and other changes to the land.

### 1.2 Overlays

Overlays are a secondary method for organising land in Victoria that only cover certain areas of Victoria.

Overlay information may indicate if a planning permit is required within an Overlay area and an overlay may specify information which must be submitted with an application for a planning permit.

## 2. Rural Zones

Victorian planning legislation offers several rural zones, allowing Councils to meet specific rural planning goals. These zones include the Farming Zone, Rural Conservation Zone and Rural Living Zone.

After excluding the area of Mitchell Shire accounted for by the Puckapunyal Military area, the Tallarook State Forest and the Kinglake National Park, 87% of Mitchell Shire is zoned as rural land with 85% (being 98% of the rural land) zoned as Farming Zone (refer Table 1 and Figure 1).

Of note, just 2,339 hectares, or 1% of the Shire, is zoned as "Rural Conservation Zone". (refer Table 1 and Figure 1).

Table 1 Mitchell Shire rural zoned land

Rural Zone	Hectares	% of Mitchell Shire	% of Mitchell excluding Military, State forest & Nat Park
Farming Zone	185,135	64.67%	85.09%
Rural Conservation Zone	2,339	0.82%	1.08%
Rural Living Zone	1,988	0.69%	0.91%
<b>Total</b>	<b>189,462</b>	<b>66.19%</b>	<b>87.08%</b>

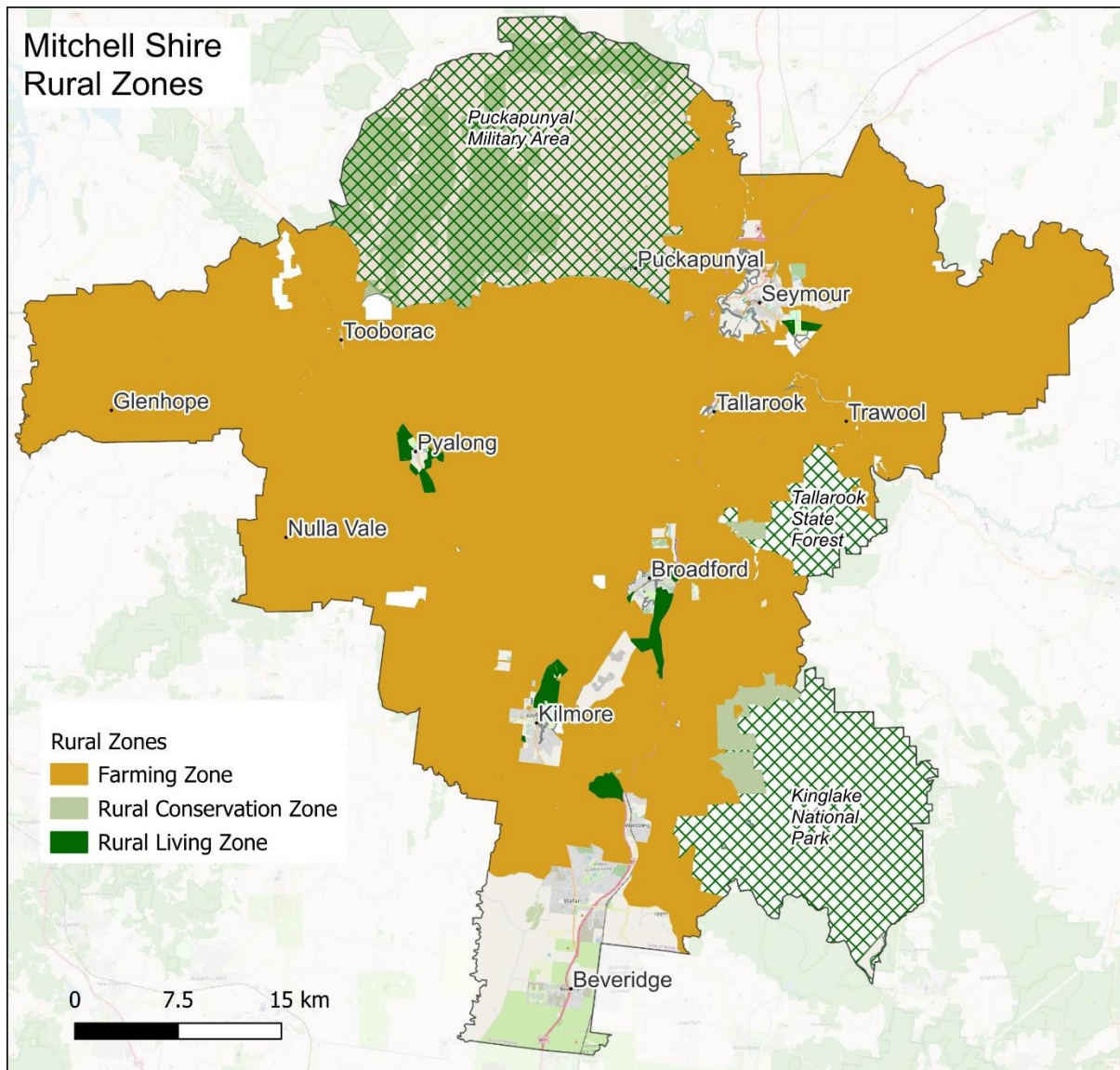


Figure 1 Mitchell Shire Rural Zones

## 2.1 Farming Zone

As shown in Table 1 and Figure 1, 85% of Mitchell Shire (excluding the Puckapunyal Military area, the Tallarook State Forest and the Kinglake National Park) is zoned as “Farming Zone”.

The purpose of Farming Zone land is described by the Victorian State Government, as follows:

*“The main feature of the Farming Zone is its recognition of agriculture as the dominant land use in rural Victoria. The purpose of the zone articulates the encouragement of agriculture as a future sustainable land use. Most agricultural uses do not need a planning permit. Agricultural uses that require a permit will need to consider the environmental effects and potential land use conflicts with surrounding agricultural uses.”<sup>i</sup>*

## 2.2 Rural Conservation Zone

As shown in Table 1 just 1% of Mitchell Shire (after accounting for the Puckapunyal Military area, the Tallarook State Forest and the Kinglake National Park) is zoned as “Rural Conservation Zone”.

The purpose of Rural Conservation Zone land is described by the Victorian State Government as follows:

*“...protect and enhance the natural environment for its historic, archaeological, scientific, landscape, faunal habitat and cultural values. Agriculture is allowed in the zone provided it is consistent with the environmental and landscape values of the area”<sup>ii</sup>.*

## 3. Incompatibility of Farming Zone land with the Significant Landscape Overlay

Mitchell Shire is proposing to impose more than 19,000 hectares of new Significant Landscape Overlays. 18,040 of these hectares, or 94% of them, are proposed to be imposed on privately owned land which is zoned Farming Zone (see Table 6).

It is noteworthy that in contrast to most SLOs which cover discreet areas of land which is often publicly held, the vast majority of the proposed new SLO areas are on privately owned Farming Zone land. This shift could be seen as an indirect re-zoning effort, effectively transforming large tracts of Farming Zone into areas with conservation-like restrictions, but without the same level of scrutiny as a change in zone would attract.

## 4. Mitchell Shire Current SLOs

Mitchell Shire currently has 4 Significant Landscape Overlays (SLOs). Three cover discreet small areas, of land which is zoned as public land. One of the SLOs (SLO2 – Tallarook Ranges), covers an extensive area of over 5,500 hectares, of which 94.8% is Farming Zone. (Refer Table 2 and Figure 2).

Table 2 Current SLOs - area and zoning

Current SLO	Km2	Ha	Zoning
SLO1 (Kilmore Historic)	1.18	118	Public Conservation Land
SLO2 (Tallarook Ranges)	55.39	5,539	Farming Zone (94.8%) Rural Conservation Zone (5.1%) Public Conservation Zone (0.2%)
SLO3 (Kilmore Creek)	0.13	13	Public Conservation Land
SLO4 (The Dene Quarry)	0.03	3	Transport Zone 1 – State Transport Infrastructure
<b>Total</b>	<b>56.72</b>	<b>5,673</b>	

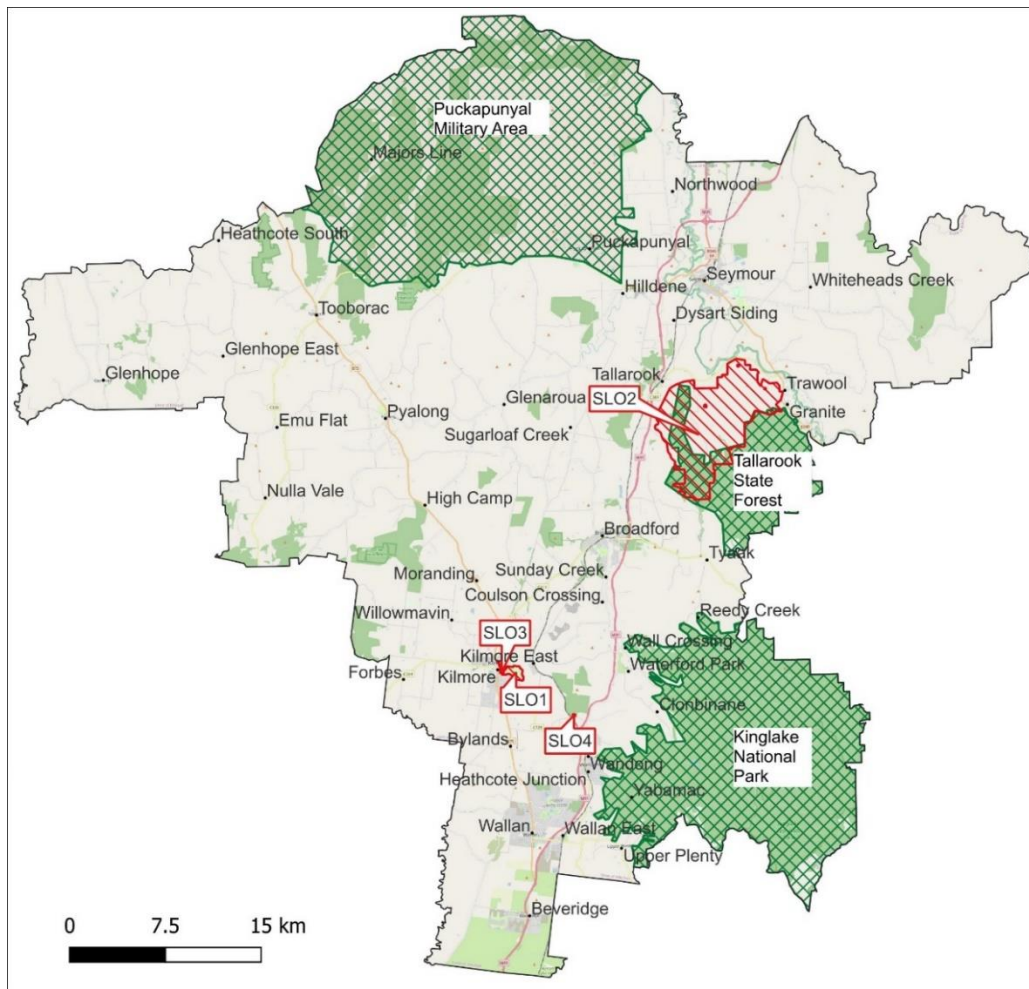


Figure 2 Existing Mitchell Shire SLOs



## 5. Coverage of Current SLOs

Currently, SLOs cover 1.98% of Mitchell Shire. Excluding military and conservation areas, this rises to 2.71% of the Shire, indicating a modest but notable area under SLO.

Table 3 Area of Mitchell Shire currently covered by SLOs

	Km2	Ha	Acres	Current SLO %
Mitchell Shire	2,863	286,257	707,354	1.98%
Mitchell Shire <u>excluding</u> Puckapunyal, Tallarook State Forest & Kinglake National Park	2,096	209,559	517,830	2.61%

## 6. Current Landholders Burdened

The current SLOs cover 156 landholders

Table 4 Number of landholders currently burdened by SLOs

Current SLO	No of landholders
SLO1 (Kilmore Historic)	9
SLO2 (Tallarook Ranges)	102
SLO3 (Kilmore Creek)	44
SLO4 (The Dene Quarry)	1
	<b>156</b>

## 7. Proposed Increase in SLO Areas

Council proposes to dramatically increase the scale of SLOs in Mitchell Shire as shown in the following table and figure.

Council proposes to have 6 SLOs totalling 250.67km<sup>2</sup>. This is an increase of 440%.

Table 5 Proposed SLOs - area and zoning (current unchanged SLOs shown in grey)

Proposed SLO	Km2	Hectares	Acres
SLO1 (Kilmore Historic)	1.18	117.51	290
SLO2 (Tallarook Ranges, Cherry Tree Ranges & Trawool Valley)	116.86	11,685	28,876
SLO3 (Kilmore Creek)	0.13	12.63	31
SLO4 (The Dene Quarry)	0.03	3.02	7
SLO5 (Granitic Uplands – Tooborac and Pyalong)	128.59	12,858	31,774
SLO6 Mt Piper	3.89	389.32	962
<b>Total</b>	<b>250.67</b>	<b>25,067</b>	<b>61,942</b>

Of the 19,166 hectares proposed for new SLOs, 94% are currently designated as Farming Zone, highlighting a substantial shift in land management and use regulations. (Refer Table 6)

Table 6 Proposed new SLO areas – hectares and Farming Zone coverage

Proposed SLO	New Hectares	% zoned as Farming Zone
SLO2 (Tallarook Ranges, Cherry Tree Ranges & Trawool Valley)	5,918	94%
SLO5 (Granitic Uplands – Tooborac and Pyalong)	12,858	96%
SLO6 Mt Piper	389	24%
<b>Total New SLO areas</b>	<b>19,166</b>	<b>94%</b>

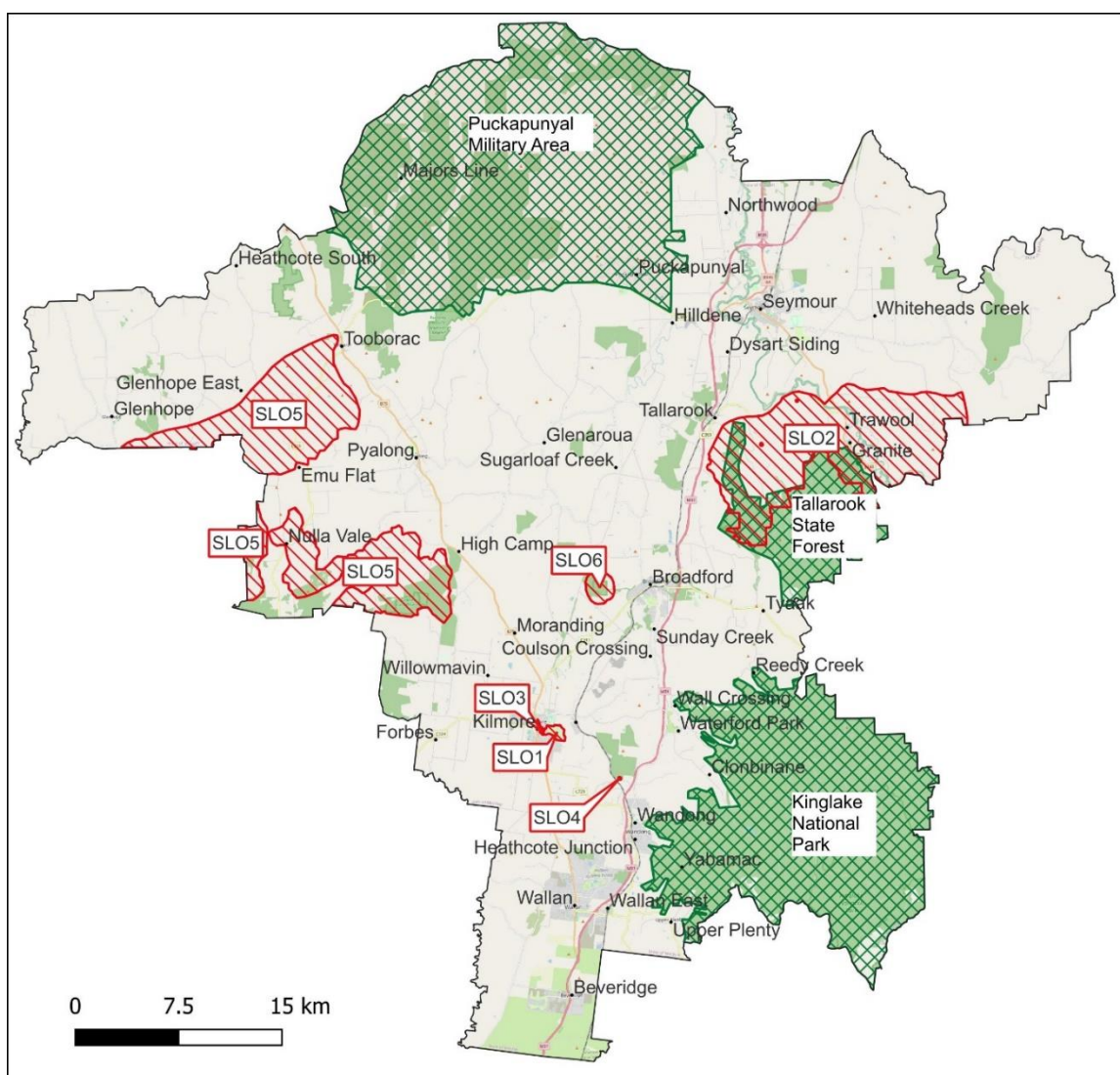


Figure 3 Proposed Mitchell Shire SLOs

## 8. Proposed Increased Coverage of the Mitchell Shire by SLOs

The proposed SLOs will cover 8.76% of Mitchell Shire and 11.52% of Mitchell Shire when Puckapunyal Military Area, Tallarook State Forest and Kinglake National Park are excluded, as shown in the following table.

Table 7 Percentage of Shire to be covered by Proposed SLOs (current and unchanged SLOs shown in grey)

	% of Mitchell Shire	% of Mitchell Shire (excluding Puckapunyal, State Forest & National Park)
SLO1 (Kilmore Historic)	0.04%	0.05%
SLO2 (Tallarook Ranges, Cherry Tree Ranges & Trawool Valley)	4.08%	5.37%
SLO3 (Kilmore Creek)	0.00%	0.01%
SLO4 (The Dene Quarry)	0.00%	0.00%
SLO5 (Granitic Uplands – Tooborac and Pyalong)	4.49%	5.91%
SLO6 Mt Piper	0.14%	0.18%
	<b>8.76%</b>	<b>11.52%</b>

## 9. Individual Landholders to be Burdened by the Proposed SLOs

The proposed SLOs cover 439 landholders – an increase of 283 landholders, or 180% more landholders.

Table 8 Number of landholders proposed to be burdened by SLOs (current and unchanged shown in grey)

Current SLO	Landholders currently burdened	New landholders to be burdened	Total landholders to be burdened
SLO1 (Kilmore Historic)	9		9
SLO2 (Tallarook Ranges, Cherry Tree Ranges & Trawool Valley)	102	80	182
SLO3 (Kilmore Creek)	44		44
SLO4 (The Dene Quarry)	1		1
SLO5 (Granitic Uplands – Tooborac and Pyalong)		185	185
SLO6 Mt Piper		18	18
<b>Total</b>	<b>156</b>	<b>283</b>	<b>439</b>

## 10. Proposed Newly Burdened Landholders by SLO2 - Tallarook Ranges, Cherry Tree Ranges and Trawool Valley

There are proposed to be a further 80 newly burdened landholders by SLO2 at Tallarook Ranges, Cherry Tree Ranges & Trawool Valley which are shown in pink below. The current SLO2 covers 102 landholders (shown in blue)

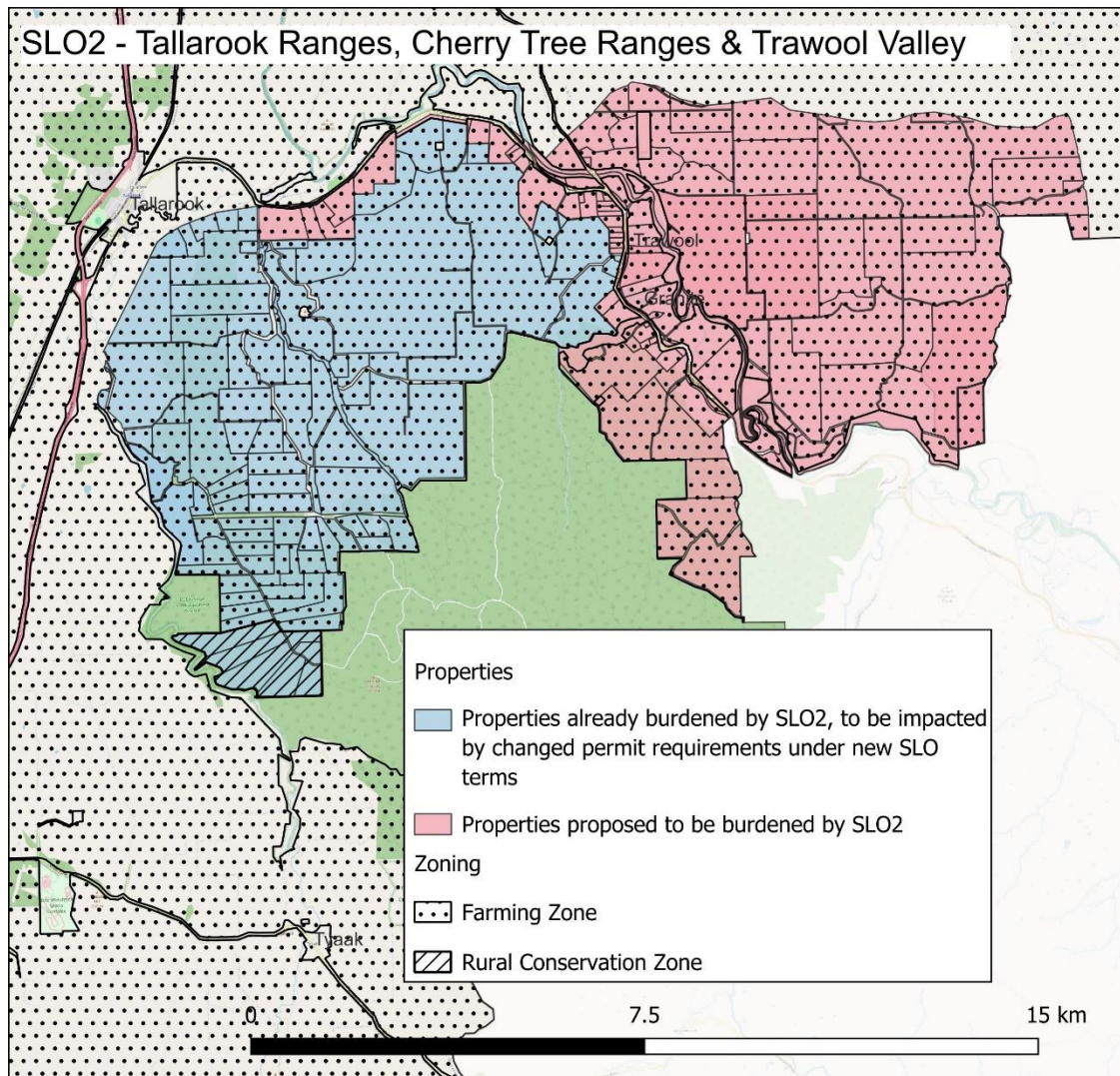


Figure 4 Proposed SLO2 – Tallarook Ranges, Cherry Tree Ranges & Trawool Valley

## 11. Proposed Newly Burdened Landholders by SLO5 – Granitic Uplands (Tooborac and Pyalong)

The 185 newly burdened landholders by SLO5 at Granitic Uplands (Tooborac and Pyalong) are shown below

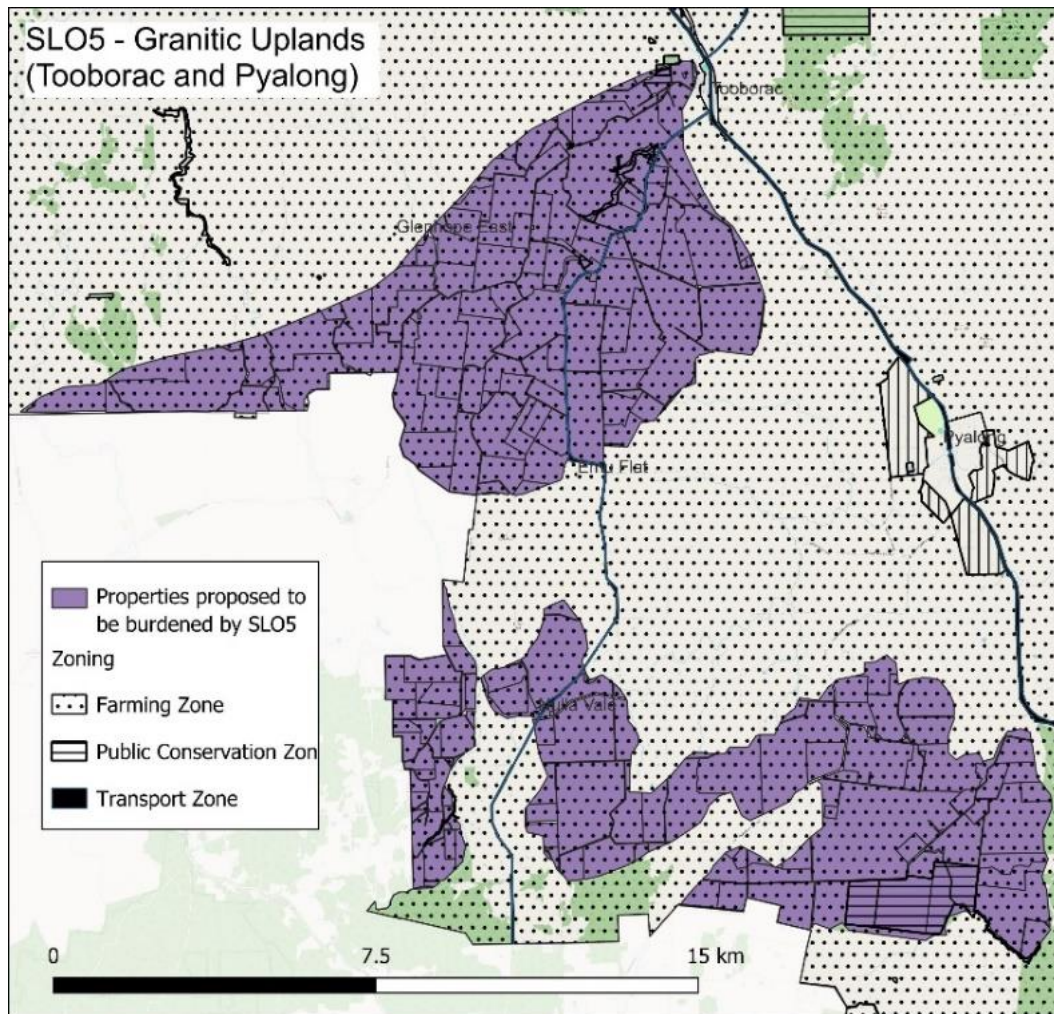


Figure 5 Proposed SLO5 – Granitic Uplands (Tooborac and Pyalong) – properties to be burdened

## 12. Proposed Newly Burdened Landholders by SLO6 – Mount Piper

The 18 newly burdened landholders by SLO6 at Mount Piper are shown below

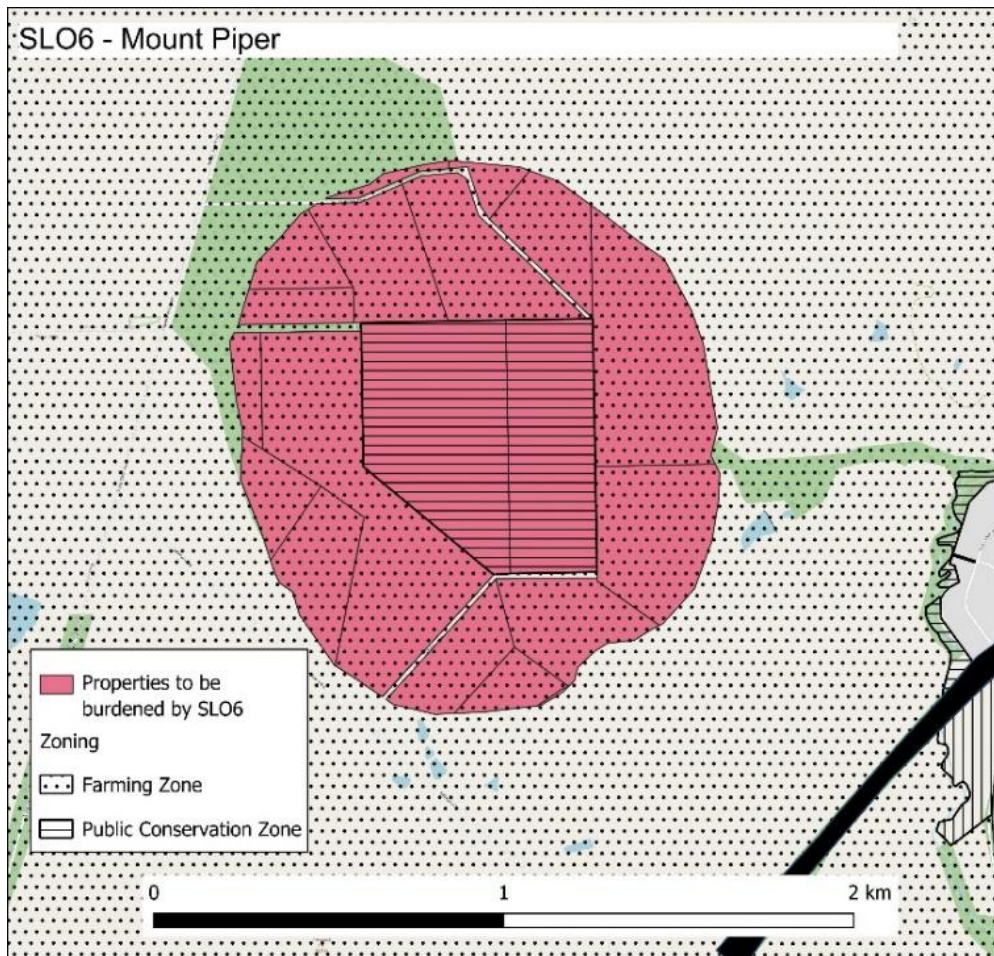


Figure 6 Proposed SLO6 – Mount Piper – properties to be burdened

<sup>i</sup> Department of Sustainability and Environment (June 2004) New Zones for Rural Victoria, Advisory Note

<sup>ii</sup> Department of Sustainability and Environment (June 2004) New Zones for Rural Victoria, Advisory Note