

To: Mitchell Shire Councillors, CEO, and Staff Involved in the Landscape Assessment Plan (SLO)

Subject: Concerns Regarding the SLO Process

We are deeply concerned about the current form of the SLO and the process leading to its implementation. The main issues are:

1. Lack of Transparency and Consultation

The affected private farm holdings have not been adequately advised about the changes or the additional compliance costs. The process has been a “tick box” exercise, meeting only the minimum requirements under the rules. Given the significant nature of these changes, full transparency and disclosure of potential negative outcomes affecting farms in the Shire are essential.

2. Lack of notification

Many farms were not advised of the proposed SLO thus did not have an opportunity to respond or attend any meeting. The information publicised did not explain the potential impact of their farms. Information in the document on the council web page “engaging Mitchell Shire” was extremely difficult to even find or understand what these changes will mean to their farm business Even as late as yesterday (Sunday 28th July) we are having our neighbours, ask what is this SLO thing?

3. Lack of Understanding Among Councillors

After our submissions and hearings, it is evident that many councillors either do not understand the impact of the SLO on affected farms or are dismissive of the issues. For example, a councillor’s question about whether the SLO would prevent cows from grazing reflects either sarcasm or a lack of grasp of the implications.

4. Incomplete Council Minutes

The council minutes from the meeting are incomplete and misleading, suggesting the SLO is “good to go.” This situation is unacceptable and could be perceived as unprofessional or corrupt.

Major Issues to Address:

1. Managing Vegetation Growth

Farmers must be free to timely manage both native and non-native regrowth. Mismanagement of these plants can degrade farm productivity.

2. Financial and Operational Disadvantages

Farms under the SLO will face financial and operational disadvantages compared to non-SLO properties.

3. Questionable Qualifications of Decision-Makers

The reduction from over 1,000 properties to 337 without clear explanation is problematic. The decision-making process needs transparency and justification. Reference 42.02 of the VPP; SLO requires the area must be described to what is the real significance and not just the character, these are two different things. The emphasis is on the significance. These are not described as required. This seems to indicate the consultant employed and the Shire planning staff has not followed the requirements under the guidelines.

4. **Concerns Over Independent Committee**

The composition and selection process of the proposed independent committee are concerning. Will it include representatives who understand the real impacts on farms?

5. **Need for Comprehensive Review**

The independent review must include individuals who understand the costs and implications for affected and adjacent farms. We are most concerned about the potential high costs of this SLO and any review.

6. **Opposition to a Blanket SLO**

We do not oppose significant landscape protection and in fact take great care to protect the views and other significant environments on our farm; but believe a blanket SLO on private farms is excessive.

We no problem the shire placing SLOs on government properties.

7. The SLO being focused on the identification of significant landscapes and the protection of their character. Purpose (42.03) Specifically, the purpose of the SLO is outlined in the parent clause at 42.03 of the VPPs, and includes: • To identify significant landscapes. • To conserve and enhance the character of significant landscapes. It is important to note that the emphasis on the purpose of the SLO is landscape significance, as opposed to landscape character. While the final objective refers to protecting the 'character of significant landscapes', the emphasis remains on significant landscapes. It logically follows that for the overlay to be applied, landscape significance must be proven and able to be described. It also correctly indicates that landscape character and landscape significance are related, but not the same thing. Landscape character and objectives (42.03-1) It is stated in the parent clause that a schedule to the SLO must contain a 'statement of the nature and key elements of the landscape' ('statement of nature'), which acts like a statement of significance, together with the landscape character objectives to be achieved (up to five). It is undoubtedly the case that the success of an SLO schedule relies heavily on the clarity of its drafting. It is very important that an SLO schedule sets out what is significant and requires protection and why, and what built form and vegetation removal parameters are appropriate/inappropriate and why. If not, it is difficult for planners to decide on whether a proposed development and/or vegetation removal is consistent with the objectives and requirements of the schedule. A Practitioner's Guide to Victorian Planning Schemes (DELWP, April 2020) includes advice on the preparation of statements of significance. It advises that the statement should be based on a summary of the essential elements that define the significance of the land or asset that the overlay is seeking to protect and manage. And further: "Where possible, the statement should be based on study findings that clearly demonstrate the values that make the area special and show how those values relate to the purposes of the chosen overlay. For example, a landscape study might provide the analysis from which to draw the statement of significance for the schedule to the Significant Landscape Overlay. It may be appropriate to reference such studies as background documents, but it should not be necessary to refer to them in order to understand what the real significance of the place is. The reader of a statement should be able to understand why an area is special from the statement alone." 2 In summary, the 'statement of nature' in an SLO schedule should be a succinct statement expressing what is significant, how is it significant, and why. It should describe the established values of the area or landscape, based on the contents of the

strategic study which underpins the overlay. The statements should also establish the level of significance, based on a ratified methodology, including comparative analysis. A statement of significance may also describe other cultural values associated with the area that support its designation as significant. As outlined in the Ministerial Direction on the Form and Content of Planning Schemes, up to five objectives are permitted for the SLO. A schedule's objectives should flow from content in the Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF), the overlay purpose and the statement of significance. Objectives should outline the specific aims or aspirations for the protection and management of the significant landscape to which the overlay applies. They are the key to the interpretation of the discretion created by the overlay, and all decisions should be tested against them. The Practitioner's Guide also provides the following advice regarding the fundamentals of a 'good objective': • "... avoid what is self-evident and go beyond bland statements that nobody can disagree with" 2 DELWP, A Practitioner's Guide to Victorian Planning Schemes, April 2020, p. 81

8. **Call for Immediate Action**

We propose halting the SLO and initiating full, one-on-one consultations with each farm and adjacent farm to ensure an equitable outcome.

9. **Suggestion for Collaborative Protection Measures**

During consultations, farmers should work with the Shire to identify significant sites for protection. The Shire should assist with fencing or other measures to achieve this.

10. **Impact of Nearby Developments**

whilst not in the Mitchell Shire boundary the proposed construction of a wind and solar farm visible from our property may render the current SLO pointless.

11. **Existing planning regulations and powers**

Within the SLO documents almost all "new" requirements are referred back to existing powers to control development.

12. **Comments from drop in meetings**

When questioned at several of the meetings to why is the draconian restrictions required; the answer was current ruling on development can be challenge in VCAT. Questioned can the SLO be also challenged the answer was YES?

In conclusion, it is crucial that the Shire serves the citizens of Mitchell Shire without imposing undue restrictions.

We anticipate your understanding and prompt action on these concerns.

Sincerely,

[REDACTED]

Specialized Beef Producers
Tooborac 3522

17/07/2024

[REDACTED]

