

Councillor [REDACTED]
Mitchell Shire Council
113 High Street
Broadford Vic 3658
By email: [REDACTED]@mitchellshire.vic.gov.au

29 May 2024

Dear Councillor [REDACTED]

Proposed SLO: Substantial Problems for Farming Activities

I refer to the draft proposed “*Significant Landscape Overlay Tallarook Ranges, Cherry Tree Ranges and Trawool Valley*” (the “**proposed SLO**”) and the current “*Significant Landscape Overlay Tallarook Ranges*” (the “**current SLO**”).

There are unworkable problems for farming in the proposed SLO, namely:

1. Permit exemptions contained in the current SLO support ongoing agricultural activities. However, these permit exemptions are proposed to be radically reduced, with the effect that existing commercial farming use will be impeded and may ultimately be prevented from continuing.
2. The protection of the rural amenity (which is present in the current SLO, and was a standalone objective until January 2024), is deleted entirely as a landscape character objective in the proposed SLO. That objective must be retained, with landscape character objectives amended to explicitly include the protection of rural amenity. The deletion of rural amenity is contrary to:
 - a. the Municipal Planning Strategy of the Mitchell Planning Scheme¹;
 - b. the Planning Policy Framework of the Mitchell Planning Scheme²; and
 - c. the principles and visions articulated in the Mitchell Rural Land & Activities Review October 2022.
3. The proposed SLO provides that “*a permit is required to remove, destroy or lop any native vegetation*”. This proposal is unworkable and will destroy sound farming practice. In contrast, under the current SLO, native vegetation and farming considerations are balanced, with a permit not required for “*Removal, destruction or lopping of dead vegetation, exotic vegetation or native vegetation if seedlings or regrowth are less than 10 years old and the land is being re-established or maintained for cultivation or pasture, the minimum extent of native vegetation necessary for the construction, operation or maintenance of a fence, or the removal, destruction or lopping of native vegetation as a result of grazing domestic stock or moving stock along a road.*”

The solution is to maintain the permit exceptions, as set out in the current SLO.

¹ Mitchell Planning Scheme Clauses 02.01, 02.02, 02.03-1, 02.03-3, 02.03-4

² Mitchell Planning Scheme Clauses 11.03-5S, 12.05-2L, 14.01-1, S14.01-1R, 14.01-1L, 14.01-2S

4. In the following page, as Table 1, I have set out and compared the permit requirements with respect to agricultural development or activities. The new permit requirements in the proposed SLO are not practical and ignore the rural amenity and the commercial viability of the existing rural activities.

Together with my wife [REDACTED] I have been running the [REDACTED] farm comprising 4,800 acres at Tallarook for 49 years. I urge you to retain, at a minimum, the following three items from the current SLO which are absolutely essential in order to protect Tallarook's farming heritage and future.

Items in Current SLO that are crucially required to be retained

1. Rural amenity objective	2.0 Landscape character objective to be achieved must retain the existing objective to <i>"protect the ...rural amenity"</i> of the land. 3.0 Permit requirements must retain two existing permit exemptions: <i>"No planning permit is required for</i>
2. Agricultural permit exemption	<ul style="list-style-type: none">• <i>Any agricultural development or activity, including cultivation, dam, fencing, water tanks and water bores.</i>
3. Vegetation exemptions	<ul style="list-style-type: none">• <i>Removal, destruction or lopping of dead vegetation, exotic vegetation or native vegetation if seedlings or regrowth are less than 10 years old and the land is being re-established or maintained for cultivation or pasture, the minimum extent of native vegetation necessary for the construction, operation or maintenance of a fence, or the removal, destruction or lopping of native vegetation as a result of grazing domestic stock or moving stock along a road"</i>

I look forward to addressing you on these matters on the 3rd of June.

Attached for your reference and consideration:

- a) Table comparing permit requirements under the current and proposed SLOs;
- b) Principles and Visions, Mitchell Rural Land & Activities Review October 2022
- c) my letter to Mr J Harding of 10 May 2024; and
- d) a copy of the slides presented to Mr. J Harding in the meeting of 16 May 2024

Yours sincerely

[REDACTED]

[Redacted]

Table 1 - Permit requirements for agricultural activities under the Current and Proposed SLO

Current SLO	Proposed SLO
<p>A permit is not required for Removal, destruction or lopping of dead vegetation, exotic vegetation or native vegetation if seedlings or regrowth are less than 10 years old and the land is being re-established or maintained for cultivation or pasture, the minimum extent of native vegetation necessary for the construction, operation or maintenance of a fence, or the removal, destruction or lopping of native vegetation as a result of grazing domestic stock or moving stock along a road.</p>	<p>A permit is required to remove, destroy, or lop any native vegetation.</p>
<p>A permit is not required for Any agricultural development or activity, including cultivation, dam, fencing, water tanks and water bores.</p>	<p>A permit is required to construct a fence, except for: A post and wire fence up to 1.8 metres in height. A fence below 1 metre in height. Livestock yard fencing A permit is not required for:</p> <ul style="list-style-type: none"> • A water tank. • Construction of a farm access track
<p>A permit is not required for Development of an outbuilding of less than 120 square metres in floor area (and where the total floor area of all outbuildings does not exceed 200 square metres), the slope of the land is less than 15 per cent, no removal of native trees or shrubs is required, earthworks are less than 2,000 square metres and the development site is not within 100 metres of a waterway, to the satisfaction of the responsible authority.</p>	<p>A permit is not required for: A building used for agriculture or an alteration or extension to a building used for agriculture that is an open-sided rural structure.</p>
<p>A permit is not required for Any alterations or additions to an existing dwelling or outbuilding, provided the proposed building is not within 100 metres of a waterway, the slope of the land is less than 15 per cent, the proposed floor area is not greater than 100 per cent of the existing floor area, there is no increase in building height, all external building materials are of nonreflective materials, no removal of native trees or shrubs is required, and earthworks are less than 2,000 square metres, to the satisfaction of the responsible authority.</p>	<p>A permit is not required for:</p> <ul style="list-style-type: none"> • An alteration or extension to an existing dwelling up to 100 square metres in floor area, provided it does not increase the overall height of the building. • A building used for agriculture or an alteration or extension to a building used for agriculture where all the following are met: <ul style="list-style-type: none"> ○ the building is constructed using external materials and finishes that minimise its visibility in the landscape, such as natural timber, subdued colours, or galvanised iron; the total floor area of the buildings is no more than 200 square metres; ○ the building is single storey and no more than 5 metres in height above natural ground level; and ○ the building is not sited on a ridgeline, or on the upper slopes of a hill face so that it protrudes above a ridgeline