

22.01 AGRICULTURAL POLICY

19/09/2013
C69

This policy applies to all land within a Farming Zone.

22.01-1 Policy basis

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This policy addresses two separate issues, which arise in the Farming Zone being rural subdivision and rural dwellings.

The process of farm consolidation is considered fundamental to the long term viability of the agricultural base of the Shire. The fragmentation of existing farms is discouraged as it is inconsistent with the trend towards the consolidation of larger and more viable agricultural parcels. Fragmentation also leads to rural living opportunities, which compromise farming purposes by increasing land prices and introducing residents with ‘non-farming’ amenity expectations. The existing supply of lots in the Farming Zone is considered sufficient to enable the incremental growth of farms.

Council acknowledges that there is a demand for rural living opportunities in the Shire, but adequate land has been allocated to accommodate this demand. Unplanned rural living results in agricultural land being taken out of production. A rural dwelling will often be needed to properly farm the land, however new dwellings must be limited to those that genuinely relate to agricultural production.

Clause 21.04 identifies new categories within the Farming Zone which distinguish land on the basis of productive capacity, access to water, levels of fragmentation and the existence of dwellings.

This policy provides direction on how discretion will be exercised in terms of dwellings and subdivision in the Farming Zone.

22.01-2 Objectives

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To limit the further fragmentation of rural land by subdivision.

To ensure that lots resulting from subdivision are of a sufficient size to be of benefit to agricultural production.

To encourage the consolidation of rural land.

To provide for the incremental growth of farming enterprises.

To provide for small lot subdivision only where there are positive agricultural outcomes and where no additional dwelling entitlements are created under the minimum subdivision area.

To discourage new dwellings unless it can be demonstrated that it is required for the agricultural use of the land.

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Rural dwellings

It is policy to:

- Discourage a dwelling not associated with or required for the agricultural use of the land.
- Ensure that the agricultural use has been established on the land (or an integrated land management plan under Clause 35.07-6 is in place) prior to the construction of a dwelling.
- Ensure that the dwelling is located on a lot of at least 2 hectares in area.

- Ensure that the dwelling is located on a lot created after 1st January 1960.
- Require the landowner to enter into an agreement under Section 173 of the Act to:
 - Ensure that a dwelling is used in conjunction with an agricultural use;
 - Prevent the subdivision of a lot containing a dwelling where the proposed lot size is less than the minimum subdivision area specified in the Farming Zone; and
 - Acknowledge the impacts of nearby agricultural activities.

Rural subdivision

It is policy to:

- Discourage small lot subdivisions except where:
 - Restructure is an outcome; and
 - No new opportunities for additional dwellings below the minimum subdivision area specified in the Schedules to the Farming Zone are created; and
 - The impact on neighbours and existing or potential agricultural use of nearby land is minimised.
- Require the landowner to enter into an agreement under Section 173 of the Act, which:
 - Prevents the construction of a dwelling on the residual lot unless, when combined with other land, the area satisfies the minimum area for which no permit is required to use land for a dwelling in the Farming Zone;
 - Prevents the further subdivision of any lot created other than in accordance with the minimum area for which no permit is required to use land for a dwelling in the Farming Zone; and
 - Acknowledges the possible off-site impacts of adjoining or nearby agricultural activities.

Criteria

It is policy to assess proposals against the following criteria:

- The lot containing the dwelling and associated infrastructure is at least 0.6 hectares in area but no greater than 2 hectares in area unless there is a need for a larger parcel to take account of natural or public infrastructure or to provide a farm boundary configuration that supports efficient agricultural practices.

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Decision guidelines

Rural dwellings

When considering an application for a dwelling, and in addition to the decision guidelines in the Farming Zone, the responsible authority will consider the following matters:

- Whether the proposed new dwelling is located on a lot that has:
 - Legal frontage to a road.
 - A satisfactory frontage to depth ratio.
 - Suitable two way vehicle access via an all weather road.
 - Adequate buffers to protect residential amenity from the impacts of agricultural activity.

- The relationship between the proposed dwelling and the agricultural activity on the land.
- Evidence of an integrated land management plan under Clause 35.07-6 or similar, addressing the relationship between agricultural activities on the land and the proposed dwelling.
- The agricultural productive capacity or the agricultural potential of the land.
- The nature of the existing agricultural infrastructure and activity on the land and any new proposed agricultural infrastructure and activity at the land.
- The nature of the agricultural activities on the land and whether they require permanent and continuous care, supervision or security.
- The proposed siting of the dwelling and whether it minimises impacts on existing and potential agricultural operations on nearby land.
- The lot size, context and physical characteristics of the land.
- Whether the dwelling results in a rural living or rural residential outcome in the area.
- The potential for land to be consolidated with other land to enhance agricultural productivity.
- Whether the planning scheme identifies a ‘non-agricultural’ future for the land and the implications of development on future development options.

Rural subdivision

When considering an application for a small lot subdivision of a lot containing a dwelling or the re-subdivision of existing lots, the responsible authority will consider the following matters:

- The degree to which the subdivision supports productive agricultural outcomes, particularly farm consolidation.
- Whether the land is suitable for agricultural use based on:
 - Evidence of the capability and versatility of the land.
 - The planning history of the land and surrounding land.
 - Whether an integrated land management plan under Clause 35.07-6 has been prepared for the site.
- The size of the lot containing the dwelling and associated infrastructure and whether there is a need for a larger parcel to take account of natural or public infrastructure or to provide a farm boundary configuration that supports efficient agricultural practices.
- Whether the dwelling on the lot has existing use rights pursuant to Clause 63.
- Whether a condition is required that the landowner enter into an agreement under Section 173 of the Act.
- Whether the proposal relies on land which was previously a road reserve, channel, utility lot, Crown land or was of an insufficient size to support a dwelling.
- Whether the subdivision creates an additional lot where a dwelling can be constructed without a permit.
- Whether the proposal to realign lot boundaries is for the purpose of making minor adjustments including taking account of topographical or public infrastructure features.
- Whether the new lots create more productive and efficient agricultural outcomes, particularly through farm consolidation.