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C36**DEVELOPMENT IN RURAL AREAS**

This policy applies to the Farming Zone and the Rural Conservation Zone.

Policy Basis

Agricultural production is the major focus of the economy and community in Loddon Shire. The promotion of innovative, diverse and sustainable agriculture is a central aim of planning in the Shire. Council recognises that quality agricultural land is a valuable and non renewable resource and its protection and sustainable use is fundamental to the future economic health of the Shire. The rural areas of the Shire also offer landscapes of unique quality. These landscapes are important for their contribution to the character of the Shire and their attraction to visitors. Development in rural areas must be managed to prevent detriment to the viability of rural industries and to protect the landscape quality of the rural areas.

Objectives

To protect the natural and physical resources upon which agricultural industries rely.

To support the ongoing viability of existing farms.

To maintain farmland in productive agricultural use.

To promote the development of new and diverse agricultural industries, fulfilling the potential of existing infrastructure.

To prevent land use conflicts between sensitive uses and agricultural uses.

To ensure that new use and development in the Shire is not prejudicial to agricultural industries or the productive capacity of the land.

To encourage the most productive and sustainable uses of water and soil in the Shire.

To ensure that development in rural areas does not compromise landscapes of significant value.

To encourage safety from structure fires and bushfires.

Policy

It is policy to assess proposals against the following criteria:

General

- Where buildings or works are essential they should be sited so as to avoid or minimise loss of good quality agricultural land.
- Dwellings proposed on land adjacent to any wastewater treatment plant should be sited outside the 300 metre buffer distance as recommended in the EPA publication 1518, "Recommended Separation Distances for Industrial Residual Air Emissions."

Subdivision

- Subdivision in the Farming Zone should generally not create additional lots (ie. property restructure should be used in preference);
- Subdivision in the Farming Zone should be clearly based on an improved productive farming outcome that cannot be achieved with the current lot size;
- The proposal should provide ongoing productive, economic agriculture.

Information demonstrating the above should be provided with a planning permit application, including;

- Farm business plan that demonstrates the intended output of the farming enterprise in terms of production and value and long term viability; or
- Whole farm plan that demonstrates the subdivision has been designed with consideration of the land quality and capability of the site and will therefore support enhanced productivity.

Excisions

- In considering an application for subdivision to create a lot for an existing dwelling council must be satisfied that the balance lot will be retained in productive agricultural use.

The responsible authority will support an application for a house lot excision where:

- The benefit from the removal of the dwelling from the land clearly and significantly outweighs the risk of having a residential land use adjoining a farming property in terms of supporting the growth and ongoing viability of agriculture in the Shire.
- The purpose of the house lot excision is to facilitate property consolidation. House lot excisions will not be approved where they are for capital raising only as this is not a long term land use planning outcome.
- There is a significant risk that the property will be lost to agriculture while it still contains a dwelling (ie. The whole property will become a rural living property as the farmer cannot compete with other land purchasers for the property).
- The dwelling is a significant encumbrance on the property due to its quality and value (ie. Poor quality, older houses will not add substantially to the value of the property and will generally not be considered to be a significant encumbrance.)
- Dwellings excised under the Farming Zone provisions are to be considered to be in a habitable condition as defined by and comply with the Building Code of Australia.
- It is clear that a dwelling is not required for the farming use of the property
- It can be demonstrated that it is likely that farming can be continued on the balance unhindered.
- The minimum area is taken out of the balance property. The house and immediate surrounds should only be excised. A rural living / hobby farm should not be created.
- The dwelling and therefore excised lot is on the frontage of the property. Long narrow lots or battle axe lots should be avoided as the additional boundary increases the risk of land use conflict and increases the amount of land lost to agriculture.
- The dwelling is serviced by a sealed road or a rural gravel access road.
- An application for a house lot excision must be advertised to surrounding land owners / occupiers.
- It is preferred that a house lot excision be in the form of a boundary restructure, not the creation of an additional lot. The balance lot should meet the minimum size for the zone.
- Subdivision that is likely to lead to such a concentration of lots as to change the general use and character of a rural area, and is not consistent with the purposes of the zone, will be strongly discouraged
- An application for subdivision pursuant to this clause may be referred to the Department of Environment, Land, Water and Planning pursuant to Section 52 of the *Planning and Environment Act* (1987), for advice about the agricultural and environmental sustainability of the proposal.

Dwellings

- The responsible authority will support the construction of a dwelling on land in the Farming Zone where it can be demonstrated that the construction of the dwelling is required to enhance the agricultural output of the land and that the dwelling is and is likely to remain ancillary to the farming use of the property.
- The agricultural use of the land that the new dwelling is required to support must be established prior to construction of the dwelling.
- An application for a new dwelling in the Farming Zone will be advertised to surrounding land owners / occupiers.
- Council may require the following information to support an application for a new dwelling in the Farming Zone where a new farm business is proposed:
 - A farm business plan that shows:
 - why there is a need to live on site and how that would enhance agricultural use
 - the investment into agriculture on the property
 - the estimated return from the agricultural pursuit
 - the amount of land to be engaged in farming, and
 - the estimated production from the property; or
 - A whole farm plan that shows;
 - the layout of agricultural uses on the property to demonstrate that the majority of the property is used for farming.

These information requirements are in addition to the information required by Clause 35.07-4 of the Loddon Planning Scheme.

New dwellings in the Rural Conservation Zone will be supported where it is demonstrated that the dwelling is associated with the management of biodiversity and native vegetation on the land. Proposals for new dwellings need to demonstrate that landscape and environmental values are considered, protected and enhanced and that dwellings are compatible with the environmental characteristics of the area.

Landscape

- Development in rural areas should be sited so as not to compromise the quality of significant landscapes, especially landscapes visible from significant tourist routes. Consideration should be given to using topographic features or existing vegetation to assist to screen new development. Permit conditions requiring muted colours of buildings, landscaping or setbacks may be included on permits for development in significant landscapes.

Infrastructure

- New developments will be provided with good quality all-weather road access where required. Preference will be given to locating new development so that it has access from the existing constructed road network. Should all weather road construction be required it will be at the cost of the developer at a standard to the satisfaction of the responsible authority. This standard will be determined based on the expected type and number of vehicles to be generated by the use or development. Access to new dwellings must be to a standard that will enable a fully laden fire truck to drive to a source of water near the dwelling.
- New development must be provided with an appropriate source of power where required. Preference is for reticulated power, solar or wind generated power. The responsible authority will only consider diesel or petrol generators as an alternative

source of power supply where it can be demonstrated by the applicant that the generator will not be audible beyond the property boundary when operating.

- New dwellings must be provided with a least 10,000 litres of water permanently set aside for fire fighting purposes and located within a tank within 60m of the dwelling.

Adjacent to waterway or wetland

- Notice of applications for use or development within 100m of a waterway or wetland must be provided to Goulburn Murray Water or Grampians Wimmera Mallee Water (as appropriate) pursuant to Section 52 of the Planning and Environment Act 1987.

Adjacent to State Forest, State Reserve, State Park or National Park

- Notice of applications for use or development on land adjoining State Forest, State Reserve, Nature Conservation Reserves, Crown Land Water Frontages, State Park or National Park must be provided to the Department of Environment, Land, Water and Planning pursuant to Section 52 of the *Planning and Environment Act 1987*.

Renewable Energy Facilities

Renewable energy facilities will be supported in Loddon Shire but should not be located on high quality agricultural land, in particular, not on land that is and is likely to remain irrigated (or may be irrigated in the future) due to soil type or access to irrigation infrastructure.

Rural Industry

It is preferable that rural industry be located within existing urban areas to capitalise on infrastructure and contribute to the employment options, viability and vibrancy of the town and minimise loss of farmland.

- Rural industry should only be located in rural areas where;
 - Amenity impacts of the industry make it unsuitable for an urban area;
 - Existing road infrastructure is suitable for the traffic to be generated by the industry;
 - The industry will not compromise agricultural use of surrounding land;
 - There are clear advantages of locating the industry in the rural area that outweigh the advantages of locating it in an urban area

Proposals that do not meet these criteria may still meet the objectives of this policy.