

22.01 HOUSING AND HOUSE LOT EXCISION IN THE FARMING ZONE

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The policy applies to all land in the Farming Zone. For the purpose of this policy a “small lot” is any allotment with a size less than that specified as the minimum lot size for subdivision and a dwelling in the Schedule to the Farming Zone.

22.01-1 Policy Basis

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All new houses within the Farming Zone on a small lot require a planning permit. Inappropriate development of dwellings within the Farming Zone can lead to:

- Residential dwellings in isolation;
- Inappropriate rural residential development; and
- Potential conflicts with farming practices.

Rural enterprises are a very important component of the municipality’s sustainability. Greater expectation of residential amenity from residents of dwellings on small lots can impact on the efficient operation of rural activities.

22.01-2 Objectives

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- To protect and maintain productive farming areas.
- To protect and promote sustainable use of privately owned land that includes high value or significant vegetation and waterways.
- To promote recognition of rural activities, e.g. tourism, wineries, equine and intensive agriculture.
- To promote the clustering of co-dependant uses.
- To protect the growth of rural activities against potential land use conflict.
- To ensure that rural production is not compromised by housing encroachment.

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It is policy that:

Dwellings on small lots

The construction of a new dwelling on an existing small lot will be discouraged unless it meets all of the following requirements:

- The lot is accessed by an all weather road and has appropriate service provisions.
- Emergency ingress and egress is at an appropriate standard.
- The dwelling will not inhibit the operation of agriculture and rural industries.
- The site must be able to contain and treat onsite effluent and wastewater in accordance with the relevant Code of Practice and Australian Standards, and;
- Meets at least one of the following requirements:
 - The dwelling should be associated with a sustainable rural pursuit that requires a dwelling on the land to manage that pursuit. The application should be supported by a farm management plan that justifies the need for a dwelling to assist in the operation of the farm.

- The applicant can substantiate that the land has no agricultural potential due to environmental significance and the dwelling is to be used in conjunction with sustainable land management and the significant vegetation is protected on title.
- The lot has been identified in the *Strathbogrie Shire Rural Residential Strategy, 2004* as rural residential; implying that there is an historic use and development pattern. Consideration should be given to the recommendations in the Strategy.
- The applicant is proposing to consolidate one or more lots in the same ownership with the subject land prior to the construction of the dwelling.

If a permit is granted for the use and development of a dwelling on a small lot, the applicant will be required to enter an agreement under Section 173 of the *Planning and Environment Act*:

- Prevent the excision of the dwelling from the parent lot.

Two or more dwellings on a lot

The construction of two or more dwellings on a lot will generally be discouraged unless it can be demonstrated that following requirements can be met:

- The additional dwelling/s is/are required for a caretaker assisting in the operation of the farm, such as a farm manager or leading hand (other than the landowner).
- The dwelling/s will not inhibit the rights of existing agricultural enterprises to continue operations.

A farm management plan should be submitted to justify this need, and more than one dwelling on lot will be discouraged unless it meets all of the following requirements:

- The lot is accessed by an all weather road and has appropriate service provisions.
- Emergency access is at an appropriate standard.
- The dwelling will not inhibit the rights of existing farms to continue their operations.
- The site must be able to contain and treat onsite effluent and wastewater in accordance with the relevant Australian Standards.

If a permit is granted for two or more dwellings on a lot, the applicant will be required to enter an agreement under Section 173 of the *Planning and Environment Act*:

- Prevent the excision of the dwelling from the parent lot; and
- Acknowledging the use of the second dwelling will cease if the use of the land for agriculture, or other approved use, ceases.

Subdivision

Subdivision will only be supported if the application meets all the following requirements:

- Creates a density appropriate to the rural activities of the area.
- The proposed lots have good access via an all weather road and have appropriate services available.
- The subdivision does not encourage the proliferation of dwellings.

Dwelling Excision

A dwelling excision will only be supported if the application meets all the following requirements:

- Supports a farming enterprise through family succession. The application should be supported by a farm management plan that justifies the need for the dwelling excision to assist in the operation of the farm. The lot size will be determined by access, topography, water supply and the farming enterprise.

- The dwelling excised is in a habitable condition to the satisfaction of the responsible authority.
- Does not create a cluster of dwellings that are not directly related to the agricultural use of the land.
- The dwelling excised must be able to treat and retain all wastewater on-site.
- The area of land included in the lot containing the dwelling can be determined by site factors such as vegetation management, bushfire management and water sources.
- The excised dwelling will not inhibit the rights of surrounding farms to continue their operations.

If a permit is granted for a dwelling excision a Section 173 agreement under the *Planning and Environment Act* will be required to be placed on both lots created which ensures that the land may not be further subdivided so as to create a smaller lot for a dwelling.

Re-subdivision (Including Boundary Realignments)

An application for re-subdivision will only be supported if the application meets the following requirements:

- The proposal results in improved agricultural productivity through, for example, the adjustment of a boundary that accounts for existing infrastructure over 5 years old or topographic features on the site; and
- The proposal does not create lot/s for the sole purpose of creating a new lot which has the potential for a dwelling.

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Application Requirements

The following information should accompany any application for: dwelling, two or more dwellings, subdivision, dwelling excision or re-subdivision submitted to the responsible authority:

- An existing site plan, drawn to scale and with a north point showing:
 - Topography
 - Vegetation
 - Boundaries
 - Abutting roads
 - Location of all services and easements
 - Watercourses and drainage lines
 - Existing buildings
 - Adjoining land uses and developments
- A site plan showing proposed use and development.
- A written response including the following:
 - The agricultural quality of the land
 - Any planning history of the site
 - Surrounding land uses
 - The existing levels of infrastructure
 - The standard of the access
 - Any environmental constraints

This response should also address other relevant clauses of this Planning Scheme including Municipal Strategic Statement, other local policies, decision guidelines of the Farming Zone and decision guidelines of any relevant overlay.

Additionally, any application for a dwelling(s) should be accompanied by:

- A Farm Management Plan which details the degree to which the proposed dwelling(s) is necessary for the rural activity of the land.
- A Land Capability Assessment indicating the ability of the site to treat and retain onsite effluent and wastewater.

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Reference Documents

- *Sustainable Land Use Strategy, 2010*
- *Strathbogie Shire Rural Residential Strategy, 2004*