

**22.03**21/11/2019  
C105latr**RURAL TOURISM IN THE FARMING ZONE**

This policy applies to an application for rural tourism in the Farming Zone Schedule 1 and Farming Zone Schedule 2.

**Policy Basis**

This policy builds on and supports Clause 21.05-1 Agriculture and Clause 21.07-7 Tourism, to facilitate the following:

- Land uses that complement and enhance the viability of agricultural activity through small scale rural based tourism.
- The development of low impact rural tourism and related activities within the Farming Zone where it is consistent with settlement patterns, landscape, amenity and environmental values.

**22.03-1****Objectives**

In the Farming Zone Schedule 1 and Schedule 2:

- To provide for the orderly and complementary use of land for rural and nature based tourism in attractive rural landscapes.
- To ensure buildings are suitably designed and sited to protect the landscape characteristics and respond to any identified bushfire risk.
- To ensure that the use and development of land for rural tourism and related activities does not adversely impact on the productive use of land for food and fibre.
- To ensure that the siting of dwellings or accommodation required in association with rural tourism does not prejudice existing and future agricultural activities on surrounding land – including buffers required by industry codes of practice.

**22.03-2****Policy**

For all land in the Farming Zone Schedule 1 and Schedule 2, it is policy to:

- Encourage all buildings, including dwellings and associated development, to be located away from ridgelines and hilltops to ensure that the buildings blend into the landscape.
- Ensure that the siting of all buildings, including dwellings and associated development, does not compromise the operation of nearby commercial agricultural enterprises by encroaching on existing industry buffer and separation distances.
- Support rural tourism proposals that are:
  - Ancillary to an agricultural or rural land use, thereby adding to the sustainability of the agricultural industry; or
  - Sensitive to the rural landscape and natural environment, aiding the achievement of biodiversity conservation on that land and lead to greater appreciation and enjoyment of the natural environment.
- Strongly discourage a dwelling or accommodation within 100 metres of agricultural production infrastructure, activity nodes (such as effluent ponds, stock yards etc), or intensive animal production, or within the buffer distances for any as-of-right animal production land uses.
- Discourage rural tourism proposals that are likely to result in significant disturbance of remnant bushland.
- New dwellings or other buildings requiring a BAL, should demonstrate that they will be sufficiently setback from any bushfire hazard to achieve a construction standard no higher than

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BAL-29, unless there are significant siting constraints, in accordance with AS 3959 Construction of buildings in bushfire prone areas.

- In a BPA outside the BMO, a tourism development application involving accommodation for persons not normally resident on the site (i.e. other than for a dwelling or dependent persons unit) must prepare a bushfire risk assessment report for the development, which will be referred to the CFA for comment, showing how any identified bushfire risk will be reduced to an acceptable level. .
- Support large scale tourism developments within rural areas only where:
  - The proposed tourism enterprise requires a rural location.
  - The development will not contribute to the urbanisation of the area.
  - The land use is compatible with the use of adjoining and surrounding land for agriculture or forestry and complimentary to the rural setting.
  - The facility will significantly contribute to the tourism economy of the region.
  - The site is strategically located with respect to tourist routes, tourist attractions and other infrastructure.
  - The site has access to all relevant servicing infrastructure and the development will meet all costs for infrastructure provision to the site.
  - If deemed necessary, whether the proposal is to be undertaken by way of combined land rezoning and planning permit application to apply the Rural Activity Zone.
  - The bushfire risk can be reduced to an acceptable level.

For land in the Farming Zone Schedule 1, it is policy to:

- Ensure that rural tourism is ancillary to and associated with an existing farming activity undertaken on the property, and that the agricultural activity remains the primary land use.
- Ensure the proposed use of land for tourism will economically assist, promote, and form part of the productive agricultural enterprise (or rural use) to avoid potential land use incompatibilities.
- Ensure the mix of uses will not be out of balance with, nor change the character and nature of the agricultural land use, or result in an unreasonable loss of productive agricultural land.

For land in the Farming Zone Schedule 2, it is policy to:

- Support the establishment of small scale rural tourism opportunities, including agriculture related or nature based activities, bed and breakfasts, host farms, wineries and restaurants.
- Discourage tourism uses, including caravan parks, backpacker hostels, market or residential hotels that would likely introduce conflict with adjoining agriculture uses, land conservation outcomes or rural amenity values.
- Encourage buildings and ancillary infrastructure to be clustered together where site conditions enable this to be achieved and that screening from view from neighbouring dwellings is provided.

### **22.03-3 Application Requirements**

An application for a rural tourism within the Farming Zone 1 and 2 must include the following information, as appropriate:

- Proposed buildings and works, including driveways, waste and treatment disposal area and native vegetation to be retained or affected by the proposed development.

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- Setbacks from waterways, boundaries, adjacent farm infrastructure and neighbouring dwellings, including view lines to neighbouring dwellings.
- Where land is undulating, contours and proposed earthworks to show how the proposed development will be integrated into the landscape.
- For sites proposed to be subject to environmental rehabilitation or management for conservation purposes, a management statement including a schedule of works to achieve site rehabilitation or management, and describing how a dwelling or accommodation use would be an integral part of this. This should include a weed management program.
- A report outlining why a rural location is required and how the proposal is sympathetic or complimentary to the agricultural or natural environment values on the subject land and its surrounds.
- For Farming Zone 1, an explanation on how the use is associated with an agricultural use.
- Proximity and access to tourism features and infrastructure.
- Expected hours of operation, including maximum daily visitors.
- Explanation of how the proposal will complement the local tourism economy, including anticipated employment directly and indirectly expected to result from the proposal.
- A bushfire risk assessment report for a tourism development must be prepared by a suitably qualified or experienced bushfire practitioner, and show:
  - Siting of buildings that responds to the hazard such that buildings can achieve a construction standard no higher than a BAL-29
  - Adequate access for emergency services
  - An adequate water supply for fire fighting and property protection
  - A Bushfire Emergency Management Plan (BEMP) detailing emergency management arrangements and procedures for the site on days of elevated fire danger. Details of any other bushfire protection measures to be relied upon for the application.
- Description of safety measures to be implemented in response to fire risk and other hazards, where present.

### 22.03-4 Decision Guidelines

Before deciding on an application, in addition to the decision guidelines in the Farming Zone 1 and 2, the responsible authority will consider as appropriate:

- Whether the proposal is located within the buffer or separation distances of permitted or existing agricultural uses, as required under appropriate government codes of practice, the *Environment Protection Authority's Recommended Separation Distances for Industrial Residual Air Emissions* (as amended) or within the as-of-right buffers of an animal production land use.
- Whether the proposed buildings and works will be located away from ridgelines or hill tops and the impact on the local landscape.
- Whether the proposed development, including access, will require the removal of existing native vegetation or likely result in significant vegetation disturbance.
- Likely benefits to the local and regional tourism economy.
- Whether the proposal will generate a substantial increase in traffic or require road improvements or signage likely to adversely affect the rural character of the road(s) serving the localities.
- For large scale tourism – whether the application for permit should be considered as part of Section 96(A) application under the Planning and Environment Act 1987 for the rezoning of land to a Rural Activity Zone.

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- The impact of the proposed use or development on the surrounding agriculture, natural environment or rural amenity of the area.
- Where there is an identified bushfire risk, whether the submitted emergency management plan is adequate to reduce the bushfire risk to an acceptable level.
- The views of the relevant fire authority.
- Whether any identified bushfire risk will be able to be acceptably mitigated in an ongoing capacity, for the life of the development.
- For Farming Zone 1, whether the application is in association with an agricultural use

### **22.03-5 Policy References**

*Latrobe City Rural Land Use Strategy 2019 (as amended)*