

22.0428/04/2016
C61**USE AND DEVELOPMENT OF LAND IN THE FARMING ZONE AND RURAL LIVING ZONE**

This policy applies to the use, development and subdivision of all land in the Farming Zone and Rural Living Zone.

Policy Basis

This policy builds upon the following Municipal Strategic Statement objectives:

- Clause 21.03 to provide for rural living development in identified areas.
- Clause 21.03 to ensure that rural living development is economically sustainable.
- Clause 21.06 to protect the land resources relied upon by agriculture.

The fragmentation of productive agricultural land by inappropriate subdivision is to be avoided to ensure the productive capacity of the land is maintained. This policy provides a consistent strategic basis for considering permit applications for excisions of dwellings, use of lots smaller in size than that specified in the schedule to the Farming Zone (40 ha) and the re-subdivision of existing allotments.

The subdivision and use and development of land in rural areas creates additional demand on road infrastructure or requires the construction of new roads. New roads need to be constructed to specified standards and criteria.

Objectives

To ensure that the use and development of land for a dwelling is required to support the rural use of the land.

To ensure that dwellings and subdivisions that excise a dwelling do not adversely impact on the agricultural activities carried out on the land and neighbouring sites.

To ensure that the proposed dwelling will not result in the loss or fragmentation of productive agricultural land

To ensure roads and other infrastructure are commensurate with the expected impacts of proposed uses and developments.

Policy

It is policy to:

- Discourage new dwellings on existing small lots in the Farming Zone, particularly where (and in addition to all other considerations):
 - The lot was created prior to the introduction of planning controls;
 - The development will inhibit the operation of existing farming operations;
 - The lot is located in an area of 'moderate' agricultural quality as identified in Clause 21.06; and
 - The lot is located in a 'groundwater management area' or an 'irrigation area' identified in Clause 21.06.

Excision

- Discourage small lot excisions except where a house exists and;

- The new lot has a maximum size of 2 hectares, except as otherwise required by a provision of this planning scheme;
 - The remainder of the land can be consolidated with the title of an existing farm; or
 - The remainder of the land, if less than 40 hectares in size, is subject to a Section 173 Agreement which prohibits a further dwelling.
- Assess applications for small lot excision against the following additional criteria:
 - The need to avoid a cluster of dwellings that are not directly related to the agricultural use of the land;
 - The existing levels of infrastructure;
 - The extent of agricultural infrastructure that is to be contained within the farming lot;
 - The location of the dwelling in relation to the productive part of the land;
 - Whether adequate distance is maintained around the dwelling within the excised lot to reasonably limit likely impacts (if any) of adjacent agricultural activity; and
 - The capacity of the site to contain and treat on site effluent and wastewater.
 - Discourage small lot excisions that have the potential to restrict agricultural production on adjacent land.

Subdivision

- Discourage the subdivision of productive agricultural land;
- Strongly discourage subdivision within potable water supply catchment areas in the Farming Zone in order to protect water quantity and quality;
- Discourage the subdivision of large lots in the Farming Zone on agricultural land that has not been identified in the Municipal Strategic Statement as suitable for low density residential expansion;
- Discourage boundary re-alignments except if they are minor adjustments to take account of physical, man made or topographical features on the site;
- Discourage subdivision in the Farming and Rural Living Zones that is likely to lead to a concentration of lots so as to change the general land use and character of the rural area; and
- Encourage subdivision sizes and layouts that reflect farm viability.

Road construction

- Assess an application against the following criteria:
 - The need for all-weather road access and egress to the site;
 - Road alignment and safety of road users;
 - The impacts that may occur due to the proposed use and development of land; and
 - The design and alignment of the road, its surface and the likely effects that new uses and developments of land may have on the future surface and condition of the road.
- Ensure that new roads are constructed to the following minimum standards unless otherwise agreed by the responsible authority:
 - Formation width – 6 metres or passing bays every 200 metres;
 - Pavement width – 4 metres;

- Pavement depth – 150 millimetres of compacted road making gravel; and
- Maximum grade – no greater than 1 in 8 unless sealed.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in the zone, the responsible authority will consider:

- The planning history of the site;
- The surrounding land uses;
- The existing levels of infrastructure;
- The agricultural quality of the land;
- The level of any environmental constraints; and
- The degree to which the proposal supports the continued agricultural use of the land.