

22.05 RURAL DWELLINGS POLICY

09/02/2017
C140

This policy applies to an application for a dwelling in the Farming Zone (FZ).

22.05-1 Policy Basis

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This policy builds on the MSS objective in Clause 21.03-5 to balance demand for rural lifestyle and protection of agricultural values.

There is a demand for living opportunities in the rural areas of the Shire, however the unplanned incursion of residential land uses into rural areas results in agricultural land being taken out of production. While a rural dwelling will often be needed to properly farm the land, new dwellings must be limited to those that genuinely relate to agricultural production.

There should be no expectation that a dwelling may be constructed on every lot in the Farming Zone. The primary justification for a house on a rural lot must be that it complements and improves the agricultural use of the land.

22.05-2 Objectives

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- To provide a consistent basis for considering planning permit applications for the use and development of dwellings in rural areas.
- To ensure that dwellings in the Farming Zone are genuinely required to support agricultural activities.
- To discourage new dwellings unless it can be demonstrated that it is required for the agricultural use of the land.
- To ensure that the development of dwellings on rural land does not prejudice existing agricultural activities on surrounding land.
- To ensure that agricultural land is maintained for the cost-effective production of food and raw materials.
- To allow for consideration of planning permit applications for the use and development of land for a dwelling not associated with the agricultural use of the land where exceptional circumstances can be demonstrated, including;
 - Land where a previous planning permit for subdivision has considered the future development of a dwelling.
 - Land with established environmental qualities where the use and development of land for a dwelling will result in positive demonstrable environmental benefits.

22.05-3 Policy

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It is policy to:

- Discourage dwellings not associated with or required for the agricultural use of the land.
- Ensure that prior to the construction of a dwelling, the agricultural use is established on the land (or an Integrated Land Management Plan under Clause 35.07-6 is in place).
- Discourage dwellings on existing lots less than 2 hectares in area.
- Ensure that the dwelling lot is large enough to buffer itself from any adjoining agricultural activities.

- Ensure that the landowner enters into an agreement under Section 173 of the *Planning and Environment Act 1987* to:
 - Require that the dwelling only be used in conjunction with agricultural production; and
 - Acknowledges there may be impacts from nearby agricultural activities.
- Ensure applications for new dwellings not associated with the use of land for agriculture can demonstrate exceptional circumstances, including:
 - Evidence that a previous planning permit for subdivision considered the future development of a dwelling.
 - Demonstrable environmental benefits.

22.05-4 Application Requirements

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An application for a dwelling must be supported by the following information that justifies the dwelling on the basis that it addresses:

- Any expected impacts on the residential use of the land by surrounding agricultural activities, and
- Any expected impacts the siting of the dwelling may have on current or future agricultural activities on adjoining land.
- Any exceptional circumstances to support the use and development of land for a dwelling not associated with the agricultural use of the land.

22.05-5 Decision Guidelines

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Before deciding on an application for a dwelling in the Farming Zone, in addition to the decision guidelines of the Farming Zone, the responsible authority will consider the following:

- The relationship between the proposed dwelling and the agricultural activity on the land.
- The proposed siting of the dwelling and whether it minimises impacts on existing and potential agricultural operations on nearby land and on the rural landscape.
- Whether the proposed dwelling is necessary for the operation of the agricultural activity conducted 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 proposed agricultural infrastructure and activity on the land.
- The nature of the agricultural activities on the land and whether they require permanent and continuous care, supervision or security.
- The lot size, context and physical characteristics of the land.
- Whether the dwelling will result in a rural living or rural residential outcome in the area.
- Whether the proposed new dwelling has:
 - Suitable two way vehicle access via an all-weather road.
 - Legal frontage to a road.

- Adequate buffers to protect residential amenity from the impacts of agricultural activity.
- The exceptional circumstances to support the use and development of land for a dwelling not associated with the agricultural use of the land, including;
 - How the lot was created.
 - Environmental quality of the land.

Applications for rural dwellings that rely solely on personal hardship or family reasons as the basis for a request are unlikely to be supported.