



## Guidelines

### DWELLINGS ON SMALL LOTS IN THE FARMING ZONE

#### 1. PURPOSE

To provide guidelines to all Planning Permit applications for the use and development of land for a dwelling in the Farming Zone on lots less than 60ha. Applications for permits for dwellings on lots under 60ha should address the matters raised in this guideline. Council should use the guideline to inform its decision making on this matter.

It is recognised that a Planning permit is not required for the use and development of land for a dwelling on lots greater than 60ha.

The application of this guideline does not override any specific planning scheme control, covenant or agreement that applies to the land.

#### 2. INTRODUCTION

Most land within the Horsham Rural City Council municipal area is within the Farming Zone, although it is recognised that not all land in the Farming Zone is used for agricultural production.

The Horsham Rural City Council has a long history of approving development of land in the Farming Zone for dwellings. In offering this support, Council has sought to balance the needs of rural populations and the ongoing use of land for agriculture.

In seeking to promote rural populations, Council is required to exercise its discretion with respect to issuing permits for dwellings. In order to ensure consistency in consideration of applications for dwellings on lots under 60ha, Council has prepared this guideline to guide decision making.

### **3. SCOPE**

These guidelines apply to Council employees to inform decision making surrounding planning permit applications for dwellings on small lots.

### **4. OBJECTIVES AND STRATEGIES**

The following objectives are to be met by all new development. The Strategies are considered to be deemed to comply with the objective. Council can consider alternative strategies, as long as it is clearly demonstrated how the objective is achieved.

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| Objective 1  | To ensure dwellings are located in areas where there is an existing identifiable community.  |
| Strategy 1.1 | Dwellings should only be permitted on land in an area where it can be demonstrated that there is an existing identifiable community.                                       |
| Strategy 1.2 | Dwellings will not be permitted to establish to a density where they begin to dominate the land use of an area, unless the lot sizes of the subject land is less than 4ha. |
| Objective 2  | To direct dwellings to areas of high visual and/or landscape amenity.  |
| Strategy 2.1 | Dwellings will be located and positioned so as to avail themselves of proximity to significant landscape elements, such as rivers, lakes, mountains, etc.                  |
| Strategy 2.2 | All dwellings should be positioned on the land so as to preserve views from roads and other public viewing areas to natural environmental assets.                          |
| Objective 3  | To ensure that dwellings are located in areas where there is existing good access to the land in all conditions (e.g. wet weather, flood, bush fire, or the like).         |
| Strategy 3.1 | All dwellings shall have all weather road access from the nearest sealed road.   |

- Strategy 3.2 Dwellings shall only be permitted on land where access to the site is possible during times of environmental hazard.
- Objective 4 To ensure all dwellings have access to existing infrastructure (electricity, water, wastewater treatment), or have the ability to supply on-site, non-reticulated infrastructure.
- Strategy 4.1 All applications for dwellings will include detailed specifications for electricity supply, water supply (including fire fighting), waste water treatment, and other services that support the use of the land for a dwelling.
- Objective 5 To ensure that dwellings are not located in areas of high environmental risk, unless it can be demonstrated that the dwelling can be constructed to a standard that responds to the risk.
- Strategy 5.1 All applications for dwellings in areas of environmental hazard shall demonstrate how the design, layout, and construction addresses environmental risk.
- Strategy 5.2 All applications for dwellings must respond to any relevant Clause of the Horsham Planning Scheme.
- Objective 6 To ensure dwellings do not prejudice the use of the land, or land nearby, for agricultural production.
- Strategy 6.1 An application for a dwelling will demonstrate how it will manage the impacts generated by agricultural activities on adjacent and nearby land (dust, noise, odour, use of chemicals and farm machinery, traffic, hours of operation, and any other activity reasonably associated with agricultural production).
- Objective 7 To ensure dwellings contribute to the rural character of the area.
- Strategy 7.1 All dwellings should be constructed from materials that blend with the landscape.
- Strategy 7.2 All Dwellings should be set back from the road as far as practical (dependant on lot size).

- Strategy 7.3 All fences should be rural fences, and be of post and wire construction.
- Strategy 7.4 All garages, car ports, sheds, and other outbuildings associated with the dwelling should not visually dominate the frontage of the dwelling.
- Objective 8 To ensure the approval of dwellings enhances natural environmental values.
- Strategy 8.1 All permits for dwellings are to include a land management plan that identifies how the land will be managed. This land management plan will outline how pest plants and animals are to be managed, and identify landscape plant species (as identified within the relevant Ecological Vegetation Class that applies to the land) that are to be planted for landscaping purposes, along with enhancement of native vegetation present in the area. The scope of a Land Management Plan is outlined in section 5 of these guidelines.
- Strategy 8.2 Landscape planting should be provided to assist in establishing the dwelling contextually in its location.

## **5. EXERCISING DISCRETION**

In considering a planning permit application, Council shall seek to achieve the objectives and should implement the strategies in section 4 of this guideline unless where meeting the standard is mandatory.

Consideration will be given in circumstances where it can be shown that the dwelling is required for the ongoing use of the land for agriculture.

Consideration will be given to circumstance where it can be demonstrated that the dwelling is required for the use of a family member directly engaged in agricultural production on the land.

Consideration will be given to the ongoing viability of the land to be used for agriculture once a dwelling is approved.

Consideration should be given to the number of dwellings that currently exist in the area, to ensure that dwellings do not dominate the land use of the area.  
Consideration should be given in circumstances where it can be shown that the land has no history of use in agricultural production.

Remote and/or distant views of significant landscape elements will not be considered as meeting the intent of the guideline.

When a planning permit is required, it is guideline to: -

- Prevent dwellings becoming established in areas where there is no identifiable community in existence.
- Discourage dwellings from becoming established in areas where soil quality is of state or regional significance (see Appendix 1 for a map of soil quality).
- Discourage further subdivision of the land to allow for the excision of the dwelling. An agreement under Section 173 of the *Planning and Environment Act* must be entered into with the owner of the dwelling which ensures that the land may not be further subdivided so as to create a smaller lot for the dwelling. The agreement must be registered on title.
- Discourage the removal of native vegetation for the dwelling. It is policy that a copy of any permit issued for a dwelling on a lot of less than 60ha in Farming Zone is given to all lease holders, occupants, and intending purchasers.

## **6. PERFORMANCE MEASURES**

Where permitted, a dwelling shall be subject to the following measures and standards: -

- Be located on land outside the Floodway Overlay where information exists on the depth and velocity of flood water. Where no information on depth and velocity of flood water exists, the dwelling shall be located outside the Land Subject to Inundation Overlay.
- Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.

- Not impinge on the use of adjoining or nearby land for agricultural production.

## **7. DEVELOPMENT STANDARDS**

A lot used for a dwelling must meet the following requirements:

- All wastewater the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.  
The dwelling must be connected to a potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling must have access to an electricity supply, either reticulated or an onsite system.
- All fences should be rural post and wire construction.
- Internal access ways shall be all weather accessible and be wide enough to accommodate emergency vehicles.
- External building materials should utilise colours and finishes that blend with the landscape.

These requirements also apply to a dependent person's unit.

Infrastructure upgrades (inclusive of roads and drainage) required for or, resulting from the development of dwellings shall be 100% funded by applicants via an agreement registered on title.

## **8. APPLICATION REQUIREMENTS**

An application for a Planning Permit for the use and development of land for a dwelling on lots less than 60ha must be accompanied by the following information: -

A site description, which may use a site plan (drawn to scale), photographs or any other relevant technique, that accurately describes:

- The boundaries, dimensions, shape, size, orientation, slope and elevation of the site.
- Sight lines, to and from the land, that demonstrate how the dwelling does not impact on any view of the natural landscape available from roads and other public viewing areas.

- Location, layout, size and use of existing and proposed buildings and works on the site and on properties within a 2km radius of the proposed dwelling.
- Floor levels of any existing and proposed buildings, to Australian Height Datum.
- The use of surrounding properties and buildings.
- Location of significant environmental values including flora, fauna and wetlands on the site and surrounding properties.
- A description of all environmental hazards relevant to the land and its surrounding, and a description of how the proposal address risks associated with these hazards.
- A letter from the Wimmera Catchment Management Authority supporting the application (where relevant), dated no later than three months prior to the date of lodging the application.
- Adjoining roads, internal driveways, and access tracks.
- Any other notable features or characteristics of the site.
- Elevations of all proposed buildings, drawn to scale.
- Construction details of all buildings, fences, works and driveways.
- Information on how the dwelling will be constructed to respond to externalities generated by agricultural production on nearby or adjoining land.
- A Land Management Plan that: -
  - Provide a description of the land and existing conditions (dimensions, services, soil type, vegetation, water courses, slope, aspect, and any other significant features).
  - Provide a summary of land management issues (e.g. erosion, salinity, pest plants and animals, flooding/inundation, bushfire risk, soil types, remnant vegetation, water courses, etc).
  - Provide a description on how the land management issue is to be addressed. Provide a list of activities and actions to address land management issues, proposed time lines and completion date.

Applicants will be encouraged to consult with Council's Planning Department regarding any supporting information prior to preparing the Land Management Plan.

## **9. RESPONSIBILITY**

Responsible Officer:      Director, Planning and Economic

**10. SUPPORTING DOCUMENTS**

Document	Location
Horsham Planning Scheme	Internet

**11. DOCUMENT CONTROL**

Version Number	Approval Date	Approval By	Amendment
01	17 Feb 2014	Council via Planning Committee	New Guidelines