



Planning & Development Services

**City of Albany
Policy**

AGRICULTURAL PROTECTION AND SUBDIVISION

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Objective:

To protect existing and potential agricultural production from unjustified urban development and to promote the sustainable use of land and water resources in order to maximise the long term future of agriculture.

Background

Agriculture is the main land use and major employment industry in the study area and the prosperity of the City is dependent on the prosperity of agriculture. Although some of the factors influencing the viability of agriculture (e.g. world trade prices) are outside the scope of this strategy, others are not.

Urban development may reduce the availability of prime agricultural land and the subdivision of General Agriculture and Priority Agriculture areas may reduce the viability of agricultural enterprises in a number of ways. Non-sustainable agricultural methods themselves can also be responsible for reducing the value of agricultural land. All of these factors can be influenced by land use controls and management.

Policy Statement

Impact of Land Uses on Agriculture

All non-agricultural land use proposals will be assessed in terms of their potential impact on or conflict with;

- 1) existing agricultural land uses and management practices including potential expansion of those uses; and
- 2) likely development of adjoining land by 'P' uses.

Treatment of Land Uses Proposals in Agricultural Areas

- 1) Where a non-agricultural land use proposal would cause unacceptable adverse impacts on or conflicts with agricultural land uses, the proposal will not be supported; and
- 2) Where a non-agricultural land use proposal would affect land within an agricultural area but would not cause unacceptable conflicts with agricultural land uses, the proposal may be supported by Council, subject to conditions which would minimise the potential for land use conflicts (eg: setbacks from agricultural uses and limits on the scale of development).

Criteria for Support for Subdivision of General Agriculture and Priority Agriculture Land

Council may support the subdivision of General Agriculture and Priority Agriculture land where at least one of the following can be satisfied:

- 1) The subdivision is within a rural residential or environmental protection zone and appropriate land use provisions are in place;
- 2) The subdivision is for farm consolidation purposes and complies with policy statement F2.4;

- 3) The purpose of the subdivision is to excise an existing approved intensive agricultural enterprise where it can be shown that the enterprise has been operating in a sustainable and economically viable manner for at least two years, or in the case of orchards or vineyards, which take some years to become productive, they should have been planted and are still growing after two years since planting and policy statement F2.5 is complied with; and
- 4) The purpose of the subdivision is to excise an approved tourist or industrial development, or for other uses which would be ancillary to the legitimate General Agriculture and Priority Agriculture use of land, and policy statement is complied with.

Subdivision for Farm Consolidation & Broad-acre Farming

Council may support the subdivision of General Agriculture and Priority Agriculture land for farm consolidation purposes where the subdivided portions are simultaneously amalgamated with an adjoining location/lot and no additional lots are created. The remaining lot/s should be consistent with the prevailing lot size in the vicinity and be suitable for broad scale agricultural purposes.

Subdivision for Intensive Agricultural Purposes

Council may support the subdivision of General Agriculture and Priority Agriculture land for existing intensive agricultural enterprises on the basis of a comprehensive submission demonstrating that all the following requirements are satisfied:

- 1) A report has been agreed which demonstrates the following:
 - a) There is a low risk of soil salinity build-up;
 - b) There is a low susceptibility to water logging;
 - c) Favourable soil acidity or alkalinity;
 - d) Suitable plant rooting and cultivation conditions;
 - e) A low potential to contribute to eutrophication of water bodies;
 - f) It can satisfy all relevant "Codes of Practice" and Environmental Planning documents and utilises best management practices; and
 - g) A Nutrient and Irrigation Management Plan has been agreed.
- 2) The proposed new lot contains a minimum of 15ha of land with a high capability rating for annual or perennial horticultural production including the existing use.
- 3) The proponent demonstrates that each new lot has the capacity to capture and store a sufficient quantity of high quality water for that level of agricultural production and that DEWCP is prepared to agree that the capture of that water is within limits of the sustainable yield for that sub-catchment.
- 4) The total lot area is sufficient for the 15ha minimum of high capability land, plus the water capture and storage area, plus an area for the dwelling and other farm infrastructure and buildings with sufficient setback from adjoining properties so as to not restrict potential agricultural productivity on those properties, plus the retention of any remnant vegetation that should be protected from clearing.
- 5) The enterprise would be unlikely to cause land use conflict or other unreasonable impacts on adjoining land uses or residents.
- 6) That the remaining parcel of the General Agriculture and Priority Agriculture lot (i.e. the balance of the original lot) is of sufficient area to be consistent with lot sizes in the surrounding General Agriculture and Priority Agriculture area and will not constitute a de facto residential development or where the remaining portion comprises remnant vegetation it should be consistent with the Policy for Conservation Lots Clause 3.3 in DC 3.4.
- 7) That all resulting lots are capable of being both profitable and sustainable for the proposed use; and
- 8) If the use ceases the land is suitable for other permitted uses.

Subdivision for Tourist, Industrial and General Agriculture and Priority Agriculture Related Development

Council may support subdivision of General Agriculture and Priority Agriculture land for tourist, industrial or General Agriculture and Priority Agriculture related development where:

- 1) The development is not a small scale tourism uses or a bed and breakfast establishment, it has been approved, it does not require rezoning and has been substantially developed; or
- 2) The development is an existing, approved development which has been rezoned; or
- 3) For a proposed development which is required to be rezoned before it is approved, subdivision would be supported subject to final approval being agreed to the amendment by the Minister for Planning and Infrastructure.

Homestead Lots

- 1) Homestead lots will only be supported within the area identified on Figure 4 below.
- 2) Homestead lots will only be supported where it includes an existing habitable dwelling, constructed prior to the adoption of this policy.
- 3) The new lot may include sheds and other infrastructure, together with the dwelling.
- 4) The dwelling should be connected to power and the telecommunications network.
- 5) The lot should have access to a water supply for fire fighting and land management purposes although rainwater tanks will be sufficient for domestic purposes requiring a potable water supply.
- 6) Subdivision of Homestead Lots to comply with *FESA Planning for Fire (2010)* and *FESA/CALM Guidelines for Plantation Fire Protection (2001)*.
- 7) The lot should have frontage to a constructed public road.
- 8) The minimum lot size is 5 hectares and maximum lot size is 10 hectares unless the proponent can demonstrate the lot:
 - a) will be retained for agricultural production or conservation purposes; and
 - b) has suitable characteristics (soil, water, topography, etc) for the proposed use.
- 9) The lot shall provide the following setbacks:
 - a) 50 metres from any building/structure to the nearest trees in the plantation and these areas are to be maintained in a low fuel state.
 - b) 15 metres from any building/structure where there is no plantation.
- 10) The balance of the parent lot should be a minimum of 40 hectares in area after the subdivision of the Homestead Lot, or be amalgamated with an adjacent lot at the time of subdivision.
- 11) The subdivision shall have an access road with a minimum width of 5 metres.
- 12) The subdivision must have a minimum cleared area 6 metres wide on each side of the access road and these areas are to be maintained in a low fuel state.
- 13) Where a tree plantation has been, or is to be, established the developer of the tree plantation must establish a Good Neighbour Agreement between the two parties.

Although the policy is proposed to deal with farm amalgamation and tree plantations, it is not considered essential to prove this and therefore should not be a pre-requisite to justify a homestead lot in the agreed area if all other criteria can be satisfied.

