NATURAL RESOURCE MANAGEMENT

This Clause provides local content to support Clause14 (Natural Resource Management) of the State Planning Policy Framework.

The Council Plan 2009-2013 is committed to the following in terms of natural resource management:

- Encouraging development and new business establishment based on the region’s comparative and competitive advantages.

Rural areas

Overview

The agricultural sector is a significant source of economic activity in the municipality. Subdivision and rural housing in rural areas that is not associated with dedicated rural and agricultural activities can potentially undermine the viability of the rural sector through land use conflict, loss of productive agricultural land, use of infrastructure and water that could be used for agricultural production, and land values exceeding agricultural value.

Housing for lifestyle purposes in rural areas has the potential to create demand for community and physical infrastructure that may be more appropriately located in dedicated rural living areas.

Key issues

- Recognising the importance of the agricultural sector to the local economy.
- Recognising the potential for subdivision and rural dwellings to undermine agriculture.

Objective 1

To ensure that any subdivision of land is for the rural or agricultural use and development of land, rather than for rural lifestyle lots and developments.

Strategies

Strategy 1.1 Discourage any proposed excision of land to create a separate lot for an existing house in irrigated horticultural areas.

Strategy 1.2 Consider any excision of land in dryland farming areas that is linked to and required for the ongoing rural and agricultural use of land.

Strategy 1.3 Require any proposed dwelling excision of land to occur via the realignment of existing titles.

Strategy 1.4 Discourage any proposed excision of land if the existing dwelling is to be excised is required to maintain the ongoing agricultural production and rural use of the land.

Strategy 1.5 Discourage the subdivision of land at Tyntynder Flats, Pental Island and north west of Lake Boga as shown on Maps 1-6 on pages 8-13 if the subdivision creates a lot of less than 40 hectares.

Strategy 1.6 Discourage the subdivision of land to the east of Lake Boga, Lalbert Creek Floodplain and any other rural land as shown on Maps 6-8 on pages 13-15 if the subdivision creates a lot of less than 100 hectares.

Objective 2

To ensure that new dwellings do not undermine the productive agricultural base of the municipality, particularly in irrigated horticultural areas.

Strategies

Strategy 2.1 Ensure any new dwelling has a relationship with and is required to directly support the continuing operation of an existing rural use conducted on the land.

Strategy 2.2 Ensure any new dwelling is compatible with and will not have an adverse impact on agricultural land and other rural land uses on the land, adjoining land and the general area.

Strategy 2.3 Ensure new dwellings:

- Are set back from neighbouring farm land and do not reduce the potential for agricultural production or other rural uses on surrounding farm land.
Do not have an adverse effect on existing rural and irrigation infrastructure, and will not reduce the continuing use of this infrastructure for agricultural production.

Strategy 2.4 Encourage the consolidation of land in the same ownership to support applications for new dwellings.

Strategy 2.5 Discourage the construction of a dwelling on land at Tyntynder Flats, Pental Island and north west of Lake Boga as shown on Maps 1-6 on pages 8-13 if the lot is less than 40 hectares.

Strategy 2.6 Discourage the construction of a dwelling on land to the east of Lake Boga and Lalbert Creek Floodplain as shown on Maps 6-8 on pages 13-15 if the lot is less than 100 hectares.

Objective 3
To avoid land use conflicts between agricultural and non agricultural land uses.

Strategies

Strategy 3.1 Ensure there is an appropriate separation between agricultural and non agricultural land uses by using landscape buffers, orientation and siting of buildings.

Strategy 3.2 Ensure that use and development in the municipality is not prejudicial to agricultural industries or the productive capacity of the land.

Strategy 3.3 Discourage use and development of land that is incompatible with the use of land for agriculture.

Implementation
The strategies in relation to rural areas will be implemented through the planning scheme by:

Policy guidelines

- When considering an application for rural subdivisions, require the following information, as appropriate:
  A. A report that outlines and addresses:
  - A full description of the proposal, including details of the proposed subdivision and site.
  - Location of future dwellings and associated buildings and works, either through the use of building envelopes or through nominating ‘exclusion areas’ where these future developments will not be located.
  - Proposed servicing of the land, including all weather road access, potable and stock and domestic water supply, power, telecommunications, effluent disposal, stormwater management and fire safety.
  - An assessment of the proposal in accordance with the Swan Hill Planning Scheme, the Farming Zone and these policy guidelines.
  - The objectives of any relevant land use, agricultural and environmental strategies and policies, including relevant regional catchment strategies, regional vegetation management strategies and salinity management plans.
  - How the proposal considers land capability, including location of existing natural features, environmental constraints, waterway setbacks, native vegetation, and general protection and enhancement of the natural environment.
  - How any proposal for subdivision in irrigated/horticultural areas other than the minor realignment of boundaries between two lots meets the principles of any ‘whole farm plan’ prepared in accordance with the Department of Primary Industries guidelines and approved by the responsible authority.

B. Plans indicating:
  - Existing site features, natural features and existing buildings/developments.
  - Location of proposed lots and any future location of buildings and works, including proposed services.
When considering applications for rural subdivisions, except for land shown hatched on the attached maps on pages 8-15 in Clause 21.06, consider whether the application meets the following criteria or performance measures:

- A maximum area of 2 hectares for the lot with the existing house located on it, or if existing buildings and dwelling infrastructure covers a large area, as near as practicable to this area.
- A minimum area for the residual lot of at least the minimum subdivision size of the zoning that applies to the land.
- A minimum setback of 30 metres from the dwelling on the land to be excised from any agricultural activity or rural industry on any adjoining land.

When considering an application for any subdivision in an irrigated horticultural area, consider the use of a Section 173 agreement that notes:

- The area has intensive agricultural uses operating in it.
- The land and its occupants may experience off site rural activity effects, including noise, sprays and dust that may cause a loss of residential amenity.
- Existing agricultural and rural uses in the area have a ‘right to farm’ or right to legally continue the use.

When considering an application for a small lot excision (less than the minimum subdivision lot size of the zone), consider the use of a Section 173 agreement that notes:

- A dwelling may not be constructed in the future on the residual balance of the land being created by the subdivision.
- The size of the residual balance of the land cannot be reduced through a future realignment of titles to below the minimum subdivision size for the zone that applied to the land when the subdivision took place.
- The residual balance of the land may not be further subdivided.
- The excision is a once only approval that cannot be repeated for a dwelling that may be constructed on the land in the future.

When considering an application for a for a re-subdivision or averaging of lots, consider the use of a Section 173 agreement that notes:

- A dwelling may not be constructed in the future on any lot created by the subdivision that is below the minimum subdivision size of the zone.

When deciding on applications for rural subdivision the following matters will be considered, as appropriate:

- How the land to be subdivided is used for rural activities and agricultural production and the proposal meets the ongoing needs for these uses.
- How the subdivision minimises any potential amenity impact on adjacent or nearby land, and to maintain agricultural production on the subject land or adjoining / nearby land.
- How re-subdivision proposals consider the shape, size and location of the original titles and clearly demonstrate why a new configuration is required to achieve the objectives of the scheme and this policy. Any proposal for a new lot that will have an area below the minimum subdivision size of the zone must clearly demonstrate why this size is required to accommodate the natural features and maintain agricultural production on the land.
- How any proposal for subdivision in irrigated / horticultural areas other than the minor realignment of existing boundaries between two lots can be substantiated by any ‘whole farm plan’ prepared in accordance with Department of Primary Industries guidelines and approved by the responsible authority.
- How the proposal can be adequately serviced for water (potable, stock and domestic and fire fighting supply), effluent disposal, power, telecommunications, drainage and all weather road access.
- The need to consolidate land in the same ownership as part of a subdivision proposal in irrigated/horticultural areas if it is considered that consolidation would protect the existing and future productive use of rural and agricultural land.

When considering an application for rural dwellings, require the following information as appropriate:

A. A report that outlines and addresses:
   - A full description of the proposal, including details of the proposed dwelling and site.
   - Proposed servicing of the land, including all weather road access, potable and stock and domestic water supply, power, telecommunications, effluent disposal, stormwater management and fire safety.
   - An assessment of the proposal in accordance with the Swan Hill Planning Scheme, the Farming Zone and these policy guidelines.
   - The objectives of any relevant land use, agricultural and environmental strategies and policies, including relevant regional catchment strategies, regional vegetation management strategies and salinity management plans.
   - How the proposal considers land capability, including location of existing natural features, environmental constraints, waterway setbacks, native vegetation, and general protection and enhancement of the natural environment.
   - For any proposal for a dwelling in irrigated/horticultural areas, how the proposal meets the principles of any ‘whole farm plan’ prepared in accordance with the Department of Primary Industries guidelines and approved by the responsible authority.

B. Plans indicating:
   - Existing site features, natural features and existing buildings/developments.
   - Location of proposed works, including building layout, access and proposed services.
   - Building elevations, dimensions and materials.

When considering an application for dwelling in an irrigated horticultural area, consider the use of a Section 173 agreement that notes:
   - The area has intensive agricultural uses operating in it.
   - The land and its occupants may experience off site rural activity effects, including noise, sprays and dust that may cause a loss of residential amenity.
   - Existing agricultural and rural uses in the area have a ‘right to farm’ or right to legally continue the use.

When deciding on applications for a rural dwelling the following matters will be considered, as appropriate:
   - The relationship between the dwelling and rural activities and agricultural production and whether the proposal meets an ongoing need for a dwelling to support these uses.
   - Protection of existing and future productive potential and use of rural and agricultural land.
   - How the proposal minimises any potential amenity impact on the proposed dwelling of rural activities and agricultural production on adjacent or nearby land.
   - Maintenance and when possible enhancement of existing environmental features and values of the land.
Whether a proposal for a dwelling in irrigated/horticultural areas can be substantiated by any ‘whole farm plan’ prepared in accordance with Department of Primary Industries guidelines and approved by the responsible authority.

- How the proposal can be adequately serviced for water (potable, stock and domestic and fire fighting supply), effluent disposal, power, telecommunications, drainage and all weather road access.

- The need to consolidate land or in the same ownership as part of a dwelling proposal in irrigated areas if it is considered that consolidation would protect the existing and future productive use of rural and agricultural land.

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Agriculture and horticulture

Overview

Agriculture is an important industry in the municipality and its protection and enhancement is linked to the environmental and economic well being of the community.

Agricultural production is the cornerstone of the municipality’s and the Murray Mallee’s regional economy. Swan Hill region has one of the most productive and diverse agricultural sectors in Australia. The total annual value of agricultural production in the municipality is estimated to be at least $344 million. Considerable opportunities have been identified for expansion and growth of the horticultural industry.

The transfer and trading of water has led to the establishment of intensive agricultural industries on land that was not traditionally used for this purpose, such as at Wemen. There are substantial opportunities to diversify the agricultural and horticultural base by optimising the use of water and irrigation infrastructure and finding opportunities to process local product and develop markets including tourism.

Value added industries will predominantly locate in industrial areas within urban centres, however their location within rural areas may be justified where certain environmental and infrastructure criteria can be met (soil type, effluent treatment and disposal, good road access and minimisation of off-site effects).

The significant development potential of the municipality’s rural sector needs to be underpinned by sustainable development and management of the natural resource base especially in those areas which can be supplied with irrigated water, and where higher value products can be grown.

Land capability and land suitability are important determinants for agricultural sustainability in the municipality.

The use of land for horticultural production involves practices that can have off site effects such as spraying, scare guns and the use of machinery at night. It is essential that land use conflicts between agricultural uses and other land uses are avoided and that the productive and economic agricultural resource of the municipality is protected, particularly in the irrigated horticultural areas. Growth in the intensive horticulture developments has given rise to issues such as housing and the future of smaller settlements along the Murray River.

Key issues

- The continued growth of the horticulture industry.
- Protection of horticultural land for agriculture.
- Access to irrigation water is critical to the ongoing growth of the horticultural sector. The proposals by the MDBA to reduce agricultural water entitlements and divert it to the environment could stifle long term horticultural growth.
- Supporting dry land agriculture.
Objective 4
To realise and capitalise on agricultural/horticultural and food industry development opportunities.

Strategies
Strategy 4.1 Support the diversification of agriculture, the development of agroforestry and the processing of agricultural products grown within the municipality.
Strategy 4.2 Encourage development of high value irrigated agriculture and a mix of agricultural enterprises that optimises water use.
Strategy 4.3 Encourage the location of value-added industries in industrial areas within urban centres and where appropriate in rural areas subject to site management and design guidelines.
Strategy 4.4 Continue to develop and market the image of the municipality and the Murray Mallee region as ‘clean and green agriculture’ and producer of fine foods.
Strategy 4.5 Extend efficient irrigation systems to areas which have a demonstrated capacity to be able to manage additional water without lessening the value and long term productive capacity of land.
Strategy 4.6 Protect irrigation and road infrastructure in horticultural areas in the municipality.

Objective 5
To ensure intensive animal husbandry uses and developments are suitably located.

Strategies
Strategy 5.1 Ensure that the site area that is developed with enclosures, yards or buildings used for the holding of animals is suitably located and fenced.
Strategy 5.2 Encourage landscaping of the site that removes any adverse visual impact of the development on the surrounding area.
Strategy 5.3 Ensure that all manure and polluted run-off water from any enclosures, yards or buildings used in conjunction with any intensive animal husbandry, or any water otherwise contaminated as a result of such use, be treated and disposed of either within the boundaries of the site or in an alternative manner to the satisfaction of the responsible authority.
Strategy 5.4 Support measures that ensure that the use and development proposed does not prejudicially affect the amenity of the locality by reason of appearance or emission of noise, smell, fumes, waste water, waste products or otherwise.
Strategy 5.5 Ensure that no enclosures, yards or buildings where animals are intensively raised are located within 200 metres of any river, creek, water course or pondage, within 500 metres of a dwelling on any other property, or within 30 metres of any road (whether or not this road forms the frontage of the land).
Strategy 5.6 Discourage the use of sites that are less than 4 hectares in area and the total area for buildings, yards or enclosures used for the enclosure of animals does not exceed 10 percent of the area of the site.

Implementation
The strategies in relation to agriculture and horticulture will be implemented through the planning scheme by:

Policy guidelines
- When considering an application for intensive animal husbandry, require as appropriate plans and information indicating:
  - Dimensions and locations of all existing and proposed new buildings and works, extensions or alterations on the site and title boundaries at a minimum scale of 1:200.
  - Drainage lines through the land or for run-off water that may be discharged from the site.
  - Location of existing dwellings on the site and adjacent properties, and the existing use of all other lands within 0.5 kilometres of the site.
  - Areas used or to be used for intensive animal raising, grazing or for dry sows, manure disposal and drainage disposal.
- Source and capacity of water supply to the site.
- Clear delineation (pegging) on the site of boundaries of proposed buildings and works to permit inspection by the responsible authority.

- When considering an application for intensive animal husbandry, consider whether the application meets the following criteria or performance measures:
  - Enclosures, yards or buildings where animals are intensively raised located at least 200 metres from any river, creek, water course or pondage, at least 500 metres from a dwelling on any other property, or at least 30 metres from any road (whether or not this road forms the frontage of the land).
  - A minimum site area of 4 hectares.
  - A maximum total area for buildings, yards or enclosures used for the enclosure of animals of 10 percent of the area of the site.

- When deciding on applications for intensive animal husbandry, the following matters will be considered, as appropriate:
  - The effect of the proposed development on the amenity of adjacent land.
  - Whether the ability to use adjacent land for rural activities and production will be compromised by the proposed development.

Application of zones and overlays

- Applying the Farming Zone and its Schedule to specify minimum lot sizes for dryland and irrigated horticulture areas to protect agricultural land for agricultural uses.

Reference documents

Sunrise 21 Strategy, Sunraysia Development Corporation

Kerang - Swan Hill Future Land Use Pilot Study
Map 1 - Tyntynder Flats
Map 3 - Tyntynder Flats cont'd
Map 5 - North-west of Lake Boga
Map 6 - North-west of Lake Boga cont'd and East of Lake Boga
Map 7 - East of Lake Boga cont'd