

### 1. PURPOSE

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. The Scheme prevails should there be any conflict between this Policy and the Scheme.

It is not intended that a policy be applied rigidly, but each application be examined on its merits, with the objectives and intent of the policy the key for assessment. However, it should not be assumed that the local government, in exercising its planning discretion, be limited to the policy provisions and that mere compliance will result in an approval. This approach has produced many examples of inappropriate built form that has a long-term impact on the amenity and sustainability of the locality.

The Shire encourages applicants to produce innovative ways of achieving the stated objectives and acknowledges that these may sit outside the more traditional planning and architectural approaches. In these instances the local government is open to considering (and encourages) well-presented cases, during pre-application consultation, having due regard to the outcome of any public consultation undertaken and the orderly and proper planning of the locality.

### 2. SCOPE

A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

### 3. OBJECTIVE

- 3.1 To provide clarity and direction with regard to the approval of intensive agricultural uses in consideration of potential conflict issues with other land-uses.

### 4. POLICY STATEMENT

#### 4.1 Definitions and Permissibility

- a. "agriculture – intensive" means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following –
- (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
  - (b) the establishment and operation of plant or fruit nurseries;
  - (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); or
  - (d) aquaculture;
- b. This Policy addresses requirements for applications that are made for 'Agriculture – Intensive' upon land zoned 'Rural Smallholding' or 'Rural'. Both of these zones lists 'Agriculture-Intensive' as a 'D' use

meaning that the use is not permitted unless the Local Government has exercised its discretion by granting planning approval.

## 4.2 General Requirements

### a. Minimum general requirements:

Intensive Agricultural Use	Min. Lot Size	Min. Setback from Boundaries	Min. Setback from Neighbouring Residence	Min. Setback from Dam or Watercourse	Min. Vegetation Screening & Buffers
Horticulture	20 ha	40 metres	200 metres	100 metres	5 metres
Viticulture	30 ha	40 metres	200 metres	100 metres	5 metres
Floriculture	10 ha	15 metres	100 metres	100 metres	5 metres
Aquaculture	10 ha	15 metres	100 metres	100 metres	-
Turf Farm	20 ha	15 metres	100 metres	100 metres	-

\* Depending on the nature of the proposed intensive agricultural use, local wind, topography and vegetation conditions, setbacks may need to be varied to those specified above. When determining such setbacks the Council will consider existing characteristics and potential land-uses on adjoining and nearby properties.

- b. An acceptable water supply, endorsed / licenced by the Department of Water, exists on the property with confirmation to this effect being submitted in writing at the time of application for planning consent.
- c. information is submitted at the time of application for planning consent demonstrating the proposed intensive agricultural use will not impact on any neighbouring agricultural practice or be detrimental to the subject land, surrounding locality or environment by way of land degradation or erosion, noise, dust, odour, spray drift, effluent disposal or leaching, waste water disposal or runoff etc.
- d. it can be demonstrated the proposed intensive agricultural use/development will not adversely affect a known drinking water source.
- e. The Council will only support the establishment of buildings for an intensive agricultural use where they are clustered with other buildings on the site and are located well away from hills, mesa tops, and ridge-lines.
- f. The Council will not support the damming of a watercourse or valley area for the purpose of servicing a proposed intensive agricultural use/development unless:
- i. a separate application for planning consent for the proposed dam has been submitted detailing:
- the overall area and holding capacity of the dam;
  - a profile of the dam wall including the provision of an overflow so as not to prohibit or substantially restrict the flow of water downstream;
  - the location of the dam in relation to property boundaries and existing residential development.; and

- ii. the Department of Water has given its endorsement for the proposed dam.
- g. The Council will only support retailing of produce from the subject property where:
- i. a separate application for planning consent for wayside stall, produce store or cellar door sales outlet has been submitted detailing:
    - location and form of building;
    - vehicular access;
    - disabled access (maybe required in some instances);
    - provision for on-site car parking;
    - provision of landscaping;
    - hours of operation; and
  - ii. the retailing is incidental to an approved intensive agricultural use/development;
  - iii. access to the property is by a 8.0 metre gravel standard road;
  - iv. the proposed development will not result in unacceptable environmental impacts as a result of noise, odour, light spill, or visual intrusion, contamination.

#### **4.3 Feed Lot**

An application for a feed lot may be required to be advertised and thereafter placed before a meeting of Council and shall be subject to, at a minimum, the following:

- a. the subject property is to be serviced at a minimum by a 8.0 metre gravel or bitumen paved road;
- b. favourable comment to the proposal has been received from the Department of Agriculture and Food, Department of Planning, Department of Environmental Regulation, Department of Parks & Wildlife and any other government agency as determined by Council;
- c. the Council is satisfied the feed lot proposal will not result in any negative impact on neighbouring agricultural practices or be detrimental to the subject land, surrounding locality or environment by way of land degradation or erosion, noise, dust, odour, effluent disposal or leaching, waste water disposal or runoff.

Note: All applications seeking planning consent for a feed lot shall be referred to Council for determination.

## **5. REFERENCES AND ADOPTION**

Shire of Chapman Valley Local Planning Scheme No.2  
*Planning & Development Act 2005*

*Adopted at the 19 February 2014 Ordinary Meeting of Council*