

## 8.2 Overlay Codes



### 8.2.1 Agricultural Land Overlay Code

#### 8.2.1.1 Application

This code applies to development:

- (1) within the Agricultural Land Overlay as identified on the overlay maps contained in **Schedule 2 Mapping**; and
- (2) identified as requiring assessment against the Agricultural Land Overlay Code by the tables of assessment in **Part 5 Tables of Assessment**.

**Note** - For the purposes of this Planning Scheme, 'significant agricultural land' means the land shown on the **Agricultural Land Overlay Map OM-01** as Agricultural Land Classification (ALC) Class A and Class B land.

#### 8.2.1.2 Purpose and Overall Outcomes

- (1) The purpose of the Agricultural Land Overlay Code is to:
  - (a) protect *significant agricultural land* in the Rural Zone for agricultural uses;
  - (b) protect *significant agricultural land* in the Rural Zone from fragmentation, alienation or diminished agricultural productivity;
  - (c) minimise the potential for conflict between agricultural and other uses on *significant agricultural land*; and
  - (d) facilitate development for agricultural purposes on *significant agricultural land* in the Rural Zone.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) The ongoing productive use of *significant agricultural land* for agricultural purposes is maintained and protected by ensuring that:
    - (i) land uses that conflict with the agricultural production of land are avoided;
    - (ii) development that leads to diminished productivity of *significant agricultural land* is avoided unless a planning need exists for the development to occur and the area lost from production is minimised to the greatest extent possible; and
    - (iii) where development impacts *significant agricultural land*, such impacts are to be mitigated to ensure a no net loss in the utility and or availability of *significant agricultural land*;
  - (b) Where the development will result in permanent impacts on *significant agricultural land* and there is an overriding need for the development, the permanent impacts on *significant agricultural land* are:
    - (i) avoided to the greatest extent possible; and
    - (ii) minimised where the impacts cannot be avoided; and
    - (iii) mitigated where the impacts cannot be avoided;
  - (c) Where the development and any subsequent use is temporary and results in temporary impacts on *significant agricultural land*:

- (i) the development and any subsequent use is undertaken within a time limit appropriate to allow restoration of impacted land to its pre-development condition at the conclusion of the development and any associated use; and
- (ii) any impacted *significant agricultural land* is restored to its pre-development condition within that timeframe;
- (d) Reconfiguring a lot does not result in fragmentation of *significant agricultural land*, except where it has been assessed that there is an overriding need in the public interest for a related material change of use and the reconfiguring of a lot is consistent with the material change of use;
- (e) Where the development is located in the Agricultural Land Buffer Area, there is an adequate separation area included in the design and layout of the development to prevent any impact from agricultural activities on the amenity or use of the occupants of the development.

**Note** - For the purposes of this Planning Scheme, 'significant agricultural land' means the land shown on the **Agricultural Land Overlay Map OM-01** as Agricultural Land Classification (ALC) Class A and Class B land.

### 8.2.1.3 Assessment Benchmarks

**Table 8.2.1.3.1— Agricultural Land Overlay Code - Assessable Development**

| Performance Outcomes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Acceptable Outcomes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| <b>Land uses on <i>significant agricultural land</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p><b>PO1</b><br/>Uses that lead to the loss or degradation of <i>significant agricultural land</i> from production are avoided unless:</p> <ul style="list-style-type: none"> <li>(1) the use facilitates an increase or improves the efficiency of agricultural production; or</li> <li>(2) development is only for <i>rural activities</i> and complementary <i>rural activities</i>, except where an overriding need exists for the development to occur, the area lost from production is minimised and there is no viable alternative where impacts on <i>significant agricultural land</i> can be avoided; and</li> <li>(3) the area lost to agricultural production is minimised to the greatest extent possible.</li> </ul> <p><b>Note</b> - An Applicant may seek to demonstrate through the submission of a report, prepared by a suitably qualified professional, that the site does not contain the attributes of <i>significant agricultural land</i> as shown in <b>Agricultural Land Overlay Map OM-01</b>.</p> | <p><b>AO1.1</b><br/>Development on <i>significant agricultural land</i> identified on the <b>Agricultural Land Overlay Map OM-01</b> involves any of the following land uses:</p> <ul style="list-style-type: none"> <li>(1) <i>Animal husbandry</i>;</li> <li>(2) <i>Animal keeping</i>;</li> <li>(3) <i>Aquaculture</i>;</li> <li>(4) <i>Cropping</i>;</li> <li>(5) <i>Dual occupancy</i>;</li> <li>(6) <i>Dwelling house</i>;</li> <li>(7) <i>Home based business</i>;</li> <li>(8) <i>Intensive animal industry (excluding buildings)</i>;</li> <li>(9) <i>Intensive horticulture</i>;</li> <li>(10) <i>Market</i>;</li> <li>(11) <i>Renewable energy facility</i>;</li> <li>(12) <i>Roadside stall</i>;</li> <li>(13) <i>Rural industry</i>;</li> <li>(14) <i>Rural workers' accommodation</i>;</li> <li>(15) <i>Wholesale nursery</i>.</li> </ul> |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p><b>AO1.2</b><br/>Development involving the following land uses:</p> <ul style="list-style-type: none"> <li>(1) <i>Agricultural supplies store</i>;</li> <li>(2) <i>Club</i>;</li> <li>(3) <i>Emergency services</i>;</li> <li>(4) <i>Environment facility</i>;</li> <li>(5) <i>Food and drink outlet</i>;</li> <li>(6) <i>Low impact industry</i>;</li> <li>(7) <i>Nature-based tourism</i>;</li> <li>(8) <i>Outdoor sales involving livestock saleyards</i>;</li> <li>(9) <i>Research and technology industry</i>;</li> <li>(10) <i>Rural workers accommodation</i>;</li> <li>(11) <i>Service industry</i>;</li> <li>(12) <i>Short-term accommodation</i>;</li> <li>(13) <i>Telecommunications facility</i>;</li> <li>(14) <i>Tourist attraction</i>;</li> </ul>                                                                                    |

| Performance Outcomes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Acceptable Outcomes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>(15) <i>Tourist park;</i><br/> (16) <i>Transport depot;</i><br/> (17) <i>Utility installation;</i><br/> (18) <i>Veterinary service; and</i><br/> (19) <i>Winery,</i><br/> ensures that the total area of <i>significant agricultural land</i> identified on the <b>Agricultural Land Overlay Map OM-01</b> covered by a <i>development footprint</i> is equal to or less than 1,000m<sup>2</sup>.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Sensitive Land Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <p><b>PO2</b><br/> Uses are located and designed to:<br/> (1) avoid land use conflict;<br/> (2) protect the existing and ongoing viability of the rural resource; and<br/> (3) manage the impact from agricultural activities on <i>sensitive land uses</i> (listed in <b>AO2</b>) including chemical spray drift, odour, noise, dust, smoke and ash.</p> <p><b>Note</b> - An Applicant may seek to demonstrate through the submission of report, prepared by an appropriately qualified professional, that the site does not support significant agricultural land as shown in <b>Agricultural Land Overlay Map OM-01</b>.</p> | <p><b>AO2</b><br/> A:<br/> (1) <i>Child care centre;</i><br/> (2) <i>Community care centre;</i><br/> (3) <i>Community residence;</i><br/> (4) <i>Community use;</i><br/> (5) <i>Educational establishment;</i><br/> (6) <i>Health care service;</i><br/> (7) <i>Hospital;</i><br/> (8) <i>Hotel;</i><br/> (9) <i>Multiple dwelling;</i><br/> (10) <i>Relocatable home park;</i><br/> (11) <i>Residential care facility;</i><br/> (12) <i>Retirement facility;</i><br/> is not located in the Agricultural Land Buffer Area or <i>significant agricultural land</i> identified on the <b>Agricultural Land Overlay Map OM-01</b>.</p> <p><b>Editor's Note</b> - Part E of the <i>State Planning Policy - state interest guideline: Agriculture, July 2014</i> provides technical guidance to help minimise conflict between agriculture and non-agricultural land uses.</p> |
| Reconfiguration of a Lot                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <p><b>PO3</b><br/> Lot reconfigurations:<br/> (1) maintain the opportunity for agricultural production on <i>significant agricultural land</i>;<br/> (2) do not result in allotment sizes that fragment, alienate or result in loss or diminished productive capacity of <i>significant agricultural land</i>.</p> <p><b>Editor's note</b> - Minimum lot sizes for each lot must enable continued agricultural viability. Minimum lot sizes should ensure that resulting farm sizes are sufficiently large to allow for a range of crop options over the long-term.</p>                                                         | <p><b>AO3</b><br/> No acceptable outcome is prescribed.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p><b>PO4</b><br/> Where realigning the boundaries of a lot on, or adjacent to <i>significant agricultural land</i>, the realignment:<br/> (1) results in a more productive use and management</p>                                                                                                                                                                                                                                                                                                                                                                                                                              | <p><b>AO4.1</b><br/> The number of new lots, including the balance of the area, is equal to or less than the total number of original lots.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

| Performance Outcomes                                                                                                                                                                                                                                                              | Acceptable Outcomes                                                                                                                                                                                                   |
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| <p>of <i>significant agricultural land</i> and water for agricultural uses; and</p> <p>(2) does not lead to increased fragmentation of <i>significant agricultural land</i> and does not increase the potential conflict between agricultural and non-agricultural land uses.</p> | <p><b>AO4.2</b></p> <p>Provision of adequate separation area between any small lots and nearby agriculture is provided by the new development to ensure nearby <i>significant agricultural land</i> is protected.</p> |