

Draft Sunshine Coast Planning Scheme
Review of Submissions
Region Wide Key Issues Paper No. 4:
Use and subdivision of rural land

Key Issue:	Rural enterprises and subdivision in rural areas
No. of submissions:	290 (including 90 form letters)
Major issues raised:	Application of Rural zone Subdivision of rural land Application and accuracy of overlays Allowable uses in rural areas Generic approach to treatment of rural areas Landscape responsibilities and resource stewardship

1.0 INTRODUCTION

The Sunshine Coast's rural areas play an important role in supporting rural enterprises, providing tourism and lifestyle opportunities and protecting large areas of valuable natural assets.

Under the draft planning scheme the majority of land outside of the urban and rural residential areas has been included in the Rural zone. In broad terms, this zone reflects the areas which are currently included:-

- in rural zones or precincts under the current planning schemes; and
- in the Regional Landscape and Rural Production Area land use category under the SEQ Regional Plan 2009.

A number of submissions have sought to have sites changed from the Rural zone to another zone which allows for either urban or rural residential development. However, approximately one third of submissions support the protection of rural lands and landscapes.

While submissions have been received from all over the Sunshine Coast, a significant number specifically address the former cane lands of the Maroochy River Plains.

Issues specific to the former cane lands are addressed in *Local Area Key Issues Paper No. 12: Cane lands*.

A small number of submissions have sought the reinstatement of discretionary subdivision entitlements and the ability to create retirement or family transfer lots.

Many submissions have also raised concern about the accuracy and application of overlays. This issue has been largely addressed in the *Region Wide Key Issues Paper No. 6: Application and accuracy of overlays*.

2.0 STATE PLANNING POLICY

South East Queensland Regional Plan 2009 - 2031

The *South East Queensland Regional Plan 2009 – 2031* is the statutory regional planning document that guides growth and development in the SEQ Region. Local planning schemes are required to be consistent with the SEQ Regional Plan.

The majority of the rural lands of the Sunshine Coast are located within the Regional Landscape and Rural Production Area (RLRPA) land use category under the SEQ Regional Plan.

These lands have regional landscape, rural production or other non-urban values, and the Regional Plan protects these areas from encroachment by urban or rural residential development.

The primary Regional Policy that deals with the RLRPA is Desired Regional Outcome 5 Rural Futures: *Rural communities are strong and viable with sustainable economies contributing to the health, wealth, character and liveability of the SEQ Region.*

The Regional Plan regulates subdivision and land use in the RLRPA through the Regulatory Provisions. This consists of avoiding:-

- subdivision of rural land below 100 hectares, unless in a recognised rural precinct (intended to protect or promote rural activities);
- urban activities (including residential, industrial, retail and commercial activities), except within established villages; and
- expansion of rural residential areas outside areas already designated in the planning scheme.

The regulatory provisions seek to support diversification of rural economies by allowing a range of activities, including:-

- tourist activities;
- small-scale industry and business activities;
- community facilities (such as schools and churches); and
- sport and recreation facilities.

Such development is still subject to compliance with the applicable planning scheme.

The SEQ Regional Plan is currently subject to a comprehensive review. A draft version of the updated SEQ Regional Plan is proposed to be publicly notified in early-mid 2014.

There are also a number of State Planning Policies (SPPs) relevant to rural land. These SPP's are also subject to review and will be replaced by the Single SPP which is due to commence in the later part of 2013.

3.0 EXISTING PLANNING SCHEME PROVISIONS

The existing planning schemes vary in how they treat rural areas and facilitate or restrict various land uses.

While Caloundra City Plan has one rural precinct, Maroochy Plan identifies 5 different precincts based upon land suitability or landscape characteristics. These include:-

- the Sustainable cane lands precinct;
- the Sustainable horticultural lands precinct,
- the Sustainable pastoral lands precinct,
- the Water resource catchment area precinct; and
- the General rural lands precinct.

While all the existing rural zones allow for a range of rural production uses, they differ in their approach to other uses such as value adding enterprises, visitor accommodation and businesses which are not necessarily associated with rural production.

In terms of the subdivision of land, the minimum lot size for rural precincts in the existing planning schemes ranges from 25 hectares to 100 hectares. As noted above, the SEQ Regional Plan overrides these provisions by specifying a minimum lot size of 100 hectares for land included in the RLRPA.

4.0 DRAFT SUNSHINE COAST PLANNING SCHEME

Rural zone

The draft Sunshine Coast Planning Scheme proposes a standardised and simplified approach to the management of rural enterprise. This involves inclusion of all rural land within a single Rural zone and identification of a single set of definitions for rural activities.

In general terms, the Rural zone reflects the areas which are included:-

- in a rural precinct under one of the current planning schemes; and
- in the Regional Landscape and Rural Production Area land use category under the SEQ Regional Plan.

However, the Rural zone also includes properties which may be in either the Rural Living or Urban Footprint regional land use categories under the SEQ Regional Plan but which are not considered appropriate for further development due to the presence of significant constraints. These properties are generally located at the edges of local plan areas.

In September 2013, Council endorsed its Regional Economic Development Strategy which recognises the importance of rural enterprise to the Sunshine Coast economy. It identifies seven high value industries including agribusiness, niche food and beverage product and value adding production.

Tables of Assessment

In general, in the draft planning scheme, levels of assessment have been lowered for rural activities and a range of other compatible uses which are considered potentially appropriate to establish within the Rural zone (e.g. Rural industry, Winery, Nature based tourism and Short term accommodation (up to 8 cabins)).

The Rural zone is intended to provide for a wide range of rural activities including agribusiness activities and a limited range of non-rural activities which complement, value add or provide a service to rural areas in accordance with Council's endorsed Economic Development Strategy.

Activities in rural areas are intended to maintain and enhance the character, visual amenity and rural production capabilities of the area.

It is not suggested that all land within the Rural zone is good quality agricultural land and it is acknowledged that some land will never be suitable or used for rural production. Rural areas also maintain the individuality of our communities and maintain the geographic separation of the Sunshine Coast from other parts of South East Queensland.

Council's Economic Development Strategy identifies a range of other non-planning scheme actions intended to strengthen and enhance the role and long term viability of rural areas.

5.0 CONSIDERATION OF ISSUES

While submissions vary significantly, for the purpose of discussion they can be summarised into the following six main themes:

Application of the Rural zone

Issue:

Some submissions contend that particular sites or areas should not be included in the Rural zone but should instead be included in either the Rural residential zone or one of the urban zones. A number of other submissions requested the investigation of areas for future urban development.

These submissions tend to rely upon one or more of the following grounds to justify a change in zoning:-

- the current use of the subject site for lifestyle living rather than rural purposes;
- the limited suitability of the subject site for rural production;
- the impact of encroaching incompatible land uses on the subject site; and
- the proximity of the subject site to existing developed areas or other incompatible land uses.

Response:

These submissions have generally been dealt with on an individual basis with responses provided within the relevant local plan area submissions table.

Although Council cannot at this time make zoning allocations that are in conflict with the SEQ Regional Plan, those sites or areas considered to be potentially suitable for urban or rural residential development at some time in the future have been identified for further investigation and will be considered as part of Council's submission to the SEQ Regional Plan review.

In a broader context it is important to note that containing urban and rural residential development to within defined local growth management boundaries is desirable in order to:-

- protect the function and amenity of rural areas;
- retain inter-urban breaks and the discreet identity of individual towns and villages;
- avoid or minimise interference with rural activities;
- minimise impact on ecological systems;
- protect potential residents from natural hazards such as flooding; and
- provide for the efficient provision of infrastructure.

Shifting the urban/rural boundary incrementally can lead to problems of incompatible uses and further fragmentation of farming lands.

Council's population assessment has demonstrated there is sufficient capacity in the existing zoned land to accommodate the SEQ Regional Plan population estimates for the Sunshine Coast to 2031.

Submissions seeking to change the zoning of rural areas have been carefully considered having regard to the balance of zones and the preferred future pattern of settlement for the region.

Note: *Local Area Key Issues Paper No. 12: Cane lands* includes a proposal for a master planning process to identify the preferred land use and management outcomes for certain cane land areas.

Subdivision of rural land

Issue:

A relatively small number of submissions have requested the ability to further subdivide rural land. Some of these submissions request the reinstatement of discretionary rural subdivision entitlements (i.e. family transfers and retirement lots). Other submissions have sought more substantial subdivision for rural residential (or lifestyle) lots.

Response:

The further subdivision of rural land is an issue of significant concern. Principal among these concerns is the cumulative impact of land fragmentation on the rural production, landscape and ecosystem values of rural areas.

The Regional Economic Development Strategy recognises rural activities as a critical component of the Sunshine Coast economy.

The protection of rural land is essential to provide opportunities for rural production, rural enterprises and regional landscape. The continual subdivision of rural land ultimately reduces the availability of rural land for this purpose.

Even where rural land is not currently (or anticipated to be) used for farming it often contributes to landscape or ecosystem values. Further subdivision, including associated earthworks and infrastructure can have an adverse impact on these values.

Land use conflicts can also arise where newer residents move into a rural setting pursuing a certain lifestyle but then become dissatisfied with either the level of service or the impacts of nearby productive rural activities.

Discretionary rural subdivision entitlements existed in the superseded planning schemes for Caloundra City (1985) and Maroochy Shire (1985). However, these provisions were not successfully implemented and often led to poor land use and management outcomes.

Given the commitment to rural enterprises as a key element of the economy, the further subdivision of rural land is not considered appropriate.

Other avenues of accommodating family or farm workers in independent living, which don't rely on creating new lots, have been provided in the draft planning scheme including Caretakers residence, Rural workers accommodation and Short term accommodation.

Issues pertaining to the inclusion of land in alternative zones (including the Rural residential zone) are dealt with in the 'Application of the Rural zone' section above.

Allowable uses in the rural zone

Issue:

A small number of submissions contend that a wider range of uses should be allowed to establish in the Rural zone or that uses which are identified as requiring a development application (i.e. code or impact assessable development) should be 'as of right' (i.e. exempt or self-assessable development) in the zone.

A small number of submissions requested that specific uses such as agricultural supplies store, bulk landscape supplies, caravan park, garden centre, places of worship, retirement villages etc. be made code assessable development in the Rural zone.

Some submissions contend that the draft planning scheme has gone too far in allowing for non-rural activities to establish in rural areas. There was some concern about the potential for certain uses such as nature based tourism, intensive animal industry and transport depot to adversely impact on the character and amenity of rural areas.

Response:

The draft planning scheme provides for a significantly wider range of activities to establish in rural areas compared to the existing planning schemes.

All defined rural activities are identified either as 'consistent' development in the zone, or consistent on the merits of the proposal.

Animal husbandry, Cropping, Home based businesses (including bed and breakfast), Roadside stall, Wholesale nursery and certain types of rural industry are all provisionally identified as self-assessable development.

While there may be some instances where Tourist park, Educational establishment and Place of worship may be appropriate to establish in the Rural zone, these uses should remain impact assessable development, be assessed on their merits and subject to a process of public notification.

Retirement facility is not considered appropriate to establish in the Rural zone as this type of use should be established in towns and urban areas close to community services and amenities. The planning scheme makes provision for retirement facilities and residential care facilities in a range of urban zones.

In response to the recently endorsed Regional Economic Development Strategy, it is considered appropriate to review the list of consistent and inconsistent uses and the level of assessment for uses in the Rural zone. This review will consider levels of assessment for rural uses which ensure an appropriate balance between encouraging rural activities and other uses and protecting the character and amenity of rural areas.

Application and accuracy of overlays

Issue:

A number of submissions raise concern about overlays as an imposition to continued farming activity. The waterways element and wetlands element were identified as being of particular concern.

Submitters contend that in many instances these overlay elements are not actually present on the subject site or are misrepresented. A recurrent example of this is cane drains being identified as natural waterways.

Submitters also raise concern about the riparian protection area element of the Biodiversity, waterways and wetlands overlay and the requirement for rural activities to be setback from waterways and wetlands.

Response:

The presence of inaccuracies in some overlay mapping is acknowledged. As identified in *Region Wide Key Issue Paper No.6: Application and accuracy of overlays* it is proposed to review overlay mapping to ensure that it is as accurate as possible.

The role of overlays is to provide a trigger for further detailed assessment (to be verified by further on-site investigations) rather than an absolute delineation of a constraint or feature.

The presence of an overlay affecting a particular site or area does not necessarily mean that the overlay is a consideration for a particular type of development. The table of assessment for overlays in Part 5 of the draft planning scheme identifies the circumstances in which an overlay is applicable to a rural activity. Many rural activities conducted in rural areas are specifically made exempt from overlays. It is also important to note that existing legally established rural activities are not affected by overlays.

With respect to riparian protection area overlay element, the buffer distance identified on the overlay maps is not the distance which rural activities are required to be setback from waterways. The required setback is a lesser distance as specified in the Biodiversity, waterways and wetlands overlay code.

In most instances, the presence of an overlay will not affect the assessment level for a particular use.

It is considered appropriate to review the interaction of overlays with rural land use activities to ensure that rural activities are not being unreasonably affected by overlays.

See also *Region Wide Key Issue Paper No.6: Application and accuracy of overlays*.

Generic approach to rural areas

Issue:

A small number of submissions (primarily from community organisations) raise concern about what is seen to be a generic approach to planning for rural areas with no locality based distinction.

These submissions suggest that the final planning scheme include additional local plans for rural areas or extend the boundaries of existing local plan areas to include surrounding rural areas.

Some submissions also raised concern about the "blanket" approach towards good quality agricultural land given some land has far more agricultural capability than other land.

Response:

The Rural Futures Strategy identifies six sub-areas to the Sunshine Coast rural areas based on distinct agricultural history and natural features. These sub-areas are:-

- Glasshouse Country;
- Blackall Range;
- Conondale Range;
- Mary River Valley;
- Noosa Hinterland; and
- Maroochy River Valley.

This approach provides a framework to facilitate the clustering of new enterprise and local branding opportunities.

The specific role of the planning scheme is to regulate land use and development. In respect to the rural areas, there is considered to be little benefit in creating additional (or extending existing) local plan areas as the provisions for rural areas are generally the same. The addition of rural local plan areas would be repetitious and add complexity to the scheme.

The universal approach to rural areas adopted in the draft planning scheme is based on seeking to reduce the layers of land use and development controls applying to these areas and thereby increase opportunities for rural production and associated enterprise.

However, it is agreed that rural areas should be more prominently recognised in the planning scheme in terms of their contribution to the regional economy as well as for the landscape and environmental services that they provide.

Accordingly, it is proposed that the references to the 'Rural Area' identified in Part 3 (Strategic Framework) be amended to refer to the 'Rural Enterprise and Landscape Area'. It is also proposed that the Strategic Framework and Rural zone code be amended to more specifically recognise the different rural communities across the Sunshine Coast.

The planning scheme already acknowledges that not all rural land is good quality agricultural land and that where good quality agricultural land is identified it is not all of the same class or suitable to support the same range of agricultural activities.

Landscape responsibilities and resource stewardship

Issue:

A small number of submissions raise concern that rural land owners continue to carry the burden of responsibility for broader community aspirations such as inter-urban greenbelts, scenic amenity, habitat protection or water quality.

Response:

The stewardship role of rural land owners is important and is a valid issue that requires further consideration. It is difficult for the planning scheme to respond to this issue as it requires a broad approach that should be considered as part of the implementation of the Rural Futures Strategy.

6.0 DIRECTION

That:

- (a) a minimum lot size of 100 hectares be maintained for the Rural zone in accordance with the SEQ Regional Plan and to protect the rural and landscape values of the rural area;**
- (b) Part 3 (Strategic Framework) be amended to refer to the Rural Enterprise and Landscape Area rather than the Rural Area;**
- (c) Part 3 (Strategic Framework) and the Rural zone code be amended to more specifically recognise the different rural communities across the Sunshine Coast;**
- (d) the list of consistent and inconsistent uses and the level of assessment for uses in the Rural zone be reviewed to ensure an appropriate balance between encouraging the establishment of rural activities and other uses and protecting the character and amenity of rural areas; and**
- (e) the interaction between overlays and rural activities be reviewed to ensure that rural activities are not unreasonably affected by overlays.**