

State Planning Policy 2.5

Land Use Planning in Rural Areas

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Draft for Public Comment

**Prepared under part 3 of the
*Planning and Development Act 2005***



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1 Citation

This is a State Planning Policy (SPP) made under Part 3 of the *Planning and Development Act 2005*. This policy may be cited as *State Planning Policy No. 2.5 - Land Use Planning In Rural Areas* (SPP 2.5).

2 Application of this policy

2.1 Where does this policy apply

This policy applies to rural land in Western Australia, in particular:

- land zoned for rural or agricultural purposes in a local or region planning scheme; and
- land zoned or proposed for rural living land uses.

2.2 When should this policy be applied

This policy should be applied at the State and local planning level, in conjunction with other State Planning policies;

- in the preparation of regional and sub-regional strategies and local planning strategies and schemes;
- when initiating or assessing amendments to region schemes or local planning strategies and schemes; and
- to guide decision-making for subdivisions in tandem with *Development Control Policy 3.4 - Subdivision of Rural Land*.

Where there is no Western Australian Planning Commission (WAPC) endorsed strategic or statutory planning instrument in place to guide decision-making, the intent and measures of this policy shall apply. If, in the view of the WAPC, the endorsed strategy or scheme is considered to be out-dated (greater than 10 years old) and inconsistent with this policy, this policy shall prevail.

2.3 Other policies or guidelines that relate to this policy

- SPP 2 - Environment and Natural Resources policy;
- SPP 2.4 - Basic Raw Materials;
- SPP 2.1 - Peel-Harvey Coastal Plain Catchment policy;
- SPP 3 - Urban Growth and Settlement;
- SPP 4.1 - State Industrial Buffer policy;
- SPP 6.1 - Leeuwin-Naturaliste Ridge policy;
- DC Policy 3.4 - Subdivision of rural land;
- Better Urban Water Management;
- Planning Guidelines: Planning for Bushfire Protection (Edition 2);
- Planning Guideline 2.5.1 - land use planning in rural areas; and
- other WAPC policies that may be relevant to rural land

3 Background to this policy

The changes in land use in Western Australia over the years since European settlement in 1829 have been dramatic. Clearing, subdivision, development and use of land for settlement and agriculture provided significant economic and social benefits to the expanding WA community. The growth of WA's population is expected to increase to over 2.8 million by 2031, mainly due to the expansion of the mining and resources sector.

A growing economy and population will increase pressure on rural resources for a wide variety of purposes including expansion of urban settlement, economic development, infrastructure and utilities, essential services such as water, and areas for conservation, cultural and recreational purposes. Efforts are being made to contain development to existing footprints and to use existing resources more wisely but this will not be enough.

Demand pressures associated with economic and population growth are occurring in an environment where the quality and availability of rural land has declined, mostly due to natural resource degradation and climate change. Rural land resources are becoming increasingly contested leading to increased competition and conflict. WA cannot afford to be wasteful in its use of rural resources. A versatile and flexible environment in which to develop and change in response to existing and emerging drivers should be fostered so that rural land uses can be protected and allowed to develop to future needs.

4 Objectives of this policy

The objectives of this policy are:

- a) to protect rural land from incompatible uses by:
 - requiring comprehensive planning for rural areas;
 - making land-use decisions for rural land that support existing and future primary production and protection of priority agricultural land;
 - providing investment security for the existing and future primary production sector;
- b) to promote regional development through provision of economic opportunities on rural land;
- c) to promote sustainable settlement in, and adjacent to, existing urban areas;
- d) to protect and improve environmental, landscape and cultural assets; and
- e) to minimise land use conflicts that compromise rural land uses.

5 Policy Measures

5.1 Protection of rural land

The WAPC considers rural land use to generally be the highest and best use of land zoned for rural purposes. As a subset of rural land, land with suitable soils, climate, water (rain or irrigation) and access to services is of State significance and is considered to be priority agricultural land. This land must be retained for food production purposes. It is the view of the WAPC that there is an existing supply of suitably sized and located lots to cater for intensive and emerging primary production land uses. The overarching policy requirements are therefore:

- a) Land use change from rural to all other uses must be planned and provided for in a planning strategy endorsed by the WAPC;
- b) Land identified as priority agriculture in a planning strategy endorsed by the WAPC must be retained for that purpose;

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- c) Beyond its principle function for primary production, rural land is also required for public purposes, natural resource management and protection of landscapes and views;
 - d) The conversion of rural land to public purposes may occur as required by the State of Western Australia; and
 - e) The use of rural land for intensive or emerging primary production land uses does not warrant creation of new rural lots. Creation of new rural lots will be by exception in accordance with *Development Control Policy 3.4*, or planned in a local planning strategy.

5.2 Rural land in the metropolitan region

In future years, metropolitan Perth will continue to accommodate the majority of the State's population growth and landowners in existing rural areas will ultimately experience pressure for urbanisation. On this basis, the following principles will apply to rural land in the Perth metropolitan region:

- a) Rural land will become more contested, as the land is either required for urban purposes, identified for environmental protection, needed for infrastructure or set aside for basic raw material extraction;
- b) Opportunities for rural living will generally remain static or even decrease;
- c) Many existing rural or rural living areas will come under pressure for conversion to urban purposes;
- e) Rural living proposals will be considered by exception in WAPC endorsed planning strategies, where topography, environmental or servicing constraints do not permit urban forms of development, and where bushfire risk is not extreme.

5.3 Regional variation, economic opportunities and regional development

WA is a large and diverse State with regional variations of climate, economic activity, cultural values, demographic characteristics and environmental conditions. The WAPC's decisions will be guided by the need to provide economic opportunities for regional communities and to protect the State's primary production and natural resource assets. Therefore:

- a) The WAPC will continue to promote rural zones in schemes as highly flexible zones that cater for a wide range of land uses that can support primary production, tourism and environmental and cultural pursuits.
- b) The differing needs of the various regions are recognised by the WAPC, and regional variations may be considered where they meet the stated objectives of this policy and are supported in planning strategies endorsed by the WAPC.
- c) If there is no WAPC endorsed planning strategy justifying variations to this policy, this policy shall prevail.

5.3.1 Mining activity on rural land

Where rural land is used for mining purposes the following applies:

- a) the extraction of basic raw materials is governed by *State Planning Policy 2.4 - Basic Raw Materials*;
- b) the extraction of minerals is governed by the *Mining Act 1978*; and
- c) in the event that a proposed mining tenement is contrary to an operational local planning scheme, s120 of the *Mining Act 1978* outlines the process for conflict resolution.

5.3.2 Tree farming

Tree farming is a generic term used to describe activity that centres on the planting of trees to generate economic return and environmental benefits. It has been a rapidly emerging industry in a number of rural locations in the south of the State. Usually this has involved the planting of trees for harvest, however more recently, the planting of trees solely for the purposes of carbon sequestration has emerged as a new land use on rural land. Tree farming involving harvesting is a primary production activity that also sequesters carbon. WAPC policy in regard to tree farming is:

- a) Tree farming is supported and encouraged on rural land as a means of diversifying rural economies and providing economic and environmental benefit;
- b) Tree farming is a permitted use on rural land, but should generally not be permitted on land identified as priority agriculture;
- c) Local governments may wish to manage the location and extent of tree farming in their communities through either local planning strategies or local planning policies;
- d) In planning for tree farming, local governments should consider the potential environmental and economic benefit, visual landscape and transport impacts of tree farming (where harvesting is proposed); and
- e) Tree farms should be subject to local government planning approval when harvesting is proposed, and/or the tree farm has a minimum aggregate planted area of 40ha.

5.3.3 Other policy measures to support economic development in rural areas

The WAPC supports opportunities for employment and diversification of economic activity related to primary production and the following policy measures shall apply:

- a) Promote the establishment of precincts for primary produce processing close to services and freight routes, and with adequate buffers;
- b) Support the concept of rural enterprise zones which combine light industry and ancillary housing, provided they are carefully planned close to urban areas, are serviced and have suitable design features and buffers that address amenity issues.

5.4 Rural living precincts

State Planning Policy 3 - Urban Growth and Settlement provides strategic direction for settlement planning in WA and this policy provides more specific guidance in relation to establishing rural living precincts.

There is a demand for rural living precincts, particularly in peri-urban locations. The WAPC recognises there is a market for this form of development, and it provides for a range of housing opportunities. However, rural living precincts must be carefully planned, as they are not an efficient means of housing people, consume and sterilise rural land and may have unintended social, environmental, servicing or management impacts.

The following policy measures apply in regard to WAPC decision-making for rural living:

- a) The WAPC will consider identifying rural living precincts or supporting proposals for rural living when:
 - i. the precinct is adjacent to existing urban areas and has access to services, facilities and amenities;
 - ii. the precinct will not conflict or reduce the primary production potential of adjoining land;
 - iii. the extent of proposed settlement is guided by existing land supply and take-up and population projections;

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- iv. the precinct is part of a settlement hierarchy established in an endorsed planning strategy;
 - v. areas required for urban expansion are avoided;
 - vi. the precinct is serviced by a reticulated domestic water supply provided by a licensed water service provider, including water for fire-fighting;
 - vii. for proposals with 10 lots or less, and where a reticulated supply is not available, the WAPC may consider a alternative domestic water supply, which includes water for fire fighting, where the supply is demonstrated and sustainable and supported by water and health agencies;
 - viii. the precinct can be supplied with electricity and community facilities and this has been demonstrated;
 - ix. the development area is predominantly cleared of remnant vegetation or the loss of remnant vegetation through clearing for building envelopes, bushfire protection and fencing is minimised and environmental assets are not compromised;
 - x. it will promote good environmental and landscape outcomes and soil and water management are addressed, which may include rehabilitation as appropriate;
 - xi. the land is capable of supporting the development of housing;
 - xii. the land is not subject to a buffer from an adjoining rural land use; and
 - xiii. it can be demonstrated that bushfire risks are not extreme, and can be minimised and managed without adversely affecting the natural environment.
- b) Rural land is considered to have productive value for a wide range of existing and future rural land uses. Therefore, rural living proposals on rural land shall not be supported where they conflict with the objectives of this policy or unless they meet the criteria listed at 5.4 (a).
 - c) Development standards for rural living should be addressed in local planning schemes.
 - d) Rural strata proposals with a residential component are considered to be rural living and will be considered in accordance with the criteria listed at 5.4 (a) of this policy.

5.5 Managing and improving environmental and cultural attributes

The planning system is well placed to address environmental issues when land use change is contemplated, to ensure that development minimises environmental impacts.

Environmental and cultural attributes will be managed and improved by:

- a) supporting and promoting private conservation areas within the State;
- b) supporting the establishment of environmental corridors in schemes and strategies to connect the State's conservation estate and waterways and wetlands with private conservation areas;
- c) supporting the inclusion of registered Aboriginal sites cultural corridors in planning strategies and schemes informed by the Aboriginal sites register and native title representative bodies;
- d) considering future management and ownership of conservation areas at strategy stage, and prior to the zoning or subdivision of land; and
- e) supporting rural living proposals with a conservation theme that result in improved environmental outcomes, where that land is identified as suitable for future subdivision in an endorsed strategy or scheme in accordance with the criteria listed at 5.4 (a).

5.6 Avoiding land use conflicts

The introduction of additional housing in rural areas can compromise rural land uses and effectively sterilise rural land. As such, there is a need to ensure that existing rural land uses are protected and landholders are able to exercise their operational needs effectively and appropriately. Land use conflicts will be managed such that:

- a) The introduction of land uses in rural areas that may constrain existing or potential rural land uses will generally not be supported;
- b) Buffers for hazard and amenity are determined by the appropriate licensing authorities for those land uses;
- c) Buffer distances are guided by the standards recommended by the Environmental Protection Authority; and
- d) Land impacted by licensed buffers is recognised appropriately in strategies endorsed by the WAPC and local planning schemes.

5.7 Implementing this policy

- a) This policy is given effect by the *Planning and Development Act 2005*.
- b) The appropriate planning tools to protect rural land are State and regional strategies and local planning strategies prepared in accordance with the *Town Planning Regulations 1967* (as amended).
- c) The WAPC will prepare a *Guideline 2.5.1 - Land Use Planning In Rural Areas* to assist local governments with specific scheme provisions or permissibilities.

6 Definitions

Term	Definition
Agricultural land use / agricultural purposes	A subset of rural land used specifically for agricultural purposes including agriculture - extensive, agriculture - intensive, tree farming for harvest or carbon sequestration, rural industry, cottage industry.
Agriculture - extensive	see Model Scheme Text
Agriculture - intensive	see Model Scheme Text
Agro forestry	see Model Scheme Text
Alternative servicing	Provision of services including drinking water, power and sewer using innovative or emerging technologies, or supplied by the householder, as opposed to a licensed provider.
Alternative water supply	Water supplied by means other than a licensed water service provider (such as the Water Corporation). Includes potable water for domestic use (where it is approved by the Department of Health) and either potable or non-potable water for fire fighting, including the maintenance of fire retardant vegetation, gardens etc.
Broadacre farming	Large-scale agricultural operation, traditionally involving farming of grains and/or livestock.
Buffer (adapted from EPA Guidance Statement 3)	The land between the boundary of the area that may potentially be used by a land use that generates odour, noise or risk, and the boundary of the area within which unacceptable adverse impacts are possible.

Term	Definition
Carbon sequestration	Capture and storage of carbon in a manner that prevents it from being released into the atmosphere. Often occurs through tree planting.
Conservation estate	Land with significant conservation values, reserved (or proposed to be reserved) under the National Reserve System or via the <i>Conservation and Land Management Act 1984</i> .
Cultural / environmental corridors	Corridors that provide for, or link, areas of open space, bushland, fauna and flora habitats, particularly with Aboriginal heritage and cultural significance. May relate to the relative value of the corridor in terms of its aesthetic, historic, scientific, or social significance, for the present community and future generations
Industry - cottage	see Model Scheme Text
Industry - general	see Model Scheme Text
Industry - rural	see Model Scheme Text
Industry - service	see Model Scheme Text
Landscape or bushland protection zone	A subset of rural living and a land use zone with conservation as the predominant land use, generally characterised by clustering of residential development/land use on a land parcel(s) containing areas of high environmental and/or landscape value, where the residential development is located on those portions of land not containing such values and those areas with such environmental and/or landscape value are contained as a single entity or within a single land parcel. Also refers to zones including bushland conservation, rural landscape, and rural conservation.
Local planning strategy	A strategy prepared in accordance with 12A of the <i>Town Planning Regulations 1967</i> which sets out the long-term planning directions for a local government, applies State and regional planning policies; and provides the rationale for the zones and other provisions of the local planning scheme.
Natural resources	Resources supplied by nature. These are commonly subdivided into non-renewable resources, such as minerals and fossil fuels, and renewable natural resources that propagate or sustain life and are naturally self-renewing when properly managed, including plants and animals as well as soil and water.
Pastoral land and purposes	As per part 7 of the <i>Land Administration Act 1997</i>
Peri-urban	General term used to describe land on the outskirts of a major urban area or capital city e.g. Perth, Geraldton, Northam, Kalgoorlie, Bunbury, Albany. Between the suburbs and the countryside. Combination of the words peripheral and urban. Refers to a general location and is not a not land use
Plantation	see Model Scheme Text
Primary production	Production of natural resources. Most products from this sector are considered raw materials for other industries. Major businesses in this sector include agriculture, agribusiness, fishing, forestry and all mining and quarrying industries.

Term	Definition
Priority agricultural land	Land considered to be of State significance for agricultural purposes due to its collaborative advantage in terms of soils, climate, water (rain or irrigation) and access to services.
Private conservation areas	Areas with significant conservation value, but not part of the State's conservation estate.
Processing precinct for primary produce	An area set aside for concentrated or large-scale processing operations, including uses that harvest, process, preserve, slaughter and distribute primary products including animals, grains and timber products. Such processes transform primary produce into other forms for consumption by humans or animals either in the home or by other industries. These uses will generally require extensive buffers due to noise, odour and dust impacts.
Regenerated vegetation	The return of bushland to its approximate original natural condition by repairing degradation, removing exotic species, and revegetating with indigenous species.
Remnant vegetation	Vegetation which is either a remainder of the natural vegetation of the land, or, if altered, is still representative of the structure and floristics of the natural vegetation, and provides the necessary habitat for native fauna.
Regional or Sub-Regional Strategy	A strategy, usually prepared by the WAPC which sets strategic direction over a regional area, including a number of local governments or a planning region. It could also cover an area considered to be of State significance.
Rural enterprise	A predominantly light industrial zone that provides for light industrial land uses and an ancillary residential dwelling on one lot, with lot sizes in the order of 1 to 4ha.
Rural land (as per s149 of the P&D Act)	Land zoned for agricultural or rural use under a local planning scheme or strategy.
Rural land use	A subset of rural land, and any land use that could be expected to occur in a rural zone. Does not include rural living (see s5.4).
Rural living	A land use zone where residential is the predominant land use, generally characterised by large lots in the order of 1 to 40ha in a peri-urban location. Although primary production may occur on some rural living properties it is usually for hobby farming or incidental income purposes. In terms of land use zones this includes, but is not limited to, special residential, rural living, rural retreat, rural residential, special rural, rural smallholdings, and landscape protection zones. This also includes subdivision of rural land into smaller landholdings e.g. a boundary realignment which results in lots of a size where residential is the predominant land use. Rural living is not considered a rural or agricultural land use, as defined by the <i>Planning and Development Act 2005</i> .
Rural residential zone / special Rural zone	A sub-set of rural living and a land use zone with land parcels from 1ha - 4ha in size and generally provided with scheme water and power supply.

Term	Definition
Rural settlement	A sub-set of rural living, generally located on the outskirts of an existing town. Rural settlement may also be used to describe proposals for rural living as this land use results in people settling in rural areas.
Rural Smallholdings zone	A sub-set of rural living and a land use zone with land parcels from 4ha - 40ha in size. May also be known as rural retreat
Rural strata	A concept which involves subdividing a rural property into a number of residential strata lots, with the balance of the property being retained and operated as a farm. The farm is generally owned and operated by the owners of the residential lots.
Special residential zone	An historic zone used in some schemes for land parcels in the size range of 2,000m ² to 1ha.
State significance	An area or issue that is considered to be of significance to the State of Western Australia by virtue of any or all of the economic, social, cultural or environmental values for that area or issue.
Tree farm - non-harvest	Land used commercially for tree production, including for the capture and storage of carbon in a manner that prevents it from being released into the atmosphere. Regulated in WA by the <i>Carbon Rights Act 2003</i> .
Tree farm - harvest	see plantation or agro forestry definitions
Urban land use	Land uses of, relating to, or located in a city e.g. residential, commercial, industrial, parks and recreation, community purpose, infrastructure.

