



Our ref: TPS/2867  
Enquiries: Local Planning Schemes

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Dear Sir/Madam

## **LOCAL PLANNING SCHEME NO. 2 - AMENDMENT NO. 6**

The Western Australian Planning Commission (Commission) has considered the amendment and submitted its recommendation to the Minister in accordance with section 87(1) of the *Planning and Development Act 2005* (the Act).

The Minister has approved the amendment in accordance with section 87(2)(a) of the Act. In accordance with section 87(3) of the Act, the Commission will cause the approved amendment to be published in the Government Gazette.

The Commission has forwarded notice to the Department of Premier and Cabinet (attached) and it is the local governments' responsibility to make arrangements for the payment of any publication costs. The local government is required under section 87(4B) of the Act, and regulation 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to publish the approved amendment, ensure that it is available to the public, and notify each person who made a submission.

For all payment and purchase order queries, please contact the Department of Premier and Cabinet on (08) 6552 6012. One signed set of the amending documents is returned for your records.

Please direct any queries about this matter to [localplanningschemes@dplh.wa.gov.au](mailto:localplanningschemes@dplh.wa.gov.au).

Yours sincerely

Ms Sam Fagan  
Secretary  
Western Australian Planning Commission

13/09/2023

# PLANNING AND DEVELOPMENT ACT 2005

## APPROVED LOCAL PLANNING SCHEME AMENDMENT Shire of Cuballing

### LOCAL PLANNING SCHEME No. 2 - AMENDMENT No. 6

Ref: TPS/2867

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Shire of Cuballing Local Planning Scheme amendment on 11nSeptember 2023 for the purpose of:

1. Deleting Parts 1 (other than clause 1.6), 2, 3 (other than for the Rural Townsite zone), 4, 5 and Schedules One, Two, Three, Five and Six from the Scheme text and replacing with Parts 1, 2, 3, 5 and 6 from Model Provisions for Local Planning Schemes set out in Schedule 1 of the Planning and Development (Local Planning Scheme) Regulations 2015 (Model Scheme Text).

2. Modifying Part 1, cl. 7 - Contents of the Scheme to reflect the most recent version of the Model Provisions as follows:

#### 7. Contents of Scheme

(1) In addition to the provisions set out in this document (the **scheme text**), this Scheme includes the following –

- (a) the deemed provisions (set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 (amended)
- (b) the supplemental provisions to the deemed provisions contained in Schedule A;
- (c) the Scheme Maps.

3. Modifying Part 4, cl. 25 - R-codes to reflect the most recent version of the Model Scheme text by inserting sub-clause 5 as follows:

(5) The R-Codes can be applied in full or in part, in a provision of the Scheme.

4. Adding land use terms and definitions into Part 6 - Terms Referred to in the Scheme (Part 6, Division 2, cl. 38) to reflect the most recent version of the Model Scheme text as follows:

**fast food outlet** means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten -

(a) without further preparation; and primarily off the premises.

**independent living complex** means a development with self-contained, independent dwellings for aged or dependent persons together with communal amenities and facilities for residents and staff that are incidental and ancillary

to the provision of such accommodation but does not include a development which includes these features as a component of a residential aged care facility.

**lunch bar** means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas.

**industry - rural** means premises used for an industry that:

- (a) supports and/or is associated with primary production; or
- (b) services plant or equipment used in primary production;

**nature based park** means premises that are defined in the *Caravan Parks and Camping Grounds Regulations 1997*;

**renewable energy facility** means premises used to generate energy from a renewable energy source predominantly and includes any building or other structure used in, or relating to, the generation of energy by a renewable resource. It does not include renewable energy electricity generation where the energy produced principally supplies a domestic and/or business premises and any on selling to the grid is secondary.

**residential aged care facility** means a residential facility providing personal and/or nursing care primarily to people who are frail and aged or dependent persons which, as well as accommodation, includes:

- (a) appropriate staffing to meet the nursing and personal care needs of residents;
- (b) meals and cleaning services;
- (c) furnishings, furniture and equipment.

This may consist of multiple components that include communal amenities and land uses for residents and staff that are incidental and ancillary to the provision of such accommodation, residential respite (short term) care and an independent living complex, but does not include a hospital, rehabilitation or psychiatric facility.

**road house** means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services -

- (a) a full range of automotive repair services;
- (b) wrecking, panel beating and spray painting services;
- (c) transport depot facilities;
- (d) short-term accommodation for guests;
- (e) facilities for being a muster point in response to accidents, natural disasters and other emergencies;
- (f) dump points for the disposal of black and/or grey water from recreational vehicles;

**rural home business/industry cottage** means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or occupation -

- (a) does not involve employing more than 2 people who are not members of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the

- neighbourhood; and
  - (c) does not occupy an area greater than 200 m<sup>2</sup>; and
  - (d) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
  - (e) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle more than 30 tonnes gross weight.
5. Deleting the following land use terms and definitions in Part 6 - Terms Referred to in the Scheme (Part 6, Division 2, cl. 38) to reflect the most recent version of the Model Scheme text:

Residential care facility; Retirement village; Fast food outlet/lunch bar; Industry - cottage; Industry - service; Industry - primary production; Rural Home Business; Ancillary dwelling; Grouped dwelling; Residential building; Single house.

6. Updating land use definitions in Part 6 - Terms Referred to in the Scheme (Part 6, Division 2, cl. 38) to reflect the most recent version of the Model Scheme text as follows:

**animal husbandry — intensive** means premises used for keeping, rearing or fattening of alpacas, beef, dairy cattle, goats, pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) sheep or other livestock in feedlots, sheds or rotational pens and excludes 'agriculture - extensive';

**bulky goods showroom** means premises

- (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes -
  - (i) automotive parts and accessories;
  - (ii) camping, outdoor and recreation goods;
  - (iii) electric light fittings;
  - (iv) animal supplies including equestrian and pet goods;
  - (v) floor and window coverings;
  - (vi) furniture, beddings, furnishings, fabrics, manchester and homewares;
  - (vii) household appliances, electrical goods and home entertainment goods;
  - (viii) party supplies;
  - (ix) office equipment and supplies;
  - (x) babies' and children's goods, including play equipment and accessories;
  - (xi) sporting, cycling, leisure, fitness goods and accessories;
  - (xii) swimming pools.

or

- (b) used to sell goods and accessories by retail if
  - (i) a large area is required for the handling, display or storage of the goods; or
  - (ii) vehicular access is required to the premises for the purpose of collection of purchased goods.

**hotel** means premises providing accommodation the subject of a hotel license under the Liquor Licensing Act 1988, and may include a betting agency on those premises, but does not include a tavern or motel;

7. Inserting aims into the Scheme (Part 1, cl. 9) as follows:

### **Aims of Scheme**

The aims of this Scheme are –

- a) to encourage the sustainable development and expansion of the Cuballing and Popanyinning townsites to improve service viability while conserving or enhancing a strong sense of community;
- b) to ensure that future subdivision and development within and near the Cuballing and Popanyinning townsites provide a broad range of housing and lifestyle choices that enhance the environment and character of the townsites;
- c) to provide opportunities for planned, contained and sustainable rural residential and rural smallholding development with access to services and infrastructure within and abutting the existing town sites;
- d) to assist employment and economic growth by facilitating the timely provision of suitable land for commercial, industrial and tourist development, as well as providing opportunities for home-based employment;
- e) to encourage economic growth in rural areas by facilitating the more intensive and diversified use of rural land in appropriate areas for high value products which are compatible with surrounding farm practices and encouraging processing and value adding industries to be located within the Shire;
- f) to protect good quality agricultural soils suitable for sustainable production from inappropriate subdivision and development for non-agricultural purposes;
- g) to promote the sustainable management of natural resources including energy, water, land, minerals and basic raw materials by preventing land degradation and integrating land and catchment management with land use planning;
- h) to protect the natural environment and biodiversity whilst ensuring appropriate development opportunities within the Shire are realised;
- i) to manage the use and development of land by means of zoning and development controls to achieve compatibility between land uses, and the preservation, and where possible the enhancement of visual amenity of urban and rural uses;
- j) to safeguard and enhance the character and amenity of the built and natural environment of the Scheme Area; and
- k) to protect the existing local heritage by encouraging compatible development which will aid the restoration and retention of the property.

8. Deleting non-model zone objectives for the Rural Townsite zone (Part 3, cl. 16, Table 2) as follows:

<b>Zone name</b>	<b>Objectives</b>
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Rural Townsite Zone	To provide for a range of land uses that would typically be found in a small country town.
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9. Deleting the Zoning Table and inserting a new Zoning Table (Part 3, cl. 17, Table 3) that contains new land uses, with modified permissibility as follows:

LAND USE	Rural Townsite	Rural Residential	Rural
Abattoir	X	X	A
Agriculture-extensive	X	X	P
Agriculture-intensive	X	A	D
Ancillary dwelling	P	D	D
Animal establishment	X	A	D
Animal husbandry - intensive	X	X	A
Art gallery	D	A	D
Bed and breakfast	A	A	D
Betting agency	A	X	X
Brewery	A	A	A
Bulky goods showroom	D	X	X
Caravan park	A	A	X
Caretakers dwelling	D	X	D
Car park	A	A	X
Child care premises	D	A	X
Cinema/theatre	D	X	X
Civic use	D	D	D
Club premises	D	D	D
Commercial vehicle parking	D	D	P
Community purpose	D	D	D
Consulting rooms	A	A	X
Convenience store	A	X	X
Corrective institution	X	X	A
Educational establishment	A	A	A
Exhibition centre	D	D	D
Family day care	A	A	D
Fast food outlet	D	X	X
Fuel depot	D	X	D
Funeral parlour	A	X	X
Garden centre	A	A	D
Grouped dwelling	D	X	D
Holiday accommodation	A	A	A
Holiday house	A	A	A
Home business	A	A	P
Home occupation	P	P	P
Home office	P	P	P
Home store	A	X	X
Hospital	A	X	X

<b>LAND USE</b>	<b>Rural Townsite</b>	<b>Rural Residential</b>	<b>Rural</b>
Hotel	A	X	X
Independent living complex	D	X	X
Industry	A	X	A
Industry - extractive	X	X	A
Industry - light	D	X	A
Industry - rural	X	X	D
Liquor store - small	D	X	X
Lunch bar	D	X	X
Market	D	X	D
Medical centre	A	X	X
Mining operations	D	D	D
Motel	A	X	X
Motor vehicle, boat or caravan sales	D	X	X
Motor vehicle repair	A	A	D
Motor vehicle wash	A	X	X
Nature based park	X	X	D
Office	D	X	X
Park home park	A	X	A
Place of worship	A	A	A
Reception centre	A	A	A
Recreation - private	D	D	D
Renewable energy facility	X	X	A
Repurposed dwelling	D	D	D
Residential building	D	D	D
Residential aged care facility	A	X	X
Resource recovery centre	A	X	D
Restaurant/cafe	D	A	A
Restricted premises	A	X	X
Road house	A	X	A
Rural home business/industry cottage	D	D	D
Rural pursuit/hobby farm	D	P	P
Second hand dwelling	D	D	D
Service station	A	X	X
Shop	D	X	X
Single house	P	P	P
Small bar	D	X	X
Tavern	A	X	X
Telecommunications infrastructure	D	D	D
Tourist development	A	X	A
Trade display	D	X	D
Trade supplies	A	X	A
Transport depot	X	X	A

<b>LAND USE</b>	<b>Rural Townsite</b>	<b>Rural Residential</b>	<b>Rural</b>
Tree farm	X	X	A
Veterinary centre	A	A	A
Warehouse/storage	A	X	D
Waste disposal facility	X	X	A
Waste storage facility	A	X	D
Winery	A	A	A
Workforce accommodation	A	X	A

10. Modifying cl.32 to reflect the most up-to-date version of the Model Scheme Text as follows:

**32. General development standards and requirements**

To the extent that a requirement referred to in sub clauses 32.1 to 32.20 is inconsistent with a requirement in the R-Codes, a precinct structure, local development plan or a State or local planning policy the requirement referred to in clauses 32.1 to 32.20 prevails.



11. Inserting clauses into Part 4 - General development and requirements under cl. 32, modifying the clauses as required, and numbering the clauses accordingly as follows:

### **32.1 Car parking and vehicle access requirements**

- (1) Car parking shall be provided, in accordance with Table 5 and in accordance with the standards and requirements, including parking space layouts and dimensions, as set out in the relevant Australian Standard.
- (2) The local government may require the provision of spaces for cycle racks and vehicles for the disabled as considered necessary. Where land is to be developed or used for purposes not mentioned in Table 5, or where a standard or requirement is not specified in the Scheme, the local government shall determine in each case the number of spaces to be provided on the land having due regard to the -
  - a) nature of the proposed development;
  - b) number of employees or others likely to be employed or engaged in the use of the land;
  - c) anticipated demand for visitor parking; and
  - d) orderly, proper and sustainable planning of the area.
- (3) Car parking requirements shall be provided on the site the subject of the proposed development or land use, or in the immediate vicinity thereof provided that arrangements for the permanent retention of that parking can be set in place to the satisfaction of the local government.
- (4) The size of car parking spaces and the vehicular driveways providing entry to, or exit from, a parking area shall meet the minimum requirements set out in Table 6.
- (5) Where an applicant can demonstrate to the satisfaction of the local government that there is not the demand for the number of parking spaces specified in Table 5, or that other off-street parking facilities are available and that these facilities can be shared with a nearby land use, the local government may vary parking requirements specified in Table 5.
- (6) All parking, loading and access areas shall be constructed prior to occupation of the development or at such time as may be agreed in writing between the local government and the proponent. Such areas shall be maintained by the landowner to the satisfaction of the local government.
- (7) Where the local government is satisfied that an application for development approval cannot provide the minimum car parking requirements on site, the local government may accept a cash payment in lieu of the provision of car parking spaces, subject to requirements specified by a local planning policy.

### **Table 5: Car parking requirements**

<b>Use</b>	<b>Minimum number of parking spaces to be provided</b>
Bed and breakfast	1 per bedroom
Caravan park	1.25 per unit, bay or tent site
Civic use	1 per 40m <sup>2</sup> Gross Floor Area (GFA)
Club premises	1 per 50m <sup>2</sup> GFA, or where licensed: 1 per 5m <sup>2</sup> and other activity area
Consulting rooms/Medical centre	4 per practitioner for the first practitioner and 2 bays for each practitioner thereafter
Family day care	1 per staff member + 2 extra spaces for the picking up and setting down of persons
Fast food outlet	1 per 4 seated patrons
Lunch bar	1 per 4 seated patrons
Recreation - private	1 per 40m <sup>2</sup> GFA
Hotel	1 per 5m <sup>2</sup> public area + 1 per bedroom
Industry	1 per 100m <sup>2</sup> GFA
Light industry	1 per 50m <sup>2</sup> GFA
Liquor store - small	1 per 40m <sup>2</sup> GFA
Motel	1 per unit + 1 per 25m <sup>2</sup> service area
Office	1 per 40m <sup>2</sup> GFA
Cinema/theatre	1 per 4 seats provided
Place of worship	1 per 4 seats provided
Residential	As per the Residential Design Codes
Restaurant/cafe	1 per 4 patrons
Service station	1 per 200m <sup>2</sup> gross site area
Shop	1 per 40m <sup>2</sup> GFA
Bulky goods showroom	1 per 50m <sup>2</sup> GFA
Tourist development	1 per unit or dwelling + 1 space per staff member
Tavern	1 per 5m <sup>2</sup> public area
Veterinary centre	4 per practitioner
Warehouse/storage	1 per 100m <sup>2</sup> GFA

**Table 6 - Parking dimensions**

Parking angle	Width of bay (m)	Length of bay (m)	Depth of bay (m)	Minimum manoeuvring depth (m)	Minimum total depth (m)
(a) One-way access					
90"	2.6	5.5	5.0	5.9	11.4
75"	2.6	5.5	6.0	5.3	11.3
60"	2.6	5.5	6.1	5.0	11.1
45"	2.6	5.5	6.1	3.6	9.7
30"	2.6	5.5	4.8	3.3	8.1
00" (parallel parking)	3.0	6.7	3.0	3.0	6.0
(b) Two-way access					
90'	2.6	5.5	5.5	6.0	11.5
75'	2.6	5.5	6.0	6.0	12.0
60'	2.6	5.5	6.1	6.0	12.1
45'	2.6	5.5	6.1	6.0	12.1
30'	2.6	5.5	4.4	6.0	10.4
00" (parallel parking)	3.0	6.7	3.0	6.0	9.0

### **32.2 Commercial vehicle parking**

For lots containing and/or adjacent to a dwelling in the Rural Townsite zone and within the Rural Residential zone, commercial vehicle parking arrangements shall comply with the following:

- (a) the commercial vehicle is located on freehold land;
- (b) the vehicle forms an essential part of the lawful occupation of the occupant of the single house or grouped dwelling and that occupation, if carried on upon the site, does not contravene the provisions of this Scheme;

- (c) the vehicle is not brought or taken from the lot between the hours of midnight and 6:00am; and
- (d) the vehicle is not carrying any hazardous or noxious material.

### **32.3 Development of land without constructed/dedicated road frontage or access**

- (1) In considering a development application for development on land abutting an un-constructed road or a lot or location which does not have frontage to a constructed road/dedicated road, the local government may -
  - (a) place conditions to require access by means of a dedicated or constructed road or require road construction;
  - (b) where dedicated road access is available, grant development approval subject to a condition requiring the applicant to pay a sum of money in or towards the cost of constructing the road or part thereof and any other condition it considers appropriate; or
  - (c) require other legal arrangements are made for permanent legal access, to the satisfaction of the local government.
- (2) The responsible authority shall be satisfied arrangements for vehicle access are acceptable including the location of access points and construction, with regard to the impact of the proposed land use and expected traffic volume and composition on traffic flow and safety, the character and function of the road, the volume and the width of the carriageway and visibility; and the ultimate volume and type of traffic generated by the development.

### **32.4 Signage and advertisements**

- (1) Advertisements that advertise goods or services which are not produced, displayed or offered for sale, or which is otherwise not relevant to, the land upon which the advertisement is located, but excluding political signage during elections, are prohibited.
- (2) Despite subclause (1), the local government will consider applications for development approval for advertisements on 'third party land' for a temporary period. The local government will have regard to the relevant Local Planning Policy.

### **32.5 Landscaping**

- (1) Where landscaping is required under this scheme or pursuant to a development application, it shall be:
  - (a) provided in a location and standard to the satisfaction of the local government; and
  - (b) carried out at the time of the development or at such other time as may be agreed in writing between the proponent and the local government and shall thereafter be maintained to the satisfaction of the local government.
- (2) Landscaping requirements may, at the discretion of the local government, include areas of natural bushland, and areas under covered ways and access driveways between a street alignment and any buildings, however garbage collection and handling

spaces, other open storage areas and other driveways and parking areas shall not be included.

- (3) In areas that local government considers to be deficient in tree cover, local government may require as a condition of any development approval, the planting of such trees and/or groups of trees and species as specified by the local government which may include native vegetation re-establishment and/or drainage measures where considered by the relevant public agency or local government.

### **32.6 General appearance of buildings and amenity**

The local government may place conditions on any development approval granted to ensure development will not have an adverse impact on the character of the area of the locality which may address matters including -

- (a) design and appearance of the development including screening of areas used for servicing, storage and waste management;
- (b) the colour or type of materials to be used on exposed surfaces;
- (c) the height, bulk and massing of any building;
- (d) managing and controlling impacts of development;
- (e) the condition of a repurposed dwelling or second-hand dwelling so that it does not adversely affect the amenity of the locality; and
- (f) modification/restoration of existing buildings will take place in a manner which is compatible with the existing streetscape.

### **32.7 Ancillary dwellings**

An ancillary dwelling on land which the R-Codes do not apply must:

- (a) be no greater than 100m<sup>2</sup>;
- (b) be co-located with the single house;
- (c) allow for the continued use of the lot for rural purposes on a rural lot; and
- (d) be constructed to a standard that ensures the visual amenity of the area is not adversely impacted.

### **32.8 Caretaker's dwellings**

Caretaker's dwellings shall be -

- (a) limited to one (1) dwelling per lot;
- (b) a maximum plot ratio area of 100m<sup>2</sup>; and
- (c) incidental to the predominant use of the site.

### **32.9 Workforce accommodation**

Applications for development approval for workforce accommodation shall address the following to the satisfaction of the local government -

- (a) the demonstrated need for workers accommodation necessary for the continued operation of an industry;
- (b) the suitability of the site to be developed for the proposed use;
- (c) the suitable siting of the land use in the context of surrounding existing and proposed land uses to avoid landscape impacts and land use conflicts;

- (d) all services to the dwellings from the lot boundary (including access and egress by vehicles and pedestrians) are to be shared, where applicable;
- (e) be located to minimise any amenity impacts from noise, dust, odour and light spill from the predominant land use;
- (f) maintain the amenity of the locality;
- (g) comply with the development standards of this Scheme or any R-code standards applicable; and
- (h) appropriate facility design and use including provision and/or access to recreation, entertainment and community services.

### **32.10 Dwellings without a licenced water supply**

- (1) Where any dwelling is proposed to be constructed on a lot which cannot be connected to a licenced water supply, that dwelling shall be provided with sufficient roof catchment or other methods acceptable to the local government and the provision of a rain water tank with a minimum capacity of 135,000 litres prior to occupation unless alternative arrangements are made to the satisfaction of the local government for a supply of drinking water.
- (2) Where additional water supplies are required for fire-fighting purposes, the capacity of the rainwater tank shall be a minimum of 10,000 litres in addition to the minimum tank size specified in clause 32.10.1 along with sufficient roof catchment or other methods of water capture acceptable to the local government.

### **32.11 Servicing**

Development is to be serviced with power, water supply and wastewater and effluent disposal to a level commensurate with the intended land use, with arrangements in place to the satisfaction of the responsible authority and relevant agencies.

### **32.12 Waterway resource management and protection**

- (1) In considering a development application which may have an impact on any water resources including waterways such as rivers, creeks, drainage lines, swamps and other wetlands, the local government shall have regard to -
  - (a) managing water balance;
  - (b) maintaining and where possible enhancing water quality;
  - (c) encouraging water conservation;
  - (d) maintaining and where possible enhancing water related environmental values, recreational and cultural values; and
  - (e) advice from relevant government agencies.
- (2) The local government may require proponents to -
  - (a) prepare a foreshore management plan, drainage strategy or other document to manage impacts of proposed development and subdivision and will require the proponent, or other agreed party, to appropriately implement the plan or strategy to the satisfaction of the local government;
  - (b) undertake appropriate pre-development and post development monitoring and undertake measures deemed

appropriate by the local government to address water management and protection issues.

### **32.13 Development adjoining a main road or railway**

Development of noise-sensitive land uses adjoining a main road or railway may require assessment against State Planning Policy 5.4 - Road and Rail Noise to determine the likely impact of transport noise, and any required noise mitigation measures required.

### **32.14 Mining operations**

In considering proposals to commercial extract minerals the local government may exercise its discretion to inform the Minister Responsible for the Mining Act 1978 in writing that the granting of a mining lease or general-purpose lease is contrary to the provisions of this Scheme and/or the Local Planning Strategy.

### **32.15 Regional facilities**

Where there are proposals including scheme amendment or development applications for a regional facility such as waste facilities and resource recovery facilities, the following shall be demonstrated:

- (a) facilities shall be located on a main road or on a road that is of a suitable standard and treatment, to accommodate significant increase in traffic volumes and freight tasks which may be generated by the proposal;
- (b) facilities shall contain or satisfactorily manage potential environmental (including water resources), noise, amenity and air quality impacts on the landholding without affecting nearby rural land uses;
- (c) facilities shall not be visually dominant within key viewsheds, and should be visually compatible with surrounding land uses and development; and
- (d) facilities shall be provided with essential services commensurate with the intended land use.

### **32.16 Rural Pursuit/hobby farms**

Rural pursuit/hobby farm development shall comply with the following

- (a) The keeping or stabling of horses, or animal of similar Dry Sheep Equivalent (DSE), will generally be limited to 1 animal per hectare of dedicated paddock area unless otherwise approved by the local government;
- (b) The keeping or agistment of livestock shall be limited to a dry sheep equivalent (DSE) per lot in accordance with the Department of Primary Industry and Regional Development Stocking Rate Guidelines for Rural Small Holdings. The type and number of any livestock shall comply with the recommendation of DPIRD depending on soil type and landform gradient;
- (c) The local government may require measures to be undertaken to avoid erosion, including the maintenance of ground cover; and
- (d) Any proposal is expected to contain impacts within the lot boundary.

### 32.17 Development in the Rural Townsite Zone

- (1) The Residential Design Codes apply to this zone, with coding designated on the Scheme Maps.
- (2) Non-residential development within the zone shall be determined in the context of each proposed and site conditions, but shall generally accord with the following principles:
  - (a) the form and scale of the development is to be compatible with surrounding land uses;
  - (b) the impacts of the development are to be contained on site and/or suitably managed off-site;
  - (c) impacts from commercial and industrial uses will be avoided by ensuring these are adequately separated from sensitive uses;
  - (d) adequate provision is to be made for parking for staff and visitors, with separation between staff/visitor parking and service/haulage vehicles;
  - (e) the impact of the development on the road network and traffic management is to be consistent with the road function and hierarchy;
  - (f) visual impacts to be minimised by the use of vegetation screening, tree retention and building orientation;
  - (g) use of 'on building' signage where the building addresses the street, and where 'freestanding' signage is necessary it should either be affixed to a front fence, or located adjacent to it at a height that is compatible with the setting.
- (3) Non-residential development in the Rural Townsite zone shall meet the following site requirements

Maximum Plot Ratio	Minimum Setback (m)			Minimum Landscaping % of site
	Front	Side	Rear	
0.5	15	5	7.5	10%

### 32.18 Development in the Rural Residential Zone

- (1) The local government may require a Structure Plan to be prepared by the proponent and approved in the Rural Residential Zone prior to subdivision being approved where detailed planning is required to ensure coordinated development and address matters such as access, servicing, land use, environmental impact and bushfire risk.
- (2) All development in the Rural Residential zone must be located within any building envelope or outside of any building exclusion area approved (as may be shown on an approved Structure Plan, Local Development Plan or approved building envelope plan), except for -
  - (a) provision of a suitable access way to the building envelope;



- (b) rainwater tanks;
  - (c) provision of suitable boundary fencing; and
  - (d) implementation of an approved bushfire management plan or any other general bushfire requirements.
- (3) The local government may grant development approval for variation to subclause 2 under clause 32 where -
- (a) the objectives of the zone are not compromised;
  - (b) the visual amenity and rural character of the locality;
  - (c) development within the proposed new building envelope will not increase bushfire risk; and
  - (d) the proposed size and location of the envelope can accommodate future development, including on-site sewerage disposal systems and water supply tanks, and not have a detrimental effect on the environment.
- (4) Building envelopes and building exclusion areas in the Rural Residential Zone, shall be defined for maximum flexibility for building location, but subject to -
- (a) avoidance of impacts to significant landscape and environmental elements;
  - (b) avoidance of impacts to areas where ground or soil conditions may prejudice the structural integrity of buildings or result in potential for pollution, erosion or flooding;
  - (c) building setback requirements of the Scheme unless appropriately justified by the proponent to the satisfaction of the local government; and
  - (d) where possible, positioning any building envelope to maximise the separation distance to adjoining agricultural land and to address bushfire risk.
- (5) Unless otherwise specified by an approved structure plan, local development plan or approved building envelope plan, the building setbacks from lot boundaries in the Rural Residential Zone shall be a minimum of -
- (a) 15 metres from primary street boundaries; and
  - (b) 10 metres from other boundaries.
- (6) A reduction of the setbacks requirements may be permitted in the Rural Residential Zone where, in the opinion of the local government, the topography, soil conditions, location or shape of the lot are such as to make adherence to the setback impractical, and the proposal otherwise meets the requirements of the Scheme.
- (7) Boundary fencing within the Rural Residential zone shall be post and minimum four strand wire, 1.0 to 1.3 metres high, or post and ring lock or similar approved by the local government. Solid fencing such as super six or pickets shall not be permitted on boundaries and shall only be permitted in proximity to buildings where the local government determines that it will not adversely affect the amenity of the area.
- (8) In the Rural Residential zone in order to conserve the rural environment of features of natural beauty all native trees shall be retained unless their removal is authorised by local government and relevant public agencies and is associated with approved works, vehicle access or required bushfire mitigation measures or the trees are dead, diseased or dangerous.

### 32.19 Subdivision and Development in the Rural Zone

- (1) Subdivision in the Rural zone shall be consistent with the State Planning Policy 2.5 - Rural Planning and Development Control Policy 3.4 - Subdivision of Rural Land, with the exception of homestead lots, such that they are not permitted in the zone unless they occur in the context of a boundary realignment.
- (2) Any homestead lot created via a boundary realignment is to be consistent with the other provisions of cl. 6.6 of Development Control Policy 3.4 - Subdivision of Rural Land.
- (3) Development in the Rural zone shall conform to the following setback requirements -
  - (a) 30 metres from road boundaries;
  - (b) 20 metres from other boundaries; and
  - (c) 50 metres from a boundary with State Forest, or reserved land managed for conservation purposes.
- (4) A reduction of the setbacks requirements may be permitted in the Rural zone where, in the opinion of the local government, the topography, soil conditions, location or shape of the lot are such as to make adherence to the setback impractical, and the proposal otherwise meets the requirements of the Scheme.
- (5) The local government may grant development approval of up to two dwellings regardless of the dwelling type (e.g. grouped dwellings, caretakers dwellings, repurposed dwellings, second-hand dwelling or combinations thereof) on any lot in the Rural zone, where the land is managed for agricultural production, tourism, or education purposes and where the occupants are employed in those specified predominant land uses or activities. This clause does not apply to ancillary dwellings which can be approved in addition to the two dwellings.
- (6) Notwithstanding sub-clause (3), the local government may consider, if appropriately justified by the applicant, a third dwelling (regardless of the dwelling type) on a lot in the Rural Zone where one of the existing dwellings forms part of a heritage protected place and where there is a suitable agreement, to the satisfaction of the local government (in consultation if appropriate with the Heritage Council), to conserve and appropriately maintain the heritage significance of the dwelling.
- (7) When considering an application for more than one dwelling in accordance with sub clause 3 and 4 and regardless of the dwelling type in the Rural zone, the local government will have regard to -
  - (a) the size of the subject land and its capacity to operate as a farm where used for agricultural production;
  - (b) bushfire risks;
  - (c) compatibility with adjoining and nearby uses; (d) the additional dwelling(s) will not adversely detract from the rural character and amenity of the area or conflict with primary production on the subject lot or adjoining land;
  - (d) the landscape values of the area and any impact of the proposal upon these values;
  - (e) access to the existing road network is to be provided for any additional dwelling(s) and shared with any existing dwelling(s) where practicable; and

- (f) the existence of more than one (1) dwelling on a lot in the Rural zone shall not be considered by itself to be sufficient grounds for subdivision.
  - (8) The above provisions do not preclude the local government from considering proposals for workforce accommodation in the Rural zone.
  - (9) Applications for agriculture-intensive and animal husbandry-intensive shall, in addition to other Scheme requirements, demonstrate the following -
    - (a) evidence of suitable land management addressing retention of remnant vegetation, revegetation, land degradation and salinity management; and/or
    - (b) evidence that the proposed activity is compatible with off site sensitive uses or that adverse impacts can be contained within the site.
12. Modify Part 4, cl. 34 by inserting the clause and sub-clauses to reflect the most up-to-date version of the Model Scheme Text as follows:

#### **34. Variations to site and development requirements**

- (1) In this clause -

**general development standards and requirements** refers to any site or development requirement contained in the scheme unless the scheme otherwise provides that a certain development requirement cannot be varied but this clause is not to apply to variations to use permissibilities contained in the zoning table and does not apply with respect to development which the R-Codes apply or clause 33.
- (2) The local government may approve an application for a development approval that does not comply with a general development standard or requirement.
- (3) An approval under subclause (2) may be unconditional or subject to any conditions the local government considers appropriate.
  - (a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64(4) of the deemed provisions; and
  - (b) have regard to any expressed views prior to making its determination to grant development approval under this clause.
- (4) The local government may only approve an application for development approval under this clause if the local government is satisfied that -
  - (a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and
  - (b) the non-compliance with the general development standard or requirement will not have a significant adverse effect on

the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

- (5) The local government may only approve an application for development approval under this clause if the local government is satisfied that -
  - (a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and
  - (b) the non-compliance with the general development standard or requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.
- (6) Where two or more uses are combined in a single development, the development shall comply with the general development standards and requirements for each use respectively, or where such general development standards and requirements are deemed by the local government to be inappropriate in the particular circumstances, to such general development standards and requirements as the local government shall determine, subject to the provisions of subclauses (4) and (5).

13. Modifying references to 'General Agriculture' zone throughout the Scheme to 'Rural' zone.
14. Inserting the contents of Schedule Four - Special Use Zones into clause 21 and delete the reference to 'dwelling' and insert 'single house' within the table.
15. Deleting Schedule A - Supplementary Provisions and replace it with the following:

## **SCHEDULE A - SUPPLEMENTAL PROVISIONS TO THE DEEMED PROVISIONS**

These provisions are to be read in conjunction with the deemed provisions (Schedule 2) set out in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Numbering follows the final clause (61(8)) of this part of the Deemed Provisions.

### **61.(9) Development for which development approval not required**

- (1) Development approval is not required for works if -
  - (a) the works are of a class specified in Column 1 of an item in the Table 7; and
  - (b) if conditions are set out in Column 2 of Table 7 opposite that item - all of those conditions are satisfied in relation to the works

Numbering follows the final entry of the table (61(1).21) of this part of the Deemed Provisions.

<b>Table 7 - Supplemental provisions relating to works</b>		
	<b>Column 1 - Works</b>	<b>Column 2 - Conditions</b>
61.1.22	The erection or extension of a single house on a lot .	(a) a single house is a permitted ('P') use in the zone (where the R-Codes do not apply) in which that lot is located; (b) the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied; and (c) the works are not in a heritage-protected place or lot or location which does not have access to a dedicated and/or constructed road.
61.1.23	The erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, deck, garage or carport on the same lot as a single house.	(a) a single house is a permitted ('P') use in the zone (where the R-Codes do not apply) in which that lot is located; (b) the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied;
61.1.24	The erection or installation of landscaping; letter boxes; or clothes lines where on the same lot as a single house or a grouped dwelling	Where compliant with all relevant provisions in this Scheme
61.1.25	The erection or installation of advertisements.	Where exempt in Schedule 1 except in respect of a sign that is to be erected or installed in heritage protected place.
61.1.26	The minor filling, excavation or re contouring of land.	(a) the Residential Design Codes do not apply (b) there is no more than 0.9 metres change to the natural ground level; (c) the works are not within a flood risk area; and (d) there are no other relevant scheme requirements
61.1.27	Retaining walls.	(a) the Residential Design Codes do not apply; and (b) there is no more than 0.9 metres change to the natural ground level.
61.1.28	Satellite dishes and other domestic telecommunication installation.	(a) the works comply with any relevant adopted standards outlined in a local planning policy; and (b) the works are not located in a heritage protected place.
61.1.29	The erection or placement of a sea container.	The works are in place for a maximum period of 3 months, unless it is associated with storing building materials to support building works approved by the local government.

<b>Table 7 - Supplemental provisions relating to works</b>		
	<b>Column 1 - Works</b>	<b>Column 2 - Conditions</b>
61.1.30	Outbuildings.	(a) the Residential Design Codes do not apply; and (b) the works comply with any relevant adopted standards outlined in a local planning policy.
61.1.31	A dam.	(a) It is located in the Rural or Rural Residential zone for the purposes of water collection, storage, and use that is directly associated with a lawful land use; (b) It is not within 10 metres of a lot boundary or natural waterway; (c) It does not alter or affect waterways or water table; and (d) It does not direct runoff to areas other than the watercourse on site and/or impacts adjoining properties.

(2) Development approval is not required for the following uses if –

- (a) the use is of a class specified in Column 1 of an item in Table 8;
- (b) if conditions are set out in Column 2 of Table 8 opposite that item - all of those conditions are satisfied in relation to the use.

<b>Table 8 - Supplemental provisions relating to use</b>		
	<b>Column 1 - Use</b>	<b>Column 2 - Conditions</b>
61.2.1	A use that is wholly located on land identified as a local reserve under this Scheme.	(a) The land is owned or vested in the local government or a public authority. (b) For a purpose for which the land is reserved under this Scheme. (c) For any purpose for which the land may be lawfully used by the local government or public authority.
61.2.2	Commercial vehicle parking	Parking of one commercial vehicle per lot in the Rural Townsite or Rural Residential zones where it complies with the relevant development standards set out by the Scheme.

16. Insert Schedule 1 - Exempted signage and advertisements and modify as required as follows:

## SCHEDULE 1 - EXEMPTED SIGNAGE AND ADVERTISEMENTS

Land use/works	Exempted sign type and number (includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	Maximum size/area of exempted sign
Bed and breakfast, Home occupation, Holiday house Family day care, Rural home business/hobby farm and other businesses operating from a dwelling	One advertisement describing the nature of the business operating from a dwelling.	0.2m <sup>2</sup>

17. Modifying the scheme maps by changing references to 'General Agriculture' zone to 'Rural' zone and changing reserve names to align with Schedule 3 - Legends used in Scheme from the *Planning and Development [Local Planning Scheme] Regulations 2015*.
18. Any modifications necessary to correct administrative and typographic matters, including renumbering and cross-referencing of provisions, tables and indexes.

E.DOWLING  
PRESIDENT

S.SCOTT  
CHIEF EXECUTIVE OFFICER