

P276/06/03 FINAL ADOPTION OF AMENDMENT NO. 127 TO TOWN PLANNING SCHEME NO.2 - MULTIPLE DWELLINGS ON RURAL LAND (A1127)		
Proponent	Shire of Serpentine-Jarrahdale	In Brief Council, pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to finalise Amendment No. 127 to Town Planning Scheme No.2
Officer	Michael Davis – Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	4 June 2003	
Previously		
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM054/05/03	

Background

The purpose of this amendment is to bring Council's Scheme into conformity with the recently gazetted "Statement of Planning Policy No.11 – Agricultural and Rural Land Use Planning" regarding multiple residences on rural land.

Statement of Planning Policy No.11 (SPP 11) has been prepared under section 5AA of the Town Planning and Development Act 1928 (as amended). The policy applies to the planning of rural and agricultural land within Western Australia.

Statement of Planning Policy No.11 comments the following:

"Local governments must have due regard to this policy in the preparation or amendment of town planning schemes, strategies and policies, and when providing comment and advice on planning applications that deal with rural land".

Council has initiated this amendment to its Town Planning Scheme No.2 in order to meet the above commitment.

Currently Council's Scheme contains the following clauses relating to second dwellings on rural land:

"5.4.3 In the Rural Zone only one dwelling unit is permitted per lot for lots up to four hectares in area and only two dwelling units per lot for lots having an area greater than four hectares and less than 50 hectares and one dwelling unit per 25 hectares or part thereof for lots having an area of 50 hectares or more. The presence of more than one dwelling unit on a lot in the Rural Zone shall not be considered by itself to be sufficient grounds for subdivision."

"5.4.4 Notwithstanding the requirements of Clause 5.4.3 the Council may permit no more than two dwellings on the following rural lots:

- 1) Lot 125 Doley Road, Byford
- 2) Lot 126 Orton Road, Byford".

The above clauses permit more than one dwelling on rural lots greater than 4 hectares and less than 50 hectares and does not set any requirements on what that dwelling must be used for in relation to the uses carried out on the property. The above clauses are contrary to the provisions for multiple dwellings in a 'Rural' zone as outlined in Statement of Planning Policy No.11 (SPP No.11). It is recommended that the above clauses be deleted from the Scheme and replaced with a clause that recognises the requirements of SPP No.11.

October 2002

Council at its meeting held 28 October 2002 resolved to initiate Amendment No. 127 to Council's Town Planning Scheme No.2.

Comments

Public Consultation

The proposed amendment was advertised and the public comment period was open for a period of 42 days. The amendment documentation was held at the Shire's administration offices for public inspection during the 42 day period.

The proposed amendment was referred to the following government agencies:

- Water & Rivers Commission
- Department of Agriculture WA
- Water Corporation
- Alinta Gas
- Telstra
- Department for Planning and Infrastructure

Two submissions were received from government agencies, one from the Water and Rivers Commission and one from the Department of Environmental Protection. The Water and Rivers Commission responded with a letter of no objection. The Department of Environmental Protection resolved that after consideration of the likely environmental factors that the proposed amendment did not warrant environmental assessment.

Environment

It is considered that the proposed amendment will not have a direct impact on the natural environment.

Emergency Management

It is considered that the proposed amendment will not have a direct impact on emergency vehicle access or emergency management.

Conclusion

The recent gazettal of Statement of Planning Policy No.11 identifies restrictions to second residence on rural zoned land. Council's Scheme currently does not include these restrictions for multiple residences on rural land. It is recommended the Scheme Amendment be finalised in order to bring the scheme in line with SPP No.11 in regards to multiple dwellings on rural zoned land. The amendment addresses the following:

1. The deletion of clause 5.4.3 and clause 5.4.4 relating to more than one dwelling on rural land;
2. Adding a clause that replaces the above clauses, which relates to restrictions for multiple dwellings on a rural zoned property in accordance with SPP11;
3. Adding a definition for Ancillary Accommodation, Dwelling, Grouped Dwelling, Multiple Dwelling and Rural Workers Dwelling to the Scheme;
4. Amending the zoning table to conform with the above by including Ancillary Accommodation, Dwelling, Grouped Dwelling, Multiple Dwelling and Rural Workers Dwelling as 'Use Classes' to the Scheme.

It is recommended that Council finally adopt Amendment No. 127 To Council's Town Planning Scheme No.2 regarding multiple dwellings in the Rural Zone.

Sustainability Statement

Currently, multiple residences on rural properties are being used as a reason or motive to subdivide rural zoned properties. The amendment to restrict multiple residences on rural land except in certain circumstances will prevent opportunities for further subdivision of viable agricultural land in close proximity to the Perth central area. This will prevent opportunities for subdivision, which may reduce the capacity of the land to support various extensive agricultural pursuits.

Does the proposal/issue enhance the environment (built and natural) or minimise environmental damage through best practice in its field?

The amendment will not have a direct impact on the environment.

Does the proposal/issue minimise resource use, eg. Energy, land, water, soil, compared to traditional development approaches?

The amendment will provide additional control over the approval for multiple residences on rural land. Multiple residences in the past have been used as a reason for subdivision of rural land. The amendment will provide additional controls and prevention measures over the fragmentation of agricultural land, which is considered a valuable resource.

Does the proposal/issue use locally available or produced resources?

Not applicable for amendment application.

Will the proposal/issue be economically viable in a way that incorporates its external costs?

The amendment will not have a direct economic impact on Council. The amendment will provide additional restrictions on multiple residences in a rural zone, which may have an economic impact on the community.

Is the proposal/issue designed to be socially and environmentally responsible through building up the community and enabling full participation in its implementation?

The amendment was advertised to the community and pertinent government agencies after Council had initiated the amendment.

Does the proposal/issue disadvantage any social groups?

The amendment may disadvantage various social groups such as extended families who want to occupy a rural property. However, BP1 - Ancillary Accommodation Policy would allow for opportunities for an ancillary accommodation on rural land.

Does the proposal/issue create long term employment or economic benefit to current and future residents of the shire?

The proposed amendment is not intended to inhibit the construction of multiple residences for the purpose of a rural workers dwelling. Thus the proposed amendment will not directly impact on long term employment generated within the Shire.

Statutory Environment: Town Planning and Development Act 1928 (as amended), Town Planning Scheme No.2

Policy Implications: Not applicable

Financial Implications: There will be no direct financial implications to Council as a result of this application.

Strategic Implications: This proposal relates to Objective 3(3) of Key Result Area – Economic Development in Council’s Strategic Plan which is:-
“Integrate and balance town and rural planning to maximise economic potential.”

Community Consultation: The amendment was advertised in The Examiner for a period of 42 days. No comments were received.

Voting Requirements: Normal

Manager Planning and Regulatory Services returned to the meeting at 2.38pm.

Planning Officer entered the meeting at 2.38pm.

CRP276 Committee Decision/Officer Recommended Resolution

Moved Cr Scott , seconded Cr Needham that Council, pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to finalise Amendment No. 127 to Town Planning Scheme No.2 as follows:

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)

SHIRE OF SERPENTINE-JARRAHDALÉ

TOWN PLANNING SCHEME NO.2

The Shire of Serpentine-Jarrahdale under and by virtue of the powers conferred upon it in that behalf of the Town Planning and Development Act 1928 (as amended), hereby amends the above Town Planning Scheme by:

1. Deleting clause 5.4.3 and clause 5.4.4 relating to more than one dwelling on rural land.
2. Adding clause 5.10.3 Multiple dwellings within the Rural Zone
 5.10.3 Multiple dwellings within the Rural Zone
 - (i) In the Rural Zone only one dwelling unit is permitted per lot for lots up to four hectares in area.
 - (ii) For lots having an area greater than four hectares in the Rural Zone, an application for more than one dwelling on a lot in the “Rural Zone” will not be supported unless the additional dwelling(s) provides -
 - (a) accommodation for workers employed for agricultural and intensive agricultural activities on that holding in accordance with Council’s definition for “Rural Workers Dwelling”; and
 - (b) the dwellings should generally be clustered in one location, to avoid future subdivision pressure and minimise constraints on adjoining uses; and
 - (c) all services to the dwellings from the lot boundary (including access roads) are shared where practicable.
3. Adding the following definitions to the Scheme as follows:

Ancillary Accommodation – means self-contained living accommodation on the same lot as a single house that may be attached or detached from the single house.

Dwelling – means a building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent or temporary basis by a single person, a single family, or no more than six persons who do not comprise a single family.

Grouped Dwelling – means a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise, and excludes any dwelling which is the sole dwelling on a fee simple or survey strata lot.

Multiple Dwelling – means a dwelling in a group of more than one dwelling on a lot where any part of a dwelling is vertically above part of any other.

Rural Workers Dwelling – means a dwelling:

- a) which is on land upon which there is already erected a dwelling and which is occupied by persons engaged in occupation of any of the following uses on that same lot: Cottage Industry; Feedlot; Fish Farming; Horticultural Pursuit; Pig Farming; Poultry Farming; Rural Industry or Rural Use; and
- b) which can also accommodate family members involved in the operation of the agricultural enterprise on that land.

4. Amend Table 1 – Zoning Table by:

(i) Deleting ‘Use Class 54’ as follows:

’54. Residential:

- a) Single*
- b) Attached*
- c) Grouped’*

(ii) Including the following ‘Use Classes’ in alphabetical and sequential number order and re-number the existing ‘Use Classes’ accordingly:

Residential:

- a) Ancillary Accommodation
- b) Dwelling
- c) Grouped
- d) Multiple

Rural Workers Dwelling

5. Including the following ‘Use Symbols’ in Table 1 – Zoning Table against the listed ‘Use Classes’ below:

USE CLASSES	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
54. Residential:															
(a)Ancillary Accommodation	AA					AA	AA	AA							
(b)Dwelling	P					P	P	P							
(c)Grouped	AA														
(d) Multiple Dwelling	SA														
59.Rural Workers Dwelling									IP						

USE CLASSES	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
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TABLE I - ZONING TABLE

KEY TO COLUMNS

1. Residential	6. Special Residential	11. Rural Living B
2. Commercial	7. Special Rural	12. Farmlot
3. Showroom/Warehouse	8. Rural	13. Conservation Zone
4. Light Industry	9. Special Use	14. Agriculture Protection
5. General Industry	10. Rural Living A	15. Urban Development

6. Altering the “Residential Building” ‘Use Symbol’ in Table 1 - zoning table:

From ‘AA’ use in the “Residential” and “Rural” zones to ‘SA’ in the “Residential” and “Rural” zones as follows:

USE CLASSES	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
55. Residential Building	SA							SA							

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CARRIED 5/0