



Local Planning Policy 4.19: Development in the Rural Zones

Objectives: Place

Outcome: 2.1 - A diverse, well planned built environment
2.2 - A sustainable natural environment
2.3 - A productive rural environment

Strategy: 2.1.1 - Actively engage in the development and promotion of an effective planning framework.
2.3.1 - Identify and promote rural and agriculture industry opportunities.

Purpose

The Purpose of this Policy is to:

- Guide the assessment and determination of development proposed in the rural zones of Town Planning Scheme No. 2 (TPS 2);
- Augment and give effect to the Policy Areas described in the Shire's Local Rural Strategy 2017 (as amended from time to time); and
- Prevent development from occurring in inappropriate locations, so as to:
 - Protect the water quality of the Jandakot Groundwater Mound and the Peel-Harvey Coastal Plain Catchment;
 - Protect the character, amenity and environmental qualities of rural zoned land incompatible development;
 - Protect rural zoned land from the encroachment of quasi-industrial development; and
 - Protect and preserve rural and agricultural land in the Shire for its economic, natural resource, food production, environmental and landscape values.

Application

This Policy applies to all development applications involving Use Classes listed within the Rural zone.

Use Classes to which this Policy applies:

- | | | |
|----------------------------|----------------------|-------------------|
| • Animal Husbandry | • Industry – Rural | • Rural Use |
| • Aquaculture | • Nursery | • Transport Depot |
| • Floriculture (Extensive) | • Pig Farming | |
| • Hydroponics | • Plant Nursery | |
| • Industry – Light | • Poultry Farm | |
| • Industry – Noxious | • Private Recreation | |



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Where any inconsistency arises between the provisions of this Policy and another Local Planning Policy of the Shire, the provisions of this Policy shall prevail to the extent of that inconsistency.

Background

Land within the Rural zone in the Shire is coming under increasing pressure to be used for a wide variety of purposes that are not always appropriate due to their size, scale, location and level of impact.

These land uses are often attracted to the Shire's rural zones due to:

- Relocation from more urban areas to avoid land use conflicts and encroachment of sensitive premises;
- Comparatively affordable rural land costs in the Shire compared to more urban land elsewhere;
- Large expanses of sparsely populated rural land which can reduce exposure to and incidence of complaints from sensitive premises; and
- Rural land in the Shire is highly accessible from several existing and proposed major transport routes.

Whilst these developments have the potential to generate employment and contribute to the local economy, they can also:

- Cause significant, adverse off-site impacts;
- Create land use conflicts due to their incompatibility with existing rural and sensitive land uses;
- Result in the semi-industrialisation of rural land; and
- Reduce the amount of land available for productive agricultural and bona fide rural purposes.

This policy seeks to address these challenges by prescribing application requirements and assessment standards for the use classes listed earlier, in the Rural zone of TPS 2.

Definitions

For the purposes of this Policy:

Sensitive premises means – Land uses considered to be potentially sensitive to emissions from industrial, commercial and agricultural/horticultural operations, including residential dwellings, hospitals, hotels, motels, hostels, caravan parks, schools, hospitals, nursing homes, childcare facilities, shopping centres, playgrounds, and some public buildings.

Separation distance means – The shortest distance between the boundary of the area that may potentially be used by a development to which this Policy relates, and the boundary of the area that may be used by a sensitive land use.



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Policy Measures

1. Development Application Requirements

1.1 Every development application in the rural zones of a use class to which this Policy applies, shall comprise information of such degree and detail as is deemed necessary by the Shire to inform its assessment and determination of the proposal in accordance with this Policy. Unless otherwise determined by the Shire, this shall include but is not limited to information and evidence addressing the following:

- (a) land capability and suitability for the proposed use;
- (b) size, scale and intensity of the proposal, including the hours and nature of operation;
- (c) sensitive premises that are existing, proposed or permissible on other nearby properties which could be impacted by the proposed use;
- (d) groundwater quality and availability;
- (e) servicing, including water supply for production / irrigation;
- (f) topography, drainage and flood risk;
- (g) impact on watercourses, drainage channels, soaks and wetlands, including nutrient export risk and the capacity of watercourses and catchments to assimilate nutrients without an adverse impact on ecosystem health;
- (h) clearing of native vegetation;
- (i) vehicle access/egress requirements, including onsite movements, the size and frequency of vehicle movements associated with the proposal, the impacts of the proposed use on local roads and road users, and the suitability and capacity of the existing road network to accommodate the proposed use;
- (j) biosecurity issues, to prevent pests, weeds and diseases from being introduced or transported to other locations;
- (k) landscape and visual impact assessment in accordance with the Western Australian Planning Commission's *Visual Landscape Planning in Western Australia Manual (2007)*;
- (l) storage, management and disposal of waste, including residues, by-products and unsaleable produce waste;
- (m) potential cumulative impacts due to proximity to other existing or proposed land uses generating similar impacts;
- (n) probable and possible offsite impacts, such as spray drift, dust, ash, smoke, odour and light spill;
- (o) measures to minimise air, water, noise, vibration and visual pollution;
- (p) size and composition of any stockpiles, storage and over-burden dumps;
- (q) any proposed revegetation and/or rehabilitation of the land;
- (r) bushfire risk management; and
- (s) operational activity/management plan describing in detail how the proposed development would be operated.

1.2 Failure to provide the information referred to in clause 1.1 to the Shire's satisfaction will render the development application incomplete and incapable of assessment for determination.



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2. Assessment Criteria

2.1 Prior to being determined, all development applications to which this Policy relates will be advertised for public comment in a manner and to an extent deemed appropriate by the Shire, unless the Shire is satisfied that the:

- (a) nature;
- (b) scale;
- (c) intensity; and
- (d) impacts

of the proposal are so minor, acceptable and compatible with surrounding approved and allowable land uses as to be suitable for determination without first inviting public comment on the proposal.

2.2 The Shire's discretion in clause 2.1 to waive the public advertising requirement for development applications in certain circumstances does not apply to any Use Class denoted with an 'SA' permissibility in the zone in which it is proposed in the Zoning Table of TPS 2.

2.3 The following provisions apply to proposed developments in the Peel Harvey Coastal Plain Catchment, as defined by State Planning Policy No. 2.1:

2.3.1 The Shire will generally not support any development that contributes additional direct drainage to the Peel Harvey Estuary, its tributaries, or local drainage systems, unless in the Shire's opinion appropriate measures will be employed to mitigate nutrient export risks and risks to catchment water quality.

2.3.2 In forming its opinion under clause 2.3.1, the Shire will invite and have regard to any advice provided in respect of the proposed development by the Department of Water and Environmental Regulation.

2.4 The following provisions apply to proposed developments in the Jandakot Groundwater Protection Area, as defined by State Planning Policy No. 2.3:

2.4.1 The acceptability of land uses within Priority 1 (P1) and Priority 2 (P2) Public Drinking Water Source Areas will be guided by *Water quality protection note 25: Land use compatibility tables for public drinking water source areas* (available here – http://www.water.wa.gov.au/_data/assets/pdf_file/0014/1733/12441.pdf).

2.4.2 Land uses denoted as "Incompatible" in Table 2 of *Water quality protection note 25* are considered to pose an unacceptable contamination risk to water quality within the applicable priority area and will not be approved, unless in the Shire's opinion the proposal would:

- (a) Result in a net tangible and bona fide community benefit; and
- (b) Pose no unacceptable contamination risk to water quality.



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- 2.4.3 In forming its opinion under clause 2.4.2, the Shire will invite and have regard to any advice provided in respect of the proposed development by the Department of Water and Environmental Regulation prior to determining the application.
- 2.4.4 Land uses denoted as “Compatible with conditions” in Table 2 of *Water quality protection note 25* may be considered appropriate within the applicable priority area, subject to use of best management practices and compliance with approval conditions deemed necessary by the Shire.
- 2.4.5 In considering best management practices and necessary approval conditions, the Shire will:
- (a) Invite and have regard to any advice provided in respect of the proposed development by the Department of Water and Environmental Regulation prior to determining the application; and
 - (b) have regard to the Guidance Information and recommended Conditions corresponding to the relevant land use and priority area in *Water quality protection note 25*.
- 2.4.6 Where a proposed land use or activity is not listed in Table 2 of *Water quality protection note 25* the Shire will invite and have regard to any advice provided in respect of the proposed development by the Department of Water and Environmental Regulation prior to determining the application.
- 2.5 Subject to clause 2.6, the following requirements apply to proposed developments which in the Shire’s opinion would, or would have the potential to, generate emissions in the form of spray drift, dust, smoke, ash and light spill:
- 2.5.1 The emission source shall achieve a minimum separation distance of 300m from sensitive premises, with that distance being predominantly or wholly contained within the subject lot for the proposed development.
- 2.5.2 The Shire may at its discretion reduce the separation distance stated in clause 2.5.1 by such distance as it considers commensurate with a reduction in the off-site impacts of emissions, provided that:
- (a) A minimum 20m wide vegetated buffer already exists, or will exist, prior to any emissions being generated and that buffer:
 - (i) comprises vegetation of sufficient height, diversity and density to effectively reduce the impact of emissions on sensitive premises;
 - (ii) will be protected and managed by the proponent to the Shire’s satisfaction so as to continue to effectively reduce the impact of emissions on sensitive premises for the duration of the proposed development’s operation; and



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(iii) is located as close as practicable to the point of release of emissions.

2.6 The following requirements apply to proposed developments listed in Appendix 1 of the Environmental Protection Authority's (EPA's) *Guidance for the Assessment of Environmental Factors No. 3 – Separation Distances between Industrial and Sensitive Land Uses*:

2.6.1 The proposed development shall achieve a minimum separation distance from sensitive premises equivalent to the "Buffer distance" specified in Appendix 1 of the EPA's Guidance Note.

2.6.2 Where the separation distance is specified (in Appendix 1 of the EPA's Guidance Note):

- (a) as a range, then the median of those two distances shall apply as the minimum separation distance; or
- (b) as "case by case", then the Shire may invite and have regard to any advice provided in respect of the proposed development by the Department of Water and Environmental Regulation prior to determining the application;

2.6.3 The locational acceptability of the proposed development is directly proportional to the amount of separation distance contained within the subject lot for the proposed development. In other words, the greater the length of separation distance that falls within the subject lot the more acceptable the location of the proposed development will be.

2.6.4 Where any inconsistency arises between the provisions of clause 2.5 and clause 2.6, then the provisions of clause 2.6 shall prevail to the extent of that inconsistency.

3. Unacceptable Development

3.1 Development will be considered unacceptable and will generally be refused if in the Shire's opinion:

3.1.1 The characteristics and qualities of the subject land do not have the physical capability or suitability to accommodate the proposed development, having regard to:

- (a) The Land Capability Mapping Review contained in the Shire's *Rural Strategy 2013 Review* (2017);
- (b) Soil – Landscape Mapping; Soil – Land Qualities; and Soil – Land Capabilities published on *Natural Resource Information (WA)* (available here - <https://maps.agric.wa.gov.au/nrm-info/>);



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- (c) Appendices B – G (as applicable) in *Planning for the Proposed Peel Food Zone* (2017) (available here - <https://www.agric.wa.gov.au/land-use/planning-proposed-peel-food-zone-report>);
- (d) *Land resources in the northern section of the Peel-Harvey catchment, Swan Coastal Plain, Western Australia Map* (available here - https://researchlibrary.agric.wa.gov.au/cgi/viewcontent.cgi?article=1031&context=land_res); and
- (e) *Darling Range Rural Land Capability Study* (available here - https://researchlibrary.agric.wa.gov.au/cgi/viewcontent.cgi?article=1002&context=land_res).

3.1.2 The proposed development is contrary to or would hinder achievement of the relevant Policy Area Objectives set out for the subject land or adjoining land in the Shire's *Rural Strategy 2013 Review* (2017).

3.1.3 The existing road network is not suitable or capable of handling the additional impacts created by the proposed development, having regard to:

- (a) The transport and traffic requirements of the proposed development;
- (b) The existing standard, usage and safety of the road network; and
- (c) The classification of the road(s) in the road hierarchy

Unless it is upgraded at the proponent's sole expense to an adequate standard to accommodate the additional traffic generated from the proposed development.

3.1.4 The size, scale and nature of the proposed development is more permissible in and would be better suited to an Industrial or equivalent zoning under the Scheme.

3.1.5 The proposed development would present an unacceptable risk to water quality and availability, including groundwater, estuarine/riverine catchments, watercourses, soaks and wetlands.

3.1.6 The proposed development would be at risk of, or would increase the risk of flooding, run-off and erosion of the subject land or any adjoining land (whether privately or publicly owned/managed).

3.1.7 The cumulative impacts of the proposed development together with other existing or approved development in the locality would negatively impact established land uses and activities in the area.

3.1.8 The proposed development would detract from the landscape character, intrinsic qualities and rural amenity of the area, by virtue of the proposal's:



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- (a) High visibility;
- (b) Prominent location, design, bulk and scale;
- (c) Minimal setbacks from property boundaries;
- (d) Location on a ridgeline, in a clearing, or impinging on a desirable view corridor;
- (e) Clearing of vegetation;
- (f) Filling of land to create greater elevation;
- (g) Incompatibility with Council and community expectations for the rural area.

3.1.9 The proposed development would be sensitive to and could be adversely impacted by established, acceptable or approved farming/agricultural and other activities in the area.



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Delegation

Applications that comply in all respects with this policy will be dealt with under delegated authority, pursuant to TPS 2.

References

Name of Policy	Local Planning Policy 4.19: Development in the Rural Zones
Date of Adoption and Resolution Number	
Review dates and Resolution Numbers	
Next review date	
Related documents	<p>Acts/Regulations <i>Local Government Act 1995 Planning and Development Act 2005</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i></p> <p>Plans/Strategies Strategic Community Plan 2017 - 2027</p> <p>Policies</p> <p>Delegations</p> <p>Work Procedures</p>