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- Objectives:** Place
- Outcome:** 2.1 - A diverse, well planned built environment.
- Strategy:** 2.1.1 - Actively engage in the development and promotion of an effective planning framework.

Purpose

1. Support rural enterprises within the Shire.
2. Provide direction on the establishment of genuine rural workers' dwellings.
3. Ensure that rural workers' dwellings are provided, constructed and located in such a way so as to minimise their impact on the surrounding amenity and landscape.
4. Ensure rural workers' dwellings are associated with an existing and approved rural use.
5. Limit the opportunity for a rural workers' dwelling to establish and facilitate land subdivision.
6. Ensure that the rural workers' dwelling is incidental to a predominate rural use.

Definitions

A '**Rural Workers' Dwelling**' refers to a dwelling:

- a) which is on land upon which there is already a dwelling and which is occupied by persons engaged in any of the following uses on the same land: 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 an operation of an agricultural enterprise on that land (TPS2).

Background

Rural enterprise is a key economic activity and employer within the Shire. Rural workers' dwellings act as a place of residence for persons employed for the purpose of agricultural or rural industry on a particular site. Providing a residence for additional farm workers' or a manager can be crucial where the scale and nature of the farm enterprise routinely requires additional employees on site.

In accordance with state planning policy, the Shire believes the provision for Rural Workers' Dwellings shall be associated with a genuine approved rural use, provide accommodation for workers' employed for agricultural activities on a particular landholding, generally be clustered together to avoid future subdivision pressure and share services with the primary dwelling where possible.

This purpose of this Policy is to guide the use and development of land for a rural workers' dwelling. The Shire recognises that the development of additional dwellings can create the desire for a parcel of land in a rural zone to be subdivided. The resultant subdivision and downsizing of a contiguous farm unit can result in related infrastructure problems such as the degradation of roads and incremental



fragmentation of rural land, undermining the overall objectives of a Rural zone. The Shire does not support the construction of a second dwelling for the purposes of an incidental rural 'hobby' activity for rural lifestyle purposes. Applicants shall not use this activity as a basis to gain approval for a rural workers' dwelling.

This Policy aims to ensure that the desire to establish an additional dwelling on a rural lot is justified so as not to prejudice the rural/agricultural use and the environmental attributes of the land, but to instead maximise the business sector of the property.

In assessing applications, Applicants will need to clearly demonstrate that their proposal meets all the objectives and requirements of this Policy, and any other requirement of the Shire's planning framework that may be applicable for a particular site under the Shire's Town Planning Scheme No. 2 (TPS2) or any adopted Structure Plan, Local Planning Policy or Detailed Area Plan.

Application

A Rural Workers' Dwelling is listed as a discretionary 'AA' use in a Rural zone and is not permitted in any other zone listed in the Shires TPS2.

Status

(a) *Relationship to Town Planning Scheme No.2*

This Policy is a planning policy prepared, advertised and adopted pursuant to Clause 9.1 of Town Planning Scheme No. 2 (TPS2). Under Clause 9.2 of TPS2 all planning policies are documents supporting the Scheme. The Policy augments and is to be read in conjunction with the provisions of TPS2 relating to development applications regarding rural workers' dwellings.

(b) *Relationship to other State Planning Policies (SPPs)*

This Policy has due regard to, and should be read in conjunction with the State Planning Policies. Of particular relevance to this Policy are:

- i) State Planning Policy No. 2.5 (Agricultural and Rural Land Use Planning).
- ii) State Planning Policy No. 3 (Urban Growth and Settlement).
- iii) State Planning Policy No. 3.1 (Residential Design Codes).

(c) *Relationship to other Local Planning Policies (LPPs)*

This Policy has due regard to, and should be read in conjunction with the Shire's entire Local Planning Policy suite. Of particular relevance to this Policy are:

- i) Local Planning Policy No. 35 – Interim Residential Development
- ii) Draft Local Planning Policy No. 36 – Non-Urban Outbuildings
- iii) Draft Local Planning Policy No. 67 – Landscape and Vegetation

(d) *Other legislative documents which have the potential to influence applications include:*

- i) Shire of Serpentine Jarrahdale Rural Strategy 1994.



Policy

1. Planning approval is required for the construction of all Rural Workers' Dwellings.
2. A single house must have already been established on the land or be intended to be established on the land at the same time as the Rural Workers' Dwelling.
3. Applications for development approval shall also be assessed against the acceptable, performance based criteria and unacceptable provisions set out in Table 1 and Table 2 of this Policy.
4. Where an application is to be lodged for consideration against some or all of the performance based criteria in Table 1, the Applicant shall clearly demonstrate (in writing with cross references to any applicable plans) how the performance based criteria had been achieved.
5. Performance based applications will be assessed against:
 - 5.1 Addresses key objectives of this Policy.
 - 5.2 Justifies reasons for non-compliance.
 - 5.3 Mitigate issues of non-compliance, which may include:
 - *appropriate landscaping/screening vegetation.*
 - *addresses cumulative variation.*
 - *incorporates fire management mechanisms.*
 - *proximity to residential dwellings.*
6. Applications for development approval which achieve one or more of the 'Unacceptable Development' criteria will be deemed unacceptable and automatically refused.
7. Rural workers' dwellings shall not be approved except where the dwelling is associated with an approved and genuine rural use. The Shire must be satisfied in each case that the intentions of the landowner are genuine and the need for the dwelling is capable of being maintained for a reasonable period of time. Justification as to why the rural workers' dwelling is warranted shall be provided as part of the development application.
8. One (1) rural workers' dwelling is permitted on any rural lot.
9. In accordance with Section 5.10.3(b) of TPS2, a rural lot exceeding 75 hectares may apply for an additional (second) rural workers' dwelling if sufficient justification is provided.
10. Due consideration is to be given to setbacks and shall be determined in accordance with Environmental Health requirements. Minimum setbacks requirements are determined by Table 2.
11. Rural Workers' Dwellings are to be constructed to a maximum floor area of 200m².
 - 1.2 Additional dwellings should be constructed of a similar material and exterior finish as the primary dwelling on the lot.
 - 1.3 The existence of a primary dwelling and rural workers' dwelling on any lot excludes the potential for an additional ancillary dwelling to be approved.
 - 1.4 A minimum of (1) additional car parking space is to be provided.



- 1.5 Applicants shall submit an application for a suitable effluent disposal system at the development application stage.
- 1.6 Rural Workers' Dwellings should be appropriately screened from public roads and potential conflicting land uses (eg intensive livestock operations, livestock yards etc) to ensure rural amenity is preserved and dwellings are not prominent from major thoroughfares.
- 1.7 The landowner shall be directly involved in the primary approved rural use operating on the subject land.
- 1.8 A current and valid Farmland Concession shall be submitted at the development application stage to demonstrate that the rural use is registered for GST and has been in operation for a minimum of twelve (12) months. Where a Farmland Concession is not applicable to a particular use, the Applicant must comply in all respects with this Policy and provide sufficient justification that an additional dwelling is warranted and is associated with the primary use on site.
- 1.9 Subdivision applications arising from the establishment of rural workers' dwellings will not be supported by the Shire.
- 1.10 The occupiers of the existing dwelling and proposed rural workers' dwelling are to be principally employed or engaged by the landowner or agent of the approved rural use, on a full time basis.
- 1.11 Applicants shall place a Section 70A Notification on Title prior to occupancy of the dwelling at the Applicants cost.
- 1.12 Approval for Rural Workers' Dwellings shall only be granted on the basis that the dwelling is not occupied should the use of the land for the purpose for which the dwelling was constructed cease for a period of more than six months.

Consultation

- 1.13 Applications which alter Acceptable Development provisions of this Policy (performance based/undesirable) require consultation with adjacent landowners.
- 1.14 Applications for Rural Workers' Dwellings which achieve the performance based or undesirable criteria will be advertised with Applicant's supporting justification for non-compliance.
- 1.15 Consultation with adjoining landowners will be carried out in accordance with the Shire's Local Planning Policy No.27 – Stakeholder Engagement in Land Use Planning.

Implementation

- 1.16 Implementation of Local Planning Policy No.46 shall be consistent with the attached Schedules.



Table 1 – Additional Requirements for Rural Workers' Dwellings

	Acceptable Development	Performance Based	Unacceptable Development
Rural Use	Uses requiring a Farmland Concession	Absence of a Farmland Concession	Hobby, lifestyle or domestic uses.
Size of Lot	> 20 hectares	4 hectares to 20 hectares	< 4 hectares
Separation distance	Rural workers' dwelling is located within 50 metres of the primary dwelling	<p>The separation distance may be varied to be between 50 and 100 metres from the primary dwelling where Applicants demonstrate that potential constraints exist, having regard to the following:</p> <ul style="list-style-type: none"> • Topography • Watercourses (eg dams, creeks) • Vegetation values (particularly mature trees) • Potential for flooding • Amenity impacts (eg potential visual/odour impacts on adjoining and surrounding properties) • Existing and proposed services. • A written justification of the relevant constraints is to be submitted with the application and will be subject to consultation with adjoining landowners. 	Greater than 100 metres separation distance.
Services	Rural workers' dwelling shares the same road access, power and communication infrastructure as the primary dwelling.	Rural workers' dwelling shares as majority of services with the primary dwelling.	<p>Rural workers' dwelling proposes a new separate road access way.</p> <p>The location of effluent disposal impacts on surrounding waterways and native vegetation due to the impact of nutrient loads.</p>



Siting and Design	Sited to minimise impact on the surrounding landscape and environment. Sited to minimise the impact on the suitability of the land to be used for rural purposes.		Isolated or visually prominent locations. Conflicts with other land uses (ie stables, intensive livestock operations or livestock yards) on either the subject land or adjacent land.
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Table 2 – Setback Requirements

Setback (Minimum Distance)	
Side(metres)	Rear (metres)
10	20

References

Name of Policy	Local Planning Policy 4.14: Rural Workers' Dwelling Policy
Previous Policy	Local Planning Policy 46: Rural Workers' Dwellings
Date of Adoption and Resolution Number	23 July 2018 - OCM063/07/18
Review dates and Resolution Numbers	
Next review date	
Related documents	<p>Acts/Regulations <i>Local Government Act 1995</i> <i>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 11.1.1</p> <p>Work Procedures</p>

Note: changes to references may be made without the need to take the Policy to Council for review.