

## Local Planning Policy No 1 Permitted Uses

### Policy Area

This Policy applies to the whole Shire.

### Objective

To clarify what development requires Council Planning Approval.

### Background

Clause 8.1 of the Scheme requires that all development requires the approval of Council. Clause 8.2 then sets out the types of development which are except from this requirement; including a single dwelling.

Table 1 – Zoning Table; then sets out uses which:

- Are permitted by the Scheme providing that they meet the relevant development standards in the Scheme;
- Require Council’s Planning Approval;
- Require Council’s Planning Approval and must be advertised; and
- Are prohibited.

**The permitted uses are as follows:**

Use Class	Zones				
	Residential	Commercial	Industrial	Regional Rural	Local Rural
1 Aged & Dependent Persons Dwelling	<b>P</b>				
2 Agriculture – Extensive				<b>P</b>	<b>P</b>
3 Agro Forestry				<b>P</b>	
4 Animal Establishment				<b>P</b>	
5 Car Park		<b>P</b>	<b>P</b>		
6 Community Purpose	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
7 Consulting Room		<b>P</b>			
8 Dry Cleaning Premises		<b>P</b>	<b>P</b>		
9 Home Occupation	<b>P</b>			<b>P</b>	<b>P</b>
10 Home Office	<b>P</b>			<b>P</b>	<b>P</b>
11 Industry Light			<b>P</b>		
12 Industry Service			<b>P</b>		
13 Public Utility	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
14 Residential – Single House	<b>P</b>			<b>P</b>	
15 Rural Pursuit				<b>P</b>	
16 Shop		<b>P</b>			
17 Showroom		<b>P</b>			
18 Transport Depot			<b>P</b>		

The development standards are generally contained within Part of the Scheme and all development must comply with these standards unless a variation is approved by Council. Where a Permitted Use meets these standards then Council cannot unreasonably refuse such an application.

Development standards applicable to houses including any extension, outbuildings, swimming pools etc include:

- Compliance with the Residential Planning Codes (with particular reference to boundary setbacks);
- Not being located within a heritage area designated under the Scheme (no such areas apply at this time);
- Does not exceed 8m in height;
- Is not located on an unconstructed road or on a lot with no gazetted road access.

**In summary the setbacks for houses are as follows:**

<b>Setback from lot boundaries (1)</b>	<b>Residential R 5</b>	<b>Regional Rural</b>	<b>Local Rural</b>
All boundaries		20m	
Front	12.0m		10m
Rear	6.0m		10m
Side (2)	1.5m		5m

**(1)** Lot boundaries means any individual allotment as defined within the Town Planning and Development Act 1928

**(2)** Tables 2a & 2b of the Codes define the side setbacks based on the length of the walls and whether there are any major windows.

#### **Policy Statement**

1. In accordance with Clause 8.2 of the Scheme, Council will not require a planning application for a single house within the Residential or Regional Rural zones, provided that such development complies with the minimum setback requirements and any other applicable development standards.
2. A Building Licence is still required for a single house and compliance with the setback requirements and any other applicable development standards will be assessed as part of this application.
3. Item 1 above does not apply to a single house on a lot with an unconstructed road access or no gazetted road access (refer to Clauses 5.14 and 8.2(b)(v)).
4. Council's planning approval for more than one single dwelling in the Regional Rural Zone is required under Clause 5.11.5
5. In accordance with Clause 8.2 of the Scheme, Council will not require a planning application for a 'Home Office' within the Residential, Regional Rural, or Local Rural zones. A 'Home Office' is defined as a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not:
  - (a) entail clients or customers travelling to and from the dwelling;
  - (b) involve any advertising signs on the premises; or
  - (c) require any external change to the appearance of the dwelling.
6. All other P uses listed in Table 1 of the Scheme will require the Planning Approval of Council.

#### **Adoption**

Adopted by Council at its meeting of 20 December 2005

## Local Planning Policy No 2

### Sheds / Outbuildings

#### Policy Area

This Policy applies to the whole Shire.

#### Objective

In order to clarify the interpretation and application of Scheme provisions in relation to the development of sheds (outbuildings) and to maintain the character of the Shire and to ensure an adequate standard of residential accommodation.

#### Background

Town Planning Scheme No 1 does not specifically define or list outbuildings as a separate use of land.

Within 'residential' areas outbuildings when developed in conjunction with a house are governed by the provisions of the Residential Design Codes (2015) and are defined as an enclosed non-habitable structure that is detached from any dwelling.

Carports and garages which abut or are attached to a dwelling are not included in this Policy.

Clause 8.2 (b)(iv) of the Scheme nominates the acceptable standards for outbuildings are a maximum area of 72 m<sup>2</sup> with a maximum height of 4.2m.

Clause 5.4.3 of the R Codes requires that outbuildings do not detract from the streetscape or the visual amenity of residents or neighbouring properties.

Within 'rural' areas outbuildings are normally considered as being ancillary to the main use of the property. Such uses defined within the Scheme include,

Use Class	Regional Rural	Local Rural
Agriculture - extensive	P	P
Agriculture - intensive	D	D
Industry - rural	D	A
Rural home business	D	A
Rural pursuit	P	D

Setback from lot boundaries *		
All boundaries	20m	
Front and rear		10m
Side		5m

Clause 5.5 of the Scheme allows Council to consider variations to the setbacks from boundaries.

#### Policy Statement

1. Outbuildings will not require Planning Approval from Council in the Residential and Local Rural Zones provided that:
  - A dwelling already exists on the lot subject to the application;
  - The aggregate of all outbuildings does not exceed 72 m<sup>2</sup> in size;
  - The outbuilding does not exceed 4.2m in height;
  - All buildings Are setback from lot boundaries in accordance with the R Codes and BCA requirements; and
  - The outbuilding in the Residential Zone is placed behind the main residential building line. The building line means the setback of the existing dwelling even where this is greater than prescribed in the Scheme.

2. Outbuildings in the Regional Rural Zone do not require a Planning Approval provided that they are to be setback more than 20m from any lot boundaries; unless a reduced setback is approved by Council. This includes farm buildings and sheds provided that they are not being used for commercial or industrial uses as defined or classified by the Scheme;
3. Outbuildings in the Commercial and Industrial Zones require a Planning Approval;
4. Outbuildings will not be approved on vacant land within the Residential Zone.
5. Outbuildings are not to be used for human habitation at any time.
6. Council in considering any application for an outbuilding will have specific regard to the proposed use and location of the outbuilding and how this might impact on the surrounding properties. It may require any such applications to be advertised and may (if it approves any such application) impose conditions relating to:-
  - The provision of landscaping;
  - In the Residential and Local Rural Zones the use of non-reflective natural colours which blend with the natural landscape;
  - The site being so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance
  - Ensuring that the outbuilding shall only be used for purposes incidental to the residential or rural use of the property.

#### **Adoption**

Adopted by Council at its meeting of 20 December 2005

Amended by Council at its meeting of 15 July 2008

Amended by Council at its meeting of 18 October 2011

Amended by Council at its meeting of 20 December 2011

Amended by Council at its meeting of 19 September 2017

## **Local Planning Policy No 3**

### **Sea Containers**

#### **Policy Area**

This Policy applies to the whole Shire.

#### **Definitions**

All reference to containers shall mean either a sea container or railway carriage.

#### **Objective**

The objectives of this policy are to regulate the use of sea containers to ensure they do not detract from the visual amenity of the locality.

#### **Background**

In recent years there has been increased use of sea containers within the Shire for storage. While these can serve a useful role in rural areas there have been concerns about aesthetics, particularly in more settled areas such as the Residential and Local Rural Zones.

Sea containers are generally second hand structures which were originally designed for commercial and industrial use but are sought by landowners for use in a residential environment.

TPS No. 1 makes no direct reference to sea or containers and Council regulates them under general development control powers covering amenity and protection of the natural environment.

This policy has been created to provide guidance for Council and land owners in the use and siting of sea containers and railway carriages.

#### **POLICY STATEMENT**

##### **Exemptions from Planning Consent Requirements**

Planning consent is not required for the use of containers fully enclosed within a building.

##### **General Requirements for Sea Containers**

1. All containers shall require the planning approval of Council.
2. As they are second hand relocated structures, containers are not considered as being "ancillary outbuildings".
3. Containers may be approved in any zone.
4. There is a presumption that no more than one container will be permitted per property, particularly in the Residential Zone. Council may consider additional containers where it is satisfied that there is a genuine need for these and that the objective of this policy is complied with.
5. Containers may be approved on a vacant property.
6. Containers are not to be used for habitable purposes.

7. Containers are not to be located within front boundary setbacks as required by Town Planning Scheme No. 1.
8. Containers may be temporarily placed on a property to store building materials while construction of a house is being carried out on the property. Where containers are proposed for a temporary period the following will apply:
  - (a) The use will expire with the building licence.
  - (b) A building licence for the dwelling must be issued before a planning approval is granted for a container.
  - (c) The container must be maintained in a reasonable condition as determined by Council.
9. Where containers are proposed to be permanently sited on a property the following will apply:
  - (a) They should be adequately screened from view and shall not be easily seen from nearby roads, other public places, or adjoining properties
  - (b) They should be painted in muted tones to the satisfaction of Council so as not to be visually intrusive.
  - (c) They should be maintained in good repair with no visible rust marks.
10. Applications for planning consent shall include:
  - (a) A scaled site plan showing the proposed location of the sea container and detailing setbacks to boundaries. The site plan shall also include other buildings, accessways, watercourses and vegetation on the property.
  - (b) The proposed size and use of the sea container.
  - (c) Evidence that the sea container will be adequately screened from view and shall not be easily seen from nearby roads, other public places, or adjoining properties.
11. Sea containers are approved in the Regional Rural Zones, subject to them not being located within the front boundary setback area or in areas designated for car parking or landscaping.

**Adoption**

Adopted by Council at its meeting of 19 August 2008

## **Local Planning Policy No 4**

### **Minor & Ancillary Uses**

#### **Policy Area**

This Policy applies to the whole Shire.

#### **Objective**

To clarify minor works and ancillary development which do not require Council Planning Approval.

#### **Background**

Clause 8.1 of the Scheme stipulates that a person must not commence or carry out any development without first having applied for and obtained the planning approval of the local government.

Clause 8.2 then documents out the types of development which are exempt from this requirement.

As the definition of 'development' is all encompassing it can be interpreted to mean any development no matter how minor in nature this may be. Council considers that it is clearly impractical and unworkable to require approval for such activities.

In considering what matters constitute development Council applies the "purposive approach" to the interpretation of the Planning Scheme. The purposive approach considers the purpose of the statute and interprets the words to bring about that purpose so as to avoid any ambiguities or absurdities. In this instance the statute is the Planning and Development Act 2005 and Town Planning Scheme No 1.

In considering what constitutes 'development' it is necessary to have regard to:

- a) the degree to which the activity or structure will have an effect on the amenity of the locality;
- b) the purpose and aims of the Scheme; and
- c) the objectives of each zone.

Consequently Council is amending Clause 8.2 to include minor works on land and the use of land as set out in a Local Planning Policy adopted in accordance with Part II of the Scheme.

#### **Policy Statement**

1. In accordance with Clause 8.2 of the Scheme, Council will not require a planning application for the matters identified in the following Table.
2. This policy is to be read in conjunction with other Local Planning Policies.
3. Council will adopt the purposive approach to determine whether or not something is to be considered 'development'.
4. Nothing in this Policy removes the need to obtain a Building Approval for works.

Works	Zone				
	Residential	Commercial	Industrial	Regional Rural	Local Rural
Agriculture Extensive				✓	✓
Windmills				✓	
Wind turbine (non commercial)				✓	✓
Water bores	✓	✓	✓	✓	✓
Water tanks	✓	✓	✓	✓	✓
Pergolas – no solid roof	✓	✓	✓	✓	✓
Satellite Dishes	✓	✓	✓	✓	✓
Flag Poles less than 4.5m in height	✓	✓	✓	✓	✓
Mast, antenna or similar structure. Less than 4.5m in height whether attached to another structure or not.	✓	✓	✓	✓	✓
Solar Panels	✓	✓	✓	✓	✓
Solar Hot Water Systems	✓	✓	✓	✓	✓
Earthworks (less than 1m height/depth)	✓	✓	✓	✓	✓
Drainage banks contouring				✓	
Retaining walls (less than 500mm)	✓	✓	✓	✓	✓
Boundary fencing	✓	✓	✓	✓	✓
Internal property fencing	✓	✓	✓	✓	✓
Effluent disposal systems in conjunction with an approved use.	✓	✓	✓	✓	✓
Car parking (not including trucks) in conjunction with an approved use	✓	✓	✓	✓	✓
Dams less than 1m in depth	✓	✓	✓	✓	✓
Internal driveways	✓	✓	✓	✓	✓
Other matters as determined by Council	✓	✓	✓	✓	✓
<b>Items marked ✓ do not require approval.</b>					
Chook sheds, cubby houses, animal shelters are considered as outbuildings and dealt with in LPP No 2.					
Uses considered ancillary to a dwelling are already exempt under Clause 8.2 (b) including swimming pools					
Inclusion in the above does not exempt the need for obtaining a Building Licence or approval to clear vegetation where required.					

### Adoption

Adopted by Council at its meeting of 16 September 2014



## Local Planning Policy No 6

### Bushfire Planning and Development

#### Policy Area

This Policy applies to the whole Shire.

#### Objective

To provide guidance in relation to the bushfire assessments, planning and building permit applications.

#### Background

The introduction of the Map of Bushfire Prone Areas triggers:

- The application of State Planning Policy SPP3.7 Planning in Bushfire Prone Areas and the associated Guidelines;
- The need for a Bushfire Attack Level (BAL) Assessment for any habitable building.

#### Policy Statement

##### Application

For the purpose of this Policy, Bushfire Prone Land means land shown with “pink” colouring on the Map of Bushfire Prone Areas.

##### State Planning Policy SPP3.7 Planning in Bushfire Prone Areas

- 1 In having regard to SPP3.7 Council will consider whether the proposal will:
  - a) result in the intensification of development (or land use);
  - b) result in an increase of residents or employees;
  - c) involve the occupation of employees on site for any considerable amount of time; or
  - d) result in an increase to the bushfire threat and especially if this will be moderate, high, very high or extreme. That is, it will have a BAL rating above BAL-12.5 while recognising the provisions of Council’s Fire Break Notice.
- 2 Any development application (other than a single dwelling) on Bushfire Prone Land must demonstrate appropriate bushfire management measures.

##### Planning Applications & Assessments

- 3 Any development application for a single dwelling on Bushfire Prone Land shall comply with the assigned BAL rating and the provisions of Council's Fire Break Notice.
- 4 In considering any development application for a single dwelling (minor development) within the townsite that has a BAL-FZ or BAL-40 rating; Council shall have regard to the proposed fire protection measures and specific regard to the access provisions. Where the access does not comply with the Acceptable Solution (especially where there is only one access route) Council may request that a bushfire management plan shall accompany the application and that this shall be prepared by a Level 3 Practitioner. Where there is good access in multiple directions Council can elect not to require any bushfire management plan.

##### BAL Assessment and Certificate

- 5 Any Bushfire Attack Level (BAL) Assessment for either planning or building applications must be prepared by an accredited practitioner.
- 6 Any building permit application must be accompanied by a BAL Assessment and a BAL Certificate. The BAL Certificate is to be provided on the standard FPAA form.
- 7 Where the BAL Assessment recommends that any site works or clearing be done to reduce the BAL rating it is necessary for the assessor to confirm that the site works have been completed before a BAL Certificate can be issued.
- 8 In considering the need for a Bushfire Attack Level (BAL) Assessment for a Habitable building (workplace) under the LPS Regulations the occupation of employees on site for a considerable amount of time, means on a minimum of a weekly basis.

9 Bushfire Attack Level (BAL) Assessments are generally required for both planning and building permit applications as follows noting that this is a guide only and the Planning and Building Regulations (as amended) take precedence:

PROPOSED DEVELOPMENT	BAL Assessment	
	PLANNING	BUILDING
A new dwelling	Yes	Yes
A new dwelling on a lot of less than 1,100sqm in area	No	Yes
An extension to a dwelling	No	Note (1)
Decking	No	Note (2)
A domestic garage adjacent to a house used for storage	No	Yes
A domestic garage more than 6m from the house used for storage	No	No
A garage used for a home business	Yes	Note (3)
Class 10 (a) shed less than 500m <sup>2</sup> on a farm used for general storage and more than 6m from the dwelling	No	No
A farm shed with no more than 2 workers and with a total floor area of more than 500 m <sup>2</sup> but less than 2000 m <sup>2</sup> .	No	No
A farm building with no more than 8 workers and with a total floor area less than 3,500 m <sup>2</sup> .	Yes	No
An evaporative air conditioner	No	Yes
A workplace or where people gather including a shop, factory, chalet, caravan park etc	Yes	Note (4)
A subdivision including a boundary realignment	Yes	No
<p><i>Notes</i></p> <ol style="list-style-type: none"> <li>1. An extension to a dwelling might be exempt from the bushfire construction requirements depending upon the value of the extensions and which side of the dwelling they are located on.</li> <li>2. Decking when attached to the dwelling may be exempt from the bushfire construction requirements depending upon the value of the decking and which side of the dwelling it is located on.</li> <li>3. Yes, if it is located less than 6m from an existing dwelling.</li> <li>4. Class 2 and Class 3 buildings must comply with the bushfire construction requirements.</li> </ol>		

### **Adoption**

Adopted by Council at its meeting of the 19<sup>th</sup> September 2017