



SHIRE OF MT MARSHALL LOCAL PLANNING SCHEME No 3

AMENDMENT No 1

Group Housing in Rural Zone

May 2015

PLANWEST

(WA) PTY LTD A.B.N. 77 665 477 168

**CONSULTANTS IN PLANNING,
DESIGN AND MANAGEMENT**

PLANNING & DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME

Shire of Mt Marshall

LOCAL PLANNING SCHEME No 3

AMENDMENT No 1

RESOLVED that the Council in pursuance of Section 75 of the Planning and Development Act 2005 amend the above Local Planning Scheme by:

- 1) modifying Table 1 – Zoning Table to permit ‘Group Housing’ in a Rural zone as a ‘D’ use, and
- 2) inserting provisions to outline conditions under which group housing may be approved in a rural zone.

Dated this day of20...

.....
Chief Executive Officer

Date

.....

MINISTER FOR PLANNING

PROPOSAL TO AMEND A SCHEME

- | | |
|--|---|
| 1. LOCAL AUTHORITY: | Shire of Mt Marshall |
| 2. DESCRIPTION OF TOWN PLANNING SCHEME: | Local Planning Scheme No. 3 |
| 3. TYPE OF SCHEME: | District Zoning Scheme |
| 4. SERIAL NUMBER OF AMENDMENT: | Amendment No. 1 |
| 5. PROPOSAL | To;
1) to modify Table 1 – Zoning Table to permit ‘Group Housing’ in a Rural zone as a ‘D’ use, and

2) insert provisions to outline conditions under which group housing may be approved in a rural zone. |

REPORT BY: Shire of Mt Marshall

1 INTRODUCTION

The Shire of Mt Marshall seeks the WA Planning Commission’s support and the Hon. Minister’s approval to a Scheme Amendment that seeks to modify Table 1 – Zoning Table to permit ‘Group Housing’ in a Rural zone as a ‘D’ use, and to insert provisions to outline conditions under which group housing may be approved in a rural zone.

2 BACKGROUND

The Shire of Mt Marshall Scheme No 3 was gazetted on 27 December 2013. The Scheme is consistent with the Model Scheme Text as outlined in the Town Planning Regulations.

In the existing Scheme a Grouped dwelling is not a permitted use in a Rural zone. In the previous Scheme (gazetted on 14 June 1996) a Dwelling was designated as a ‘P’ use in a Rural zone, however no other dwelling or house type was listed in Table 1 - Zoning Table.

The previous Scheme (Scheme No 2) was a simple Scheme that provided flexibility in the translation of the permissibility of dwellings in a rural area.

3 AMENDMENT PROPOSAL

Figure 1 shows an extract from the existing scheme before this Amendment. **Figure 2** shows the proposed change in red. This change needs to be read in conjunction with a new Scheme clause that provides the basis on which the Council determine whether additional dwellings may be approved on a Rural zoned lot.

FIGURE 1 - EXTRACT FROM EXISTING TABLE 1 - ZONING TABLE

USE CLASSES	ZONES					
	RESIDENTIAL	COMMERCIAL	LIGHT INDUSTRY	GENERAL INDUSTRY	RURAL RESIDENTIAL	RURAL
Grouped dwelling	P	D	X	X	X	X

Source: Shire of Mt Marshall Local Planning Scheme 3

FIGURE 2 - EXTRACT FROM PROPOSED TABLE 1 - ZONING TABLE

USE CLASSES	ZONES					
	RESIDENTIAL	COMMERCIAL	LIGHT INDUSTRY	GENERAL INDUSTRY	RURAL RESIDENTIAL	RURAL
Grouped dwelling	P	D	X	X	X	D ¹

1 Subject to clause 5.11.

Source: PLANWEST, Shire of Mt Marshall Local Planning Scheme 3

4 DISCUSSION

The Department of Planning's default position opposes the permissibility of any dwelling - other than a single house – in a Rural zone. This policy is understood as it could allow, and even encourage, the construction of many houses on a single rural lot, thus making them Grouped dwellings.

The consequence of allowing several houses on each lot in the Rural zone would increase the demands on the Council to provide more services and facilities that may be expected in an urban environment. This has the potential to impose additional pressures on the Council's resources that are already stretched.

However the Council is supportive of allowing the construction of a second dwelling on a rural lot, or even a third under special circumstances where it is for either a family member or worker.

To ensure there is no undue pressure for more than three dwellings on a single lot this Amendment seeks to insert a clause to not permit a fourth dwelling on a single lot in a Rural zone.

4 PROPOSAL

The Council is keen to permit group housing in the Rural zone under certain conditions. These conditions include establishing the genuine application of the policy to allow workers or relatives to live where they work.

The Council considers that there is minimal risk of promoting a surge of such applications as people do not generally want to live in a rural area unless they are related to the owners or have employment on site. The approval of an additional dwelling will not be a basis on which the Council will support subdivision of the land, however this does not impact the application of the WA Planning Commission's 'Homestead Lots' policy.

In addition to the change to Table 1 – Zoning Table the following new clause below will be inserted in the Scheme text as follows;

5.11 Development in a Rural Zone

Notwithstanding the right to develop a single house on an existing lot, residential development in the Rural zone shall comply with the specific requirements of the Council, however these shall not be less than the setback requirements specified for the Residential Design Code R2.

The erection of more than one (1) single house per lot will generally not be supported, except where it can be demonstrated that the additional house(s) is for workers' accommodation or a family member. A maximum of 3 group dwellings will be permitted on a lot in a Rural zone.

The approval of a grouped dwelling in a Rural zone will not be a consideration for the Council to support a subdivision application.

4 CONCLUSION

The Council considers that this Amendment is minor and should be advertised once a response from the Environmental Protection Authority is received.

PLANNING AND DEVELOPMENT ACT 2005

Shire of Mt Marshall

LOCAL PLANNING SCHEME No. 3

AMENDMENT No 1

The Mt Marshall Shire Council under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005, hereby amends the above Local Planning Scheme by:

- 1) modifying Table 1 – Zoning Table to delete the 'X' against 'Group Housing' in a Rural zone and inserting a 'D', and
- 2) inserting a new clause as follows;

'5.11 Development in a Rural Zone

Notwithstanding the right to develop a single house on an existing lot, residential development in the Rural zone shall comply with the specific requirements of the Council, however these shall not be less than the setback requirements specified for the Residential Design Code R2.

The erection of more than one (1) single house per lot will generally not be supported, except where it can be demonstrated that the additional house(s) is for workers' accommodation or a family member. A maximum of 3 group dwellings will be permitted on a lot in a Rural zone.

The approval of a grouped dwelling in a Rural zone will not be a consideration for the Council to support a subdivision application.

PLANNING & DEVELOPMENT ACT 2005

Shire of Mt Marshall

LOCAL PLANNING SCHEME No. 3

AMENDMENT No. 1

ADOPTION

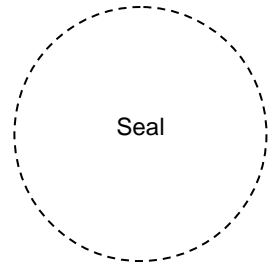
Adopted by resolution of the Council of the Shire of Mt Marshall at the Ordinary Meeting of the Council held on the day of20....

.....
SHIRE PRESIDENT
Date

.....
CHIEF EXECUTIVE OFFICER
Date

FINAL APPROVAL

Adopted for final approval of the Shire of Mt Marshall at the meeting of Council held on the day of 20.... and the Common Seal of the Shire of Mt Marshall was hereunto affixed by the authority of a resolution of the Council in the presence of:



.....
SHIRE PRESIDENT
Date

.....
CHIEF EXECUTIVE OFFICER
Date

RECOMMENDED/SUBMITTED FOR FINAL APPROVAL

.....
Delegated under S. 16 of PD Act 2005
Date

FINAL APPROVAL GRANTED

.....
MINISTER FOR PLANNING
Date

STANDARD AMENDMENT

According to the *Planning and Development (Local Planning Schemes) Regulations 2015* this amendment is a 'standard amendment'.

A standard amendment means any of the following amendments to a local planning scheme —

- (a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;*
- (b) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;*
- (c) an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;*
- (d) an amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan;*
- (e) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;*
- (f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;*
- (g) any other amendment that is not a complex or basic amendment.*

The Council's opinion is that this amendment is classed as a Standard Amendment as;

- a) The amendment is not inconsistent with any zone or reserve objectives identified in the scheme for that zone or reserve;
- b) The proposal is not inconsistent with the local planning strategy;
- c) There is no region scheme for the Shire;
- d) The amendment does not deal with plans or structure plans;
- e) The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
- f) The amendment will not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
- g) It is an amendment that is not a complex or basic amendment.