

POLICY TYPE:	LOCAL PLANNING POLICY
DATE ADOPTED:	20/08/2020

POLICY NO:	2
DATE LAST REVIEWED:	

LEGAL (PARENT):	<i>Shire of Wandering Town Planning Scheme No. 3</i>
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LEGAL (SUBSIDIARY):	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
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DELEGATION OF AUTHORITY APPLICABLE:	Nil
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DELEGATION NO.	
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ADOPTED POLICY	
TITLE:	Permitted Uses
OBJECTIVE:	<ul style="list-style-type: none"> To clarify what development requires Council Planning Approval. This policy applies to the whole Shire.

BACKGROUND

The Scheme Zoning Table sets out the land use permissibility for different zones. A permitted (P) use means that the use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme.

The Zoning Table is attached and the permitted uses are highlighted.

Clause 8.1 of the Scheme requires that all development requires approval except as provided for in Clause 8.2. Clause 8.2(b) applies to the erection on a lot of a single house including any extension, ancillary outbuildings and swimming pools, except where the proposal:

- necessitates the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Planning Codes;
- is located in a Heritage Area designated under the Scheme;
- is for land in a Rural Residential Zone under the Scheme;
- is for development of a lot abutting an unconstructed road or a lot which does not have frontage to a constructed road.

The Planning and Development (Local Planning Schemes) Regulations 2015 were gazetted on 25 August and take effect on 19 October 2015. The Regulations introduced a set of mandatory provisions which will apply to all planning schemes in the State. These are referred to as "Deemed Provisions."

The Deemed Provisions supersede Part 8 of the Scheme relating to the Development of Land.

Clause 60 of the Deemed Provisions sets out the requirement for development of land and states that a person must not commence or carry out any works on, or use, land in the Scheme area unless:

- the person has obtained the development approval of the local government under Part 8; or
- the development is of a type referred to in clause 61.

Clause 61 then defines development for which development approval is not required.

- A use that is **permitted** in the zone in which the development is located and the development has no works component; or development approval is not required for the works component of the development;
- The erection or extension of a single house on a lot if the R-Codes apply to the development and the development satisfies the deemed-to-comply requirements of the R-Codes
- The erection or extension of an ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house or a grouped dwelling if the R-Codes apply to the development and the development satisfies the deemed-to-comply requirements of the R-Codes
- The demolition of a single house, ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool.

The above provisions relating to a single dwelling do not apply in a Heritage area.

In addition, Clauses 61(1)(i) and 61(2)(e) also exempt any works or use specified in a local planning policy as not requiring development approval.

Use Class	Residential	Commercial	Industrial	Rural Residential	Rural
abattoir	X	X	X	X	A
aged or dependent persons dwelling	D	X	X	X	X
agroforestry	X	X	X	X	P
ancillary accommodation	D	X	X	D	X
animal establishment	X	X	X	X	A
animal husbandry - intensive	X	X	X	X	A
aquaculture	X	X	D	D	P
caravan park	X	X	X	X	X
caretaker's dwelling	X	D	D	X	D
club premises	X	D	X	X	D
consulting room(s)	A	P	X	X	X
dwelling	P	X	X	P	P
education establishment	A	X	X	X	A
fuel depot	X	X	P	X	X
holiday accommodation	A	X	X	X	D
home business	D	X	X	D	D
home occupation	D	X	X	D	D
hotel	X	D	X	X	X
industry - extractive	X	X	X	X	D
industry - general	X	X	D	X	X
industry - light	X	X	P	X	X
industry - rural	X	X	X	X	D
intensive agriculture	X	X	X	A	A
motel	X	D	X	X	X
motor vehicle, boat and caravan sales	X	D	P	X	X
motor vehicle repair	X	X	P	X	X
office	X	P	X	X	X
plantation	X	X	X	X	D
plant nursery	A	X	P	D	D
public amusement	X	D	D	X	X
public utility	D	D	D	D	D
residential building	D	X	X	X	D
Restaurant	X	D	X	X	A
rural home business	X	X	X	D	D
rural pursuit	X	X	X	A	P
Roadhouse	X	D	X	X	D
service station	X	A	D	X	D
shop	X	D	X	X	X
showroom	X	D	D	X	X
transport depot	X	X	P	X	A
veterinary hospital	X	A	P	D	D
winery	X	A	X	A	D
workers accommodation	X	X	X	A	D
worship - place of	D	P	X	X	X

POLICY STATEMENT

1. This Local Planning Policy is adopted to use for development which does not require a development approval in accordance with Clauses 61(1)(i) and 61(2)(e) of the Deemed Provisions.
2. A dwelling does not require a development approval where it is a permitted (P) use in the Zoning Table provided that:
 - (a) It does not necessitate the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Planning Codes;
 - (b) It is not located in a Heritage Area designated under the Scheme;
 - (c) It is not on a lot abutting an unconstructed road or a lot which does not have frontage to a constructed road (Clause 5.12);
 - (d) It is not a transported building (Clause 5.9); and
 - (e) The development site does not have a BAL-40 or BAL-FZ rating (Part 10A Deemed Provisions).
3. An outbuilding/shed does not require a development approval where it complies with Local Planning Policy No 1.
4. Minor and ancillary works as determined by Council.

EXPLANATORY NOTE

The main function of this policy is to confirm that a dwelling does not need a development approval in the Rural Residential or Rural zone where it complies with the Scheme provisions.

ADOPTION

Adopted by Council at its meeting of the 20th August 2020