



6. SHIRE OF MANJIMUP
LOCAL PLANNING POLICIES
6.1.11 Rural Land Use

6.1.11 RURAL LAND USE

Purpose

The purpose of this policy is to provide guidance and clarity with regards to Rural Land Uses and to ensure a consistent approach is taken when considering applications.

Objectives

To provide clarity and direction with regard to the approval of Rural Land Uses in consideration of potential conflict issues with other land-uses. The Shire of Manjimup is committed to promoting and preserving the circumstances which currently contribute to the economically active use of rural land.

Interpretation

For the purpose of this policy, all terms and references shall have the same meaning as given by the provisions of the Local Planning Scheme No 4 (the Scheme) and associated regulations.

Policy Measures

The above objectives provide the context for the Policy measures which are set out under the following headings:

-) Aquaculture / Marron Licences;
-) Cellar Door Sales;
-) Agroforestry and Tree Plantations; and
-) Feedlots.

Aquaculture / Marron Licences

The Shire of Manjimup supports the establishment of commercial based aquaculture projects in an environmentally effective and sustainable manner.

In assessing the suitability of establishing a purpose built Marron Farm, Council shall have regard to the following matters:

-) In determining any application, Council shall have regard to the objectives of the policy;
-) Compliance with the requirements and provisions of Council's Local Planning Scheme No 4;
-) The potential effect on existing d water resources in the locality; and
-) Any potential effect on Rural/Agricultural activities. Council is not prepared to approve a proposal in conflict with adjacent rural or agricultural activities.

Council will apply conditions as deemed necessary and the Development Approval will need to comply with all relevant Health Regulations and it should also be noted that Marron Farming shall not take precedence over other intensive horticulture.

Cellar Door Sales / Shops, Tearooms

This Policy section provides the basis on which Council will assess proposals for Cellar Door sales establishments including Shops and Tearooms within the Priority and General Agricultural zoned land.

Shops and tearooms are common ancillary uses associated with vineyards and wineries. These are primarily required to either service the tourists attracted by the winery or to enhance the attraction of the winery for tourists. Either way they are a marketing opportunity to increase the tourist's attraction of winery developments.

The objectives of this policy is to ensure:

-) Cellar door sales established on Priority and General Agriculture zoned land are designed to be in keeping with the rural character and amenity of the area.
-) That Cellar Door sales establishments are located only on properties zoned Priority and General Agriculture where there is an existing associated vineyard and/or winery.
-) To differentiate and set guidelines for the determination of boutique, small scale and large scale cellar door sales establishments.

Adequate parking areas is to be provided at the rate of 1 bay per 25m² gross floor area.

Cellar Door Sales with tasting facilities will require appropriate classification under Food Regulations. A Section 39 and 40 Certificate are also required to be obtained from Council under the Liquor Control Act 1988. Cellar Door Sales establishments will only be approved where there is an associated vineyard and/or winery located on the subject site. Cellar Door Sales, Shop or Tearooms are considered to be ancillary to the primary activity on the site that is the growing or production of wine products.

Agroforestry and Tree Plantations

This Policy section is to clearly outline Council's position in relation to the development of tree plantations on agricultural land throughout the Shire, the standards to be applied to all future development of this type and the process required to obtain the necessary approvals.

In considering applications for tree plantations, Council shall take into account the following objectives:

-) set out the policy position adopted by Council that plantations are encouraged into the areas seen to be suitable for general agricultural purposes and will be considered on their merits in areas identified as being priority agricultural land;
-) encourage tree plantations in areas subject to land degradation, including the remediation of areas subject to salinity, waterlogging and high levels of contamination, where there is a clear natural resource management benefit;
-) encourage operators, plantation managers and landholders to work in partnership and to develop a 'Good Neighbour Strategy';
-) require operators to abide by the Industry Code of Practice, relevant legislation and this policy;
-) consider road infrastructure and fire risk/management issues in all applications

including the provision of firefighting water tanks on properties where on-site supplies prove to be inadequate; and

-) consider the visual impact of agroforestry/tree plantations in close proximity to town sites from designated regional roads.

Matters deemed relevant to the Council for the purposes of administering this policy are:

-) Road Infrastructure and impacts – require the applicant to outline the preferred route/s for future harvesting. Consultation with other relevant agencies (such as Main Roads WA, Department of Parks and Wildlife) to determine whether the proposed access to/from the site and proposed haulage route/s are suitable and safe. Council may refuse an application where safe and suitable access cannot be identified and conditions will be imposed under which the plantation is required to operate relating to such issues as compliance with the Code of Practice, notification, inspection and post-harvesting and repair of roads. Timber Harvesting Plan being required one year and preferably two year prior to proposed harvesting.
-) Fire Risk and Management – an appropriate Fire Management Plan (FMP) to be submitted in accordance with Council and Department of Fire and Emergency Services Authority requirements for plantations (this includes the Bush Fires Act and ‘Guidelines for Plantation Fire Protection’) addressing such issues as access, firebreaks and setbacks from off-site dwellings. The FMP to address not only the planted area but also areas of natural vegetation. May refuse application should a FMP not be provided and/or there are concerns. Will require the location and quantity of water resources that will be used for fire-fighting purposes. Where resources are provided off-site will require to be satisfied that the resources will be available for use for the period over which the plantation use is to be conducted. Where insufficient water is not available, Council will require the provision of water tank(s) (20,000l) to ensure that a reliable source of water is available and accessible for firefighting purposes.
-) Visual Impact – Council seeks to carefully consider development applications for tree plantations near townsites which adjoin or are near designated regional roads. The Council’s assessment of visual impact is primarily concerned when viewed from the regional roads. The purpose of the assessment is not in relation to views from other properties. Applicants proposing tree plantations in defined areas are encouraged to submit a landscape assessment of the proposal, from a suitably qualified consultant, with the development application. The Council may refuse applications where the proposal is deemed to adversely affect the visual landscape of the locality.
-) Natural Resource Management – Council encourages the retention and regeneration of riparian vegetation and, where appropriate, replanting of areas adjacent to watercourses with local indigenous vegetation. Department of Water recommend a setback from watercourses of 30m but Council has adopted a standard of 6m setbacks from watercourses on land to be used for plantations unless scientific evidence can be adduced to demonstrate that a larger setback is required in any particular case. Clearing of native vegetation areas, Council may seek advice from the Department of Environment Regulation or other relevant agencies and should any objection is received, then Council may refuse the application.

It is expected that all tree plantation applications, when approved, will be implemented under the principle of sustainable land management based on endorsed Best Practice / Code of Practice documents and natural resource management targets for key land, water and biodiversity areas. Additionally, any approved application, if implemented, will be required to be carried out in full compliance with any conditions imposed with that planning approval.

Dams

In determining any application for planning approval to a dam, Council shall have regard to the provisions of Local Planning Policy No 6.1.22 – Dams.

Feedlots

In considering any application for a feedlot, Council shall take into account the objectives and provisions of the Local Planning Scheme as well as the following:

-) size of the lot on which the feedlot operation is proposed together with the number of cattle;
-) measures to be taken by the proponents to alleviate the potential effects of dust and smell;
-) drainage from the feedlot and potential impacts on adjoining or nearby properties;
-) standards required by the Environmental Protection Authority (EPA), Health Department of WA, Water Authority and Department of Agriculture and Food, Western Australia (DAFWA);
-) Proximity of the feedlot to nearby housed or residential areas. In general terms, feedlots should not be sited closer than two (2) kilometres from an existing or reasonable foreseeable area, rural residential zone or an establishment for tourist use.
-) Adequate provision shall be made for stock trucks to enter and leave the site so as not to cause traffic safety issues.

Prior to determining any application for a feedlot, Council shall require the application be referred to the EPA for comment, and any other authority it sees fit.

Public comment may also be sought by Council on any application for a feedlot. In seeking public comment the procedure set out in the Scheme shall be followed.

Administration

Where an application for development approval is consistent with this Policy and any other requirement of the Scheme or relevant local planning policy, development approval under Part 10 of the Scheme will be granted under delegated authority to the Chief Executive Officer where no objections have been received during advertising.

Where an application for development approval requires a variation to a provision of this Policy, the variation is to be considered by the local government in accordance with clause 5.5 of the Scheme.

Delegated authority is not to be exercised for the consideration of variations to the

Policy or where an objection has been received during advertising.

All applications are to be advertised in accordance with local planning policy LPS4
6.1.2 *Advertising of Planning Proposals* prior to determination.

ADOPTED – 13 February 2020

EFFECTIVE – 11 March 2020

NEXT DUE FOR REVIEW – March 2024

The Administration of this Policy is by the Development and Regulation Division.