



6.1.11 RURAL LAND USE

1. Purpose

1.1. 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.

2. Objectives

2.1. 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.

3. Interpretation

3.1. 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.

4. Policy Measures

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

- A - Aquaculture / Marron Licences;
- B - Tasting Rooms (including Cellar Doors) and Rural Stores
- C - Agroforestry and Tree Plantations; and
- E - Feedlots.

A. Aquaculture / Marron Licences

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

A.1. Aquaculture proposals involving the use of existing dams where no structural works are proposed in the Priority Agriculture, General Agriculture and Rural Smallholdings are exempt from requiring development approval. Aquaculture is otherwise not permitted without prior Development Approval.

A.2. In assessing the suitability of establishing a purpose built Marron/Fish Farm, Local Government shall have regard to the following matters:

- a) In determining any application, Local Government shall have regard to the objectives of the policy;
- b) Compliance with the requirements and provisions of the Scheme ;
- c) The potential effect on existing water resources in the locality; and
- d) Any potential effect on Rural/Agricultural activities. The local government is not prepared to approve a proposal in conflict with adjacent rural or agricultural activities.

A.3. The local government will apply conditions as deemed necessary and the Development Approval will need to comply with all relevant Health Regulations. It should also be noted that Marron/Fish Farming shall not take precedence over other intensive agriculture.

B. Tasting Rooms, Tearooms and Rural Stores

B.1. For the purpose of this policy, a Rural Store is defined as a *shop used for the sale of products which are grown, reared or produced within the Manjimup Scheme Area, incidental to the existing agricultural/horticultural activities occurring on the land, which is operated as an additional use thereto by the land owners and does not include a Wayside Stall.*

B.2. This Policy section provides the basis on which the local government will assess proposals for Tasting Rooms and Tearooms within the Priority and General Agricultural, Rural Smallholdings, and Rural Conservation zoned land.

B.3. Produce stores and tearooms are common ancillary uses associated with fruit orchards, vineyards and wineries/breweries/distilleries. These are primarily required to either service the tourists attracted by the production of harvested fruit/vegetables or to enhance the attraction of the premises for tourists. Either way they are a marketing opportunity to enhance the tourist's attraction of the development.

B.4. Assessment provisions:

- i. Tasting Rooms established on Priority and General Agriculture zoned land are designed to be in keeping with the rural character and amenity of the area.
- ii. That Tasting Room establishments are located only on properties zoned Priority and General Agriculture where there is an existing associated orchard, vineyard and/or winery.
- iii. To differentiate and set guidelines for the determination of boutique, small scale and large scale cellar door sales establishments.
- iv. Rural Stores are established as incidental uses to horticultural activities occurring on the land.
- v. That Rural Stores are not located within 5km of a Gazetted Town Site.

B.5. Adequate parking areas is to be provided at the rate of 1 bay per 25m² gross floor area. Parking areas are to be adequately marked and constructed to a compacted gravel standard.

B.6. Tasting Rooms will require appropriate classification under Food Regulations. A Section 39 and 40 Certificate are also required to be obtained from the Local Government under the *Liquor Control Act 1988*. Tasting Room establishments will only be approved where there is an associated vineyard/winery/orchard/brewery or distillery located on the subject site. Tasting Rooms, Rural Home Store or Tearooms are considered to incidental to the primary activity on the site that is the growing or production of rural products.

C. Agroforestry and Tree Plantations

- C.1. This Policy section is to clearly outline the Local Government'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.
- C.2. In considering applications for tree plantations, the Local Government shall take into account the following objectives:
- i. 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;
 - ii. 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;
 - iii. encourage operators, plantation managers and landholders to work in partnership and to develop a 'Good Neighbour Strategy';
 - iv. require operators to abide by the Industry Code of Practice, relevant legislation and this policy;
 - v. 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
 - vi. consider the visual impact of agroforestry/tree plantations in close proximity to town sites from designated regional roads.
- C.3. Matters deemed relevant to the Local Government for the purposes of administering this policy are:
- i. 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, the Department of Biodiversity Conservation and Attractions) to determine whether the proposed access to/from the site and proposed haulage route/s are suitable and safe. The Local Government 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.
 - ii. Fire Risk and Management – an appropriate Fire Management Plan (FMP) to be submitted in accordance with the Local Government 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 is to address not only the planted area but also areas of natural vegetation. The Local Government
 - may refuse an 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.
- o Where insufficient water is not available, the Local Government 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.
- iii. Visual Impact – the Local Government seeks to carefully consider development applications for tree plantations near townsites, which adjoin or are near designated regional roads. The Local Government’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 Local Government may refuse applications where the proposal is deemed to adversely affect the visual landscape of the locality.
 - iv. Natural Resource Management – the Local Government encourages the retention and regeneration of riparian vegetation and, where appropriate, replanting of areas adjacent to watercourses with local indigenous vegetation. Department of Water and Environmental Regulation recommend a setback from watercourses of 30m but the Local Government 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. Where clearing of native vegetation areas is proposed, the Local Government may seek advice from the Department of Water and Environmental Regulation or other relevant agencies and should any objection be received, then the Local Government may refuse the application.
- C.4. 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.
- D. Feedlots**
- D.1. In considering any application for a feedlot, the Local Government shall take into account the objectives and provisions of the Scheme as well as the following:
- i. size of the lot on which the feedlot operation is proposed together with the number of animals;
 - ii. measures to be undertaken by the proponents to alleviate the potential effects of dust and smell;
 - iii. drainage from the feedlot and potential impacts on adjoining or nearby properties;
 - iv. standards required by the Environmental Protection Authority (EPA), Department of Health, Department of Water and Environmental

- Regulation and Department of Primary Industries and Regional Development;
- v. 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 residential area, rural residential zone or an establishment for tourist use.
 - vi. Adequate provision shall be made for stock trucks to enter and leave the site so as not to cause traffic safety issues.
- D.2. Prior to determining any application for a feedlot, Local Government shall require the application be referred to the EPA for comment, and any other authority it sees fit.
- D.3. Public comment may also be sought by Local Government on any application for a feedlot. In seeking public comment the procedure set out in the Scheme shall be followed.
5. Administration
- 5.1. 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.
 - 5.2. Where an application for development approval requires a variation to a provision of this Policy, the variation is to be considered by the Council in accordance with clause 5.5 of the Scheme.
 - 5.3. Delegated authority is not to be exercised for the consideration of variations to the Policy or where an objection has been received during advertising.
 - 5.4. All applications are to be advertised in accordance with local planning policy LPS4 6.1.2 *Advertising of Planning Proposals* prior to determination.

ADOPTED – 8 July 2021

EFFECTIVE – 21 July 2021

NEXT DUE FOR REVIEW – July 2025

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