

LUP 16 – Approval of Second Dwellings within the Rural - 1, Rural - 2, Rural - 3 and Rural - 4 Zones

1 Objectives

The aim of the Shire of Bridgetown-Greenbushes Second Dwelling on Rural Zoned Land Policy is:

To achieve a balance between providing for the various legitimate requirements for a second dwelling whilst minimising any adverse impacts such dwellings may have on the agricultural activity on the subject or surrounding lots.

2 Policy

2.1 Introduction

Clause 4.9 of Town Planning Scheme No. 4 states the following:

“Not more than one single dwelling house may be erected and occupied on a lot within the rural zones of the Scheme, except that Council, where it is satisfied that one additional dwelling house is necessary or desirable for continuation of bona fide agricultural activity, or for any other permitted use, may grant its consent to one additional dwelling on a lot.”

It is necessary to control the construction of additional dwellings within the ‘rural zones’ as uncontrolled expansion can in effect sterilise the land from productive agricultural activity.

It should also be recognised that the Warren Blackwood Rural Strategy states that the minimum lot size within the agriculture zone is 80 hectares except where land has a high-capability rating (Class 1 or 2) for annual or perennial horticultural production where a lot size of not less than 40 hectares can be considered.

2.2 Specific Policy Requirements

The specific policy objectives and requirements for the different zones are set out as follows:

- (a) There is an established agricultural activity on the lot;
- (b) The lot is to have a minimum lot size of 40.0ha;
- (c) The dwelling is to be occupied by a person or persons involved in the management/running of the agricultural property.
- (d) No more than 2 dwellings will be permitted on a ‘Rural’ zoned lot.

2.3 Application Details

Applications for a second or dwelling on ‘Rural’ zoned land must include the following:

- Completed Building Licence application form;
- Details of current use;
- Justification for the need for a second dwelling; and
- Scaled site plan showing contours, existing buildings and setbacks.

2.4 Conditions of Approval

Where a second dwelling is approved the following conditions will be applied:

- (a) A notification pursuant to Section 70A of the Transfer of Land Act must be registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land that both dwellings are to be occupied by person or persons involved in the management/running of the agricultural property. Such notification is required to be placed on the title prior to the issue of a building licence.
- (b) Other conditions may be applied where deemed appropriate.

3 Applicable Legislation and Documents

Act	<p>Part 5 <i>Planning and Development Act 2005</i> – Local planning schemes</p> <p>s.6.7.1 Shire of Bridgetown-Greenbushes Town Planning Scheme 3 and s 7.6.1 Shire of Bridgetown-Greenbushes Town Planning Scheme 4 – In order to assist in the implementation of the Scheme, the Council may make Town Planning Scheme Policies relating to one or more of the aspects of the control of development and land use.</p> <p>s.70A <i>Transfer of Land Act 1893</i> – Factors affecting use and enjoyment of land, notification on title</p>
Regulation	N/A
Local Law	N/A
Shire Policies	N/A
Related Documents	N/A
Related Procedure	N/A

4 Administration

Original Adoption Date	23 February 2006
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