

| <b>LOCAL PLANNING POLICY – MOORA LIFESTYLE VILLAGE</b> |                                                                                                                                                                                                                                               |
|--------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Responsible Officer</b>                             | Chief Executive Officer                                                                                                                                                                                                                       |
| <b>Council Resolution Number</b>                       | TBC                                                                                                                                                                                                                                           |
| <b>Council Resolution Date</b>                         | TBC                                                                                                                                                                                                                                           |
| <b>Next Scheduled Review</b>                           | TBC                                                                                                                                                                                                                                           |
| <b>Relevant Local Government Documents</b>             | <ul style="list-style-type: none"> <li>• Shire of Moora Policy Manual</li> </ul>                                                                                                                                                              |
| <b>Relevant Legislation</b>                            | <ul style="list-style-type: none"> <li>• <i>Planning and Development Act 2005</i></li> <li>• <i>Planning and Development (Local Planning Schemes) Regulations 2015</i></li> <li>• <i>Shire of Moora Local Planning Scheme No.4</i></li> </ul> |

## 1. CITATION

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations). This policy may be cited as 'Local Planning Policy – Moora Lifestyle Village'.

## 2. INTRODUCTION

The Shire owned and operated residential lifestyle village on Lot 43 (No.16) Roberts Street, Moora which accommodates park homes and manufactured homes for people aged 55 years or more is classified 'Public Purpose' reserve in the Shire of Moora Local Planning Scheme No.4.

Under the terms of clause 2.3 of Local Planning Scheme No.4 a person must not use a Local Reserve or commence or carry out development on a Local Reserve without first having obtained the Shire's formal developmental approval.

In determining an application for development approval the Shire is required to have due regard to the various matters set out in clause 67 of the deemed provisions of the abovementioned regulations and the ultimate purpose intended for the Reserve.

Having regard for:

- a) the nature of the existing and future proposed development on Lot 43 (i.e. low density residential-type development comprising park homes and manufactured homes to accommodate people aged 55 years or more);
- b) the extensive measures taken by the Shire to develop the land to mitigate the future potential flood risk (i.e. retaining walls, fill and stormwater drainage infrastructure);
- c) the increased demand for low-cost affordable housing in the Moora townsite and the opportunity Lot 43 provides to accommodate development of this type;
- d) the need for the Shire to exercise discretion when considering and finally determining development applications received for any new development on any land classified 'Public Purpose' reserve;
- e) the lack of guidance contained in Local Planning Scheme No.4 regarding development standards and requirements applicable to any land classified 'Public Purpose' reserve; and
- f) advice received from the Department of Planning, Lands and Heritage regarding the legal mechanisms available to the Shire to guide and control all future residential development on Lot 43 in a proper and orderly manner including an express exemption to the need for development approval,

this local planning policy has been prepared to establish specific and detailed guidance for all future residential development on the land including an exemption from the requirement to seek and obtain the Shire's development approval subject to compliance with a number of standards and requirements.

An exemption to the need for development approval for all dwellings on the land (i.e. park homes or manufactured homes as defined in the *Caravan Parks and Camping Grounds Regulations 1997*

is also considered appropriate under certain circumstances given:

- i) the small scale of all existing and future low density residential development;
- ii) all dwellings must be constructed in accordance with all current regulatory standards and requirements and are therefore unlikely to have any negative visual impacts on the immediate locality or give rise to any safety concerns;
- iii) the future potential flood risk was significantly mitigated when the land was originally developed by the Shire through the introduction of a large amount of fill to raise the land's overall ground level, so it is equivalent to the highest known flood level;
- iv) the ability to manage the potential bushfire risk in accordance with State Planning Policy 3.7 entitled 'Bushfire' and the associated guidelines as demonstrated by the Bushfire Attack Level Assessment and Bushfire Management Plan contained in Attachment 2 to this report;
- v) those people seeking to reside in the Moora Lifestyle Village will in most cases have limited financial resources and will benefit from not having to go through the development application process which can be time consuming and costly; and
- vi) it will allow the local government's administration to focus its attention on other more important regulatory requirements and reduce the time and costs associated with processing development applications.

### 3. INTENT

The intent of this policy is to:

- a) establish specific, detailed guidance for all future residential development at the Shire owned and operated residential lifestyle village on Lot 43 (No.16) Roberts Street, Moora in accordance with the aims and objectives of the Shire's local planning framework; and
- b) provide an express exemption to the need for current and future lessees to seek and obtain the Shire's development approval for all future residential development on the abovementioned property subject to compliance with a number of standards and requirements.

### 4. OBJECTIVES

The objectives of this policy are to:

- i) Establish a clear set of standards and requirements for all future residential development at the Moora Lifestyle Village;
- ii) Ensure all future residential development at the Moora Lifestyle Village achieves a high standard of amenity and safety with due regard for the future potential bushfire and flood risk; and
- iii) Establish the circumstances under which all new residential development at the Moora Lifestyle Village will be exempt from the need for development approval under the Shire of Moora Local Planning Scheme No.4.

### 5. DEFINITIONS

**Amenity** – All those factors which combine to form the character of an area and include the present and likely future amenity. Amenity includes the livability, comfort or quality of a place which makes it pleasant and agreeable to be in for individuals and the community. Amenity is essential in the public, communal and private domains and includes the enjoyment of sunlight, views, privacy and quiet. It also includes protection from pollution (i.e. noise, dust, odour, light).

**BAL Assessment** – An assessment prepared in accordance with AS 3959 or Planning for Bushfire Guidelines, to determine a bushfire attack level (BAL).

**Building** – Any structure whether fixed or moveable, temporary or permanent, placed or erected on land, and the term includes dwellings and structures appurtenant to dwellings such as carports, garages, verandas, patios, outbuilding and retaining walls, but excludes boundary fences, pergolas and swimming pools.

**Bushfire Management Plan (BMP)** – A document that sets out short, medium and long-term risk management strategies for the life of the development.

**Bushfire Prone Area** – An area that has been designated by the Fire and Emergency Services Commissioner under section 18P of the *Fire and Emergency Services Act 1998* as an area that is

subject, or likely to be subject, to bushfires.

**Development** – The development or use of any land, including:

- a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;
- b) the carrying out on the land of any excavation or other works;
- c) in the case of a place to which a protection order made under the Heritage Act 2018 Part 4 Division 1 applies, any act or thing that:
  - i) is likely to change the character of that place or the external appearance of any building; or
  - ii) would constitute an irreversible alteration of the fabric of any building.

**Development Application** – An application under a planning scheme, or under an interim development order, for approval of development.

**Dwelling** – A building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family.

**Flood Prone Area** – Land identified by the Department of Water and Environmental Regulation as being at high risk of becoming submerged by overflowing rivers, heavy local rainfall (flash flooding), or coastal storm surges.

**Local Government** – Shire of Moora

**Manufactured Home** – As per the definition contained in Part 4A of the *Caravan Parks and Camping Grounds Regulations 1997*.

**Park Home** – A vehicle of a prescribed class or description that is fitted or designed for habitation.

**Repurposed Dwelling** - Means a building or structure not previously used as a single house which has been repurposed for use as a dwelling.

**Scheme** – Shire of Moora Local Planning Scheme No.4.

**Second-Hand Dwelling** – Means a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a new modular home or transportable dwelling.

**Short Term Rental Accommodation** – A dwelling provided, on a commercial basis, for occupation under a short-term rental arrangement for a period or periods not exceeding a total of 3 months in any 12-month period;

**Tiny House on Wheels** – A vehicle fitted for habitation (i.e. a caravan) that is regulated under the *Caravan Parks and Camping Grounds Act 1995* and associated regulations.

**Tiny House without Wheels** – A building as defined above that is regulated under the *Building Act 2011* and *Planning and Development Act 2005* and all associated regulations.

**Workforce Accommodation** - Premises, which may include modular or relocatable buildings, used:

- a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and
- b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.

## 6. GENERAL APPLICATION OF THE POLICY

- 6.1 This Policy applies to all future development at the residential lifestyle village on Lot 43 (No.16) Roberts Street, Moora (i.e. the Moora Lifestyle Village which accommodates park homes and manufactured homes for people aged 55 years or more).
- 6.2 This policy is effective from the date of publication by the local government in accordance with clause 87, Part 12, Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and may be amended or revoked at the discretion of the local government.
- 6.3 This policy is not part of the Scheme and does not bind the local government in respect of any determination made pursuant to the Scheme. The local government shall however have due regard for the provisions of this policy and its objectives before making any

determination.

## 7. LIMITATIONS

- 7.1 It is not intended for this Policy to be applied retrospectively to any existing approved development, except where a development application is required by the local government to amend an existing approval.
- 7.2 This policy does not negate or override the need to obtain approvals and comply with the standards and requirements of the *Caravan Parks and Camping Grounds Act 1995*, *Building Act 2011* and all associated regulations as applicable.

## 8. POLICY PROVISIONS

The following standards and requirements are applicable to all future residential development at the Moora Lifestyle Village. Compliance with all standards and requirements prescribed below will negate the need for the Shire's formal development approval:

- 8.1 All dwellings must be brand new structures and oriented to face the communal driveway shown in the lot configuration plan contained in Attachment 1.
- 8.2 The use of a second-hand transportable or repurposed dwelling on any lot will only be supported and approved by the local government where the proponent clearly demonstrates the structure is in good condition, fit for purpose and will not have a detrimental impact on the visual amenity or safety of the immediate locality.
- 8.3 Only one (1) single storey dwelling will be permitted and approved on each lot shown in the lot configuration plan contained in Attachment 1.
- 8.4 All dwellings must be connected to reticulated electricity, potable water supply and sewerage disposal infrastructure to the specifications and satisfaction of the relevant service providers prior to their occupation and use.
- 8.5 All dwellings and associated structures must be constructed in accordance with:
  - i) Australian Standard AS 3959 entitled 'Construction of buildings in bushfire-prone areas';
  - ii) the Bushfire Attack Level (BAL) Assessment and Bushfire Management Plan (BMP) prepared by Bushfire Planning Australia dated July 2026 (see Attachment 2); and
  - iii) Parts 4 and 4A of the *Caravan Parks and Camping Grounds Regulations 1997*, as applicable or any subsequent approved version of these documents.
- 8.6 The final finished floor level for all habitable rooms in each dwelling on each lot must be a minimum of 0.3 metres above the highest known flood level as advised by the Department of Water and Environment Regulation (DWER). Any non-habitable development including outbuildings on each lot must be a minimum of 0.15 metres above the highest known flood level as advised by DWER. The owner/s of any dwelling proposed to be sited on any given lot must consult with DWER directly (i.e. [flood@dwer.wa.gov.au](mailto:flood@dwer.wa.gov.au)) and provide a complete copy of the advice received from this agency with the required building permit application to demonstrate compliance with DWER's requirements.
- 8.7 All new power points, electrical and data connection outlets in dwellings and non-habitable structures must be located a minimum of 500mm above the final finished floor level required by DWER and suitably insulated.
- 8.8 The subfloor area of each dwelling must be enclosed with vermin proof battens or similar prior to its occupation and use unless otherwise approved by the local government.
- 8.9 All stormwater drainage from each lot must be directed to the communal driveway area to the specifications and satisfaction of the local government for discharge into the local government's local drainage system. The use of rainwater tanks is permitted however no tank shall have a storage volume greater than 5,000 litres unless otherwise approved by the local government. In addition the height of any rainwater tank must comply with the following requirements:

- i) for a tank fixed to a building — the height of the eaves of the building; or
  - ii) for a tank that is not fixed to a building and is more than 1 metre from each boundary of the lot — 2.4 metres; or
  - iii) for a tank that is not fixed to a building and is 1 metre or less from a boundary of the lot — 1.8 metres.
- 8.10 The installation of fencing along the front boundary of each lot along the communal driveway is not permitted.
- 8.11 The removal of any existing trees on each lot is not permitted unless otherwise approved by the local government.
- 8.12 The dwelling on each lot may only be permanently occupied by persons aged 55 years or over.
- 8.13 The use of any dwelling for short term rental accommodation or workforce accommodation purposes will not be supported and approved by the local government under any circumstances.
- 8.14 The placement and use of a tiny house on wheels (i.e. a vehicle fitted for habitation) on any lot is not permitted and will not be supported and approved by the local government under any circumstances.