

LOCAL PLANNING SCHEME NO.2

LOCAL PLANNING POLICY MANUAL

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INTRODUCTION

Background

Clause 2.2 of the Shire of Gnowangerup Local Planning Scheme No.2 gives the local government the ability to "*prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area so as to apply –*

a) *Generally or for a particular class or classes of matters; and*
b) *Throughout the Scheme area or in one or more parts of the Scheme area, and may amend or add to or rescind a Policy so prepared.*"

A Local Planning Policy does not bind Council or the Shire of Gnowangerup in its decision making. However, the Shire of Gnowangerup shall have due regard to the provisions of an applicable policy and the objectives which the policy is designed to achieve before making its determination on a planning matter.

The policies included in this Local Planning Policy Manual shall be read in conjunction with the requirements of the Shire of Gnowangerup Local Planning Scheme No.2 and the Shire of Gnowangerup Local Planning Strategy.

Objective

This Local Planning Policy Manual has been prepared to guide applicants and staff in preparing and assessing subdivision and development proposals. It aims to consistently apply the objectives of the Shire of Gnowangerup Local Planning Scheme No.2 in the assessment of all development proposals.

Approval Requirements

Unless stated otherwise within this Policy Manual, all matters are subject to the exercise of discretion by Council in granting Planning Approval. In considering an Application for Planning Approval for each of the policy areas, Council shall have due regard to the specific Scheme clauses, clause 10.2 of the Shire of Gnowangerup Local Planning Scheme No.2 and the objectives and requirements of the relevant policy.

Variations

Any variations to a policy will require the applicant to demonstrate exceptional circumstances as to why the policy should be relaxed with the proposal being presented to an Ordinary Meeting of Council for determination. Assessment of the application will require consultation with adjoining and affected landowners.

Council will have regards to any matters set out in Clause 10.2 and the objective of the specific policy when a proposal seeks to vary the provisions of the Local Planning Policy Manual.

Definitions and Interpretations

The below list outlines the definitions and interpretations used within this policy manual. Where a definition or interpretation is not listed, refer to the Shire of Gnowangerup Local Planning Scheme No.2, Residential Design Codes of WA or Appendix B of the Model Scheme Text for information.

"Outbuilding" means;

a) An enclosed non habitable structure that is detached from any dwelling (as defined under the Residential Design Codes); or
b) Any Class 10A building under the Building Code of Australia (1996) Volume 2, which is not substantially connected to a dwelling.
An open sided carport is not considered to be an outbuilding.

"Height" – is to be measured vertically from the natural ground level, as per the measuring criteria stipulated in the Residential Design Codes.

"Main building line" – means the distance from the front boundary of the property to existing buildings on the property, measured at a 90 degree angle from the closest point of the front boundary.

"Reflective materials" – means any material with the potential to cause glare , reflection or mirroring and shall include factory applied finishes such as zincalume and light colorbond colours such as white and off-white.

"Second Hand Dwelling" – means a dwelling that has previously been constructed and approved on a site within the Shire of Gnowangerup or elsewhere and whether occupied or not.

"Transportable Building" – means a prefabricated building that has been designed to be moved between sites, either being of a permanent or temporary nature.

Advertising and Sign Interpretations

"Advertisement Sign" – means any word, letter, model, sign, pattern, placard, board, notice, device or representation employed wholly or partly for the purposes of advertisement, announcement or direction including any structure used or adapted for the display of advertisements.

Building Signs

"Mounted Roof Sign" – means an advertisement sign which protrudes above any component that forms part of the roof of the building with little or no relation to the architectural design of the building.

"**Projecting Sign"** – means an advertisement sign which is attached to a projection or projects more than 300mm out from a wall of the building below the eaves or ceiling height.

"Wall Sign" – means an advertisement sign which is affixed to the external part of a wall of the building, a gable end, or a building facade, but does not project more than 300mm from the wall and no part of which is above the roofline of the building.

"Window Sign" – means an advertisement sign which is painted or affixed to either the interior or exterior of the glazed area of a window.

Off-Building Signs

"Flags" – means a banner or sign that is made from a piece of material, usually oblong or square, which is attached to a pole so as to be visible to any person in a street, reserve, public place or other land.

"Ground Based Sign" – means an advertisement sign which is not attached or otherwise affixed to a building and no portion of which is higher than 1.2 metres above natural ground level.

"Hoarding Sign" – means an advertisement sign, located offsite to a business or agency that it is advertising, which is affixed to a structure having one or more supports where the overall height (inclusive of the supports) is less than the sign's horizontal dimension and portion of the sign is greater than 1.2 metres above natural ground level.

"Monolith Sign" – means a freestanding advertisement sign which is fixed to the ground having one or more supports and portions of the sign face is within or partially within 1.2 metres above natural ground level.

"Panel / Fence Sign" – means an advertisement sign which is affixed to a panel or fence and is greater than 1.2 metres above natural ground level, but does not include a Pylon Sign, Monolith Sign or Wall Sign.

"Product Display Sign" – means a product or object which is displayed for the purposes of advertisement; but excludes an advertisement sign which is applied or otherwise attached or

placed on a vehicle. For the purposes of this term a vehicle includes a car, truck, boat, trailer, caravan, machinery and the like whether moveable or not.

"Pylon Sign" – means a freestanding advertisement sign which is fixed to the ground having one or more supports where the overall height (inclusive of the supports) is greater than the sign's horizontal dimension and all portions of the sign face is greater than 1.2 metres above natural ground level.

"remote advertising" means a sign or advertising device that is located remotely (i.e. more than 1000m from the closest point) from where the business, product or event is situated, is visible from a roadway, and is intended to direct traffic and the general public to where that business, product or event is located.

"Tethered Sign" – means an advertisement sign which is suspended from or tethered to any structure, tree or pole (with or without supporting framework) and made of paper, plastic, fabric or similar materials. The term includes lighter than air aerial devices, inflatables, bunting, banners, flags and kites.

LOCAL PLANNING POLICY NO.1 – Tourism Based Land Uses

Background

The Shire of Gnowangerup Local Planning Scheme No.2 lists the following specific requirements for Holiday Accommodation in Clause 5.14 of the Scheme:

5.14.1 In considering an application for holiday accommodation uses the local government shall have regard to:-

a) The objectives of the zone;
b) The permissibility of the proposed use in the Zoning Table;
c) The likely impact upon surrounding development
d) The scale and intensity of the development
e) Appropriate setbacks to existing or proposed agricultural uses;
f) The effect that existing or proposed agricultural uses could have on the proposal;
g) Provision of services for the development including water supply, on site effluent disposal, solid waste disposal and electricity;
h) Access to and from the site;
i) Impact of the development upon the landscape values;
j) Protection of remnant vegetation; and
k) Fire management.

5.14.2 In the General Agriculture zone, the maximum allowable number of chalets or cabins permitted is four per allotment at a maximum density of one per ten hectares.

Note: A greater number of chalets will require the land to be rezoned.

It is also noted that there are special use classes applied to Special Control Area No.1 – Amelup, included in Clause 6.3 of the Shire of Gnowangerup Local Planning Scheme No.2. Where the Scheme is inconsistent with this Local Planning Policy, the Scheme shall prevail.

The Zoning Table of the Scheme also includes the following 'tourism' type uses and their permissibility within each of the zones:

Use Classes *Refer to Clause 4.3*	Residential	Town Centre	Industry	Light & Service Industry	General Agriculture	Rural Residential	Special Use
Bed and Breakfast	A	P	X	X	D	A	Refer to Schedule 2
Cabin	A	D	X	X	D	X	
Caravan and Camping	X	X	X	X	A	X	
Chalet	A	D	X	X	D	X	
Exhibition Centre	X	P	X	X	A	A	
Farm Stay	X	X	X	X	P	D	
Guest House	A	D	X	X	D	A	
Hotel/Tavern	X	A	X	X	X	X	
Motel	X	A	X	X	A	X	
Park Home Park	A	X	X	X	X	X	
Reception Centre	X	A	X	X	X	X	
Recreation Private	A	D	A	A	D	A	
Serviced Apartments	X	A	X	X	A	X	
Tourist Resort	X	X	X	X	X	X	
Winery	X	D	X	D	A	X	

Objectives

To encourage and facilitate tourism development that meets tourism needs and that is sympathetic to community and environmental considerations.

LOCAL PLANNING POLICY NO.1 - Requirements

1. Exemptions from Planning Approval
    a. There are no exemptions from Planning Approval for tourism development.
2. General Requirements
    a. The proposal is in conformity with the requirements of Table 1.
    b. The proposal would not have an adverse impact on the amenity of the locality.
3. Special Application Requirements
    a. When submitting an Application for Planning Approval, the applicant should have due regard to the matters outlined in Clause 5.14 of the Scheme.

Table 1 – Tourism Based Land Use Requirements

Use	Definition	Processing	Special Requirements
Bed and Breakfast	A dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes provision of breakfast.	Permitted within the Town Centre zone. May be considered by Council in the Residential, General Agriculture or Rural Residential Zones. Where the proposal is located in the Residential or Rural Residential zones, special notice of the proposal must be given in accordance with Clause 9.4 of the Scheme.	a) A maximum of three (3) bedrooms being used for accommodation purposes and a total number of guests shall not exceed six (6) persons at any one time. b) Off street car parking shall be provided at the ratio of one car bay for each guestroom. c) A separate toilet, shower or bath and hand basin is to be supplied for guests. d) Bed and Breakfast permit is valid for twelve (12) months from issue of the Planning Approval and renewable annually by the Shire subject to no complaints being received by the Shire.
Cabin	Self-contained premises similar to a chalet but may lack ensuite facilities, may comprise only one room and is designed for short stay guests where occupation by any person is limited to a maximum of three months in any twelve month period.	May be considered by Council in the Residential, Town Centre and General Agriculture zones. Where the proposal is located in the Residential zone, special notice of the proposal must be given in accordance with Clause 9.4 of the Scheme. More than four cabins is not permitted unless the property is rezoned to Special Use.	a) Council shall determine access standards and external road upgrading/construction requirements on application. b) Where located in a R-Coded area, density and setbacks to be in accordance with the Residential Design Codes of Western Australia. Otherwise-setbacks as determined by Council. c) Off street car parking shall be provided at the ratio of one car bay for each cabin.
Caravan and Camping (Caravan Park)	Has the same meaning as in the *Caravan Parks and Camping Grounds Regulations 1997*.	May be considered by Council in the General Agriculture zone, after giving special notice in accordance with Clause 9.4 of the Scheme.	The development of a Caravan and Camping facility is to be in accordance with the requirements of the *Caravan Parks and Camping Grounds Regulations 1997*.
Chalets	Self-contained premises usually comprising cooking facilities, ensuite, living area and one or more bedrooms used to accommodate	May be considered by Council in the Residential, Town Centre and General Agriculture zones. Where the proposal is located in the	a) Council shall determine access standards and external road upgrading/construction requirements on application. b) Where located in a R-Coded area, density and setbacks to be in accordance with the Residential

Use	Definition	Processing	Special Requirements
	short stay guests and where occupation by any person is limited to a maximum of three months in any twelve month period.	Residential zone, special notice of the proposal must be given in accordance with Clause 9.4 of the Scheme. Four or less chalets permitted in the General Agricultural zone only with the approval of Council following advertising and referral to relevant authorities. More than four chalets not permitted unless the property is rezoned to Special Use.	Design Codes of Western Australia. Otherwise-setbacks as determined by Council. c) Off street car parking shall be provided at the ratio of one car bay for each chalet.
Country Kitchen	Where light refreshments/ lunches are served predominantly to tourists during daylight hours for consumption within the premises.	May be considered by Council in the Town Centre and General Agriculture zones. Where the proposal is located in the Rural Residential zone, special notice of the proposal must be given in accordance with Clause 9.4 of the Scheme.	a) Council shall determine access standards and external road upgrading/construction requirements on application. b) Setbacks as determined by Council. c) Sealed off street car parking shall be provided at the ratio of 1 for every 10m² of gross floor area or 1 for every 4 seats provided, whichever is greater. d) Where off-street parking is unavailable, Council may require a contribution of cash in-lieu of parking. Need to ensure use caters to tourists, is established in attractive settings and/or in association with other tourist uses and does not prejudice restaurants within established commercial orientated zones.
Craft Studios & Sales	Falls within the definition of Industry – Cottage which means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation a)	May be considered by Council in the Residential, Town Centre, General Agriculture and Rural Residential zones. Where the proposal is located in the Residential or Rural Residential zones, special notice of the proposal must be given in accordance with Clause 9.4 of the Scheme.	a) Setbacks as determined by Council. b) Council shall determine access standards and external road upgrading/construction requirements on application. c) Off street car parking shall be provided at the ratio of 1 for every 15m² of display area. d) Where off-street parking is unavailable, Council may require a contribution of cash in-lieu of parking. e) Display area to be kept in a manner safe for public entrance and separate to working area. f)

Use	Definition	Processing	Special Requirements
Exhibition Centre	Premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature and includes a museum or art gallery.	Permitted within the Town Centre zone. May be considered by Council in the General Agriculture and Rural Residential zones, after special notice has been given in accordance with Clause 9.4 of the Scheme.	a) Setbacks as determined by Council. b) Council shall determine access standards and external road upgrading/construction requirements on application. c) Off street car parking shall be determined on a case by case basis. d) Where off-street parking is unavailable, Council may require a contribution of cash in-lieu of parking.
Farm Stay	A residential building, bed and breakfast, chalet or similar used to accommodate short stay guests on a farm or rural property and where occupation by any person is limited to a maximum of three months in any twelve month period.	Permitted within the General Agriculture zone. May be considered by Council in the Rural Residential zone. More than four chalets not permitted unless the property is rezoned to Special Use.	a) A maximum of three (3) bedrooms being used for accommodation purposes and a total number of guests shall not exceed six (6) persons at any one time. b) Setbacks as determined by Council. c) Off street car parking shall be provided at the ratio of one car bay for each guestroom. d) A separate toilet, shower or bath and hand basin is to be supplied for guests. e) Farm stay permit is valid for twelve (12) months from issue of the Planning Approval and renewable annually by the Shire subject to no complaints being received by the Shire.
Guest House	Integrated premises for short stay guests comprising serviced accommodation units and on-site tourist facilities such as reception, centralised dining, and management and where occupation by any person is limited to a maximum of three months in any twelve month period.	May be considered by Council in the Residential, Town Centre, General Agriculture and Rural Residential zones. Where the proposal is located in the Residential or Rural Residential zones, special notice of the proposal must be given in accordance with Clause 9.4 of the Scheme. More than four guest rooms not permitted unless the property is rezoned to Special Use.	a) Maximum of four guest bedrooms for guest purposes; b) Where located in a R-Coded area, setbacks to be in accordance with the Residential Design Codes of Western Australia. Otherwise-setbacks as determined by Council. c) Off street car parking shall be provided at the ratio of one car bay for each guestroom. d) Where off-street parking is unavailable, Council may require a contribution of cash in-lieu of parking. e) Must comply with the Health Local Laws relating to Lodging Houses.

Use	Definition	Processing	Special Requirements
Hotel/Tavern	Means premises providing accommodation the subject of a hotel license under the *Liquor Licensing Act 1988*, and may include a betting agency on those premises. Where the premises is not used for providing accommodation, it is defined as a Tavern.	May be considered by Council in the Town Centre zone, after special notice has been given in accordance with Clause 9.4 of the Scheme.	a) Development standards as per Table 2 – Development Table of the Scheme. b) Setbacks as determined by Council. c) Sealed off street car parking shall be provided at the ratio of one car bay for each bedroom, plus one per 2m² of bar and lounge area. d) Adequate fire fighting equipment is recommended. e) Council shall determine landscaping and other development components on application.
Motel	Means premises used to accommodate patrons in a manner similar to a hotel but in which the specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the *Liquor Licensing Act 1988*.	May be considered by Council within the Town Centre and General Agriculture zones, after special notice has been given in accordance with Clause 9.4 of the Scheme.	a) Development standards as per Table 2 – Development Table of the Scheme. b) Council shall determine access standards and external road upgrading/construction requirements on application. c) Sealed off street car parking shall be provided at the ratio of one car bay for each guestroom plus one space per 25m² of service area.
Park Home Park	The same meaning as in the *Caravan Parks and Camping Grounds Regulations 1997*.	May be considered by Council within the Residential zone, after special notice has been given in accordance with Clause 9.4 of the Scheme.	a) Development to be in accordance with the *Caravan Parks and Camping Grounds Regulations 1997*. b) Sealed road access shall be required. c) Park home parks are to be only in or adjacent to the urban area. d) Strata-titling of a park home park will not be supported. e) Council shall determine setbacks, effluent disposal, landscaping, parking and other development components on application.

Use	Definition	Processing	Special Requirements
Recreation Private	Premises used for indoor and outdoor leisure, recreation or sport which are not usually open to the public without charge. .	May be considered by Council within the Town Centre and General Agriculture zones. May be considered by Council within the Residential, Industry, Light and Service Industry and Rural Residential zones, after giving special notice in accordance with Clause 9.4 of the Scheme.	a) Council shall determine access standards and external road upgrading/construction requirements on application. b) Council shall determine setbacks, effluent disposal, landscaping, parking and other development components on application.
Serviced Apartments	Premises used to accommodate patrons in a manner similar to a hotel but which provides amenities such as kitchen and laundry within the room for daily use.	May be considered by Council in the Town Centre and General Agriculture zones, after giving special notice in accordance with Clause 9.4 of the Scheme.	a) Development standards as per Motel use of Table 2 – Development Table of the Scheme. b) Council shall determine access standards and external road upgrading/construction requirements on application. c) Sealed off street car parking shall be provided at the ratio of one car bay for each apartment plus one space per 25m² of service area.
Tourist Park (e.g. animal park, flora park, etc.)	Where non-accommodation attractions/facilities are provided for tourists.	May be considered by Council in the Town Centre, General Agriculture and Rural Residential zones, after giving special notice in accordance with Clause 9.4 of the Scheme.	a) If small scale as defined by Council, permitted only in the Town Centre, General Rural and Rural Residential Zones with the approval of Council, after giving special notice in accordance with Clause 9.4 of the Scheme. b) If large scale as defined by Council, permitted only in the General Agricultural Zone with the approval of Council, after giving special notice in accordance with Clause 9.4 of the Scheme. c) Development standards as per Motel use of Table 2 – Development Table of the Scheme. d) Council shall determine access standards and external road upgrading/construction requirements on application. e) Off street car parking shall be provided at a ratio to be determined by Council.

Use	Definition	Processing	Special Requirements
Wine Tasting/ Sales	Where wines are offered for tasting and sale when associated with a winery on the same or nearby property. Is ancillary to the use of 'Winery' defined as - *premises used for the production of viticultural produce and may include the sale of the produce*.	May be considered by Council within the Town Centre, General Agriculture and Rural Residential zones. Where the proposal is located in the Rural Residential zone, special notice of the proposal must be given in accordance with Clause 9.4 of the Scheme.	a) Council shall determine access standards and external road upgrading/construction requirements on application. b) Council shall determine setbacks, effluent disposal, landscaping, parking and other development components on application. c) Sealed off street car parking shall be provided at a ration to be determined by Council.

LOCAL PLANNING POLICY NO.2 – Outbuildings

Background

Clause 8.2 b) of the Scheme requires that outbuildings only require Planning Approval where:

1. *The proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Design Codes; or*
2. *The development will be located in a Heritage Area designated under the Scheme.*

The Residential Design Codes of Western Australian (R-Codes) (SPP3.1) have the following 'Deemed-to-Comply' criteria relating to outbuildings:

Clause 6.4.4	**Requirements of R-Codes Outbuildings that:**
C4(i)	Are not attached to a dwelling;
C4(ii)	Are non-habitable;
C4(iii)	Do not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser;
C4(iv)	Do not exceed a wall height of 2.4m;
C4(v)	Do not exceed ridge height of 4.2m;
C4(vi)	Are not within the primary or secondary street setback area;
C4(vii)	Do not result in non-compliance with open space set out in Table 4; and
C4(viii)	Are set back in accordance with Tables 2a, 2b and Figure Series 3.

Where a proposal requires a variation to the 'Deemed to Comply' criteria of the R-Codes, a planning approval is required for development, as this varies the requirements of the Scheme.

Clause 7.3 of the R-Codes stipulates the scope of local planning policies and the degree to which the R-Codes may be varied, in particular the 'Deemed-to-Comply' provisions. However there is the ability to apply differing standards with the approval of the WAPC if it can be shown the variation is:

- *Is warranted due to a specific need related to that particular locality or region;*
- *Is consistent with the objectives and design principles of the R-Codes; and*
- *Can be properly implemented and audited by the decision-maker as part of the ongoing building approval process."*

With regards to the design principles of the R-Codes relating to outbuildings, the following statement is made:

> *"P4 Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties."*

Local Planning Policy No.2 varies the 'Deemed-to-Comply' provisions of the R-Codes relating to the size and height of outbuildings, but maintains measures to ensure amenity is not reduced. This is due to the Shire being agricultural in nature and residents within the Shire's towns requiring an increased amount of storage space.

Objectives

The objectives of the policy are as follows:

a) To provide clear guidelines for the development of outbuildings in the Residential, Town Centre, Rural Residential and General Agriculture zones; and

b) To achieve a balance between providing for the various legitimate needs for outbuildings, and minimizing any adverse impacts outbuildings have on the neighbours, the streetscape, the amenity of the neighbourhood or locality and of the Shire as a whole.

LOCAL PLANNING POLICY NO.2 - Requirements

1. Exemptions from Planning Approval

    a. Where a proposed outbuilding complies with the requirements specified in sections 2 and 3 below, and Table 1 of this policy, Planning Approval is not required.

    b. Pre-fabricated garden sheds and animal enclosures (such as kennels and aviaries) less than 9m² in aggregate area and less than 2.4 metres in height are exempt from the requirements of this policy.

2. General Requirements

    a. Outbuildings are required to comply with the requirements of the Residential Design Codes of WA or as varied by the criteria set out in Table 1 below.

    b. Outbuildings proposed for vacant Residential, Rural Residential or Town Centre zoned land require Council approval and will generally not be supported unless a Building Permit has been issued for a Single House.

c. Where an outbuilding is proposed to be erected on vacant Residential or Rural Residential zoned land (pursuant to 2b), Council will require a Statutory Declaration that the outbuilding is not to be used for residential, commercial or industrial purposes.

d. Council will not permit residential habitation of a building approved as an outbuilding or shed on any land in the Shire of Gnowangerup.

e. In the Residential, Rural Residential and Town Centre zones, Council may require the use of non-reflective materials if any portion of the outbuilding is visible from a public place or adjacent property, having regard for factors such as visual impact, wall height, screening vegetation, the use of adjacent properties and any other matter that Council considers relevant.

f. Ablutions are only permitted in an outbuilding where a house exists on the same site.

Table 1 – Outbuilding Requirements

Zoning	Maximum Wall Height	Maximum Ridge Height	Maximum floor area (aggregate)	Special Requirements
Residential	3.6metres	4.2metres	90 sq metres	Setbacks are to be in accordance with the R-Codes. Any setback variation will be assessed on its individual merit and Council may consult with adjacent landowners. Floor area is not to reduce the amount of open space required by Table 1 of the R-Codes. Council will not support the construction of outbuilding/s in front of the main building line. Council may, in special circumstances, consider supporting the erection of no more than two (2) outbuildings with a maximum aggregate of 120 sq metres where: i. The lot size exceeds 1000m²; and ii. The outbuildings are not visually prominent as viewed from a street or public place (in the opinion of Council); and iii. Consultation has occurred with the adjacent landowners; and iv. The building is essential for the storage of goods or vehicles that the applicant has demonstrated

				they own; and v. The proposal complies with the open space requirements of Table 1 of the R-Codes; and vi. The materials are non-reflective; and vii. The outbuilding will not negatively impact the amenity of the area.
Town Centre	3.6metres	4.2metres	90 sq metres	As per Residential requirements where the Town Centre zoned property is used for residential purposes and constructed with an approved Single Dwelling or Grouped Dwelling
Rural Residential	4metres	4.8metres	200 sq metres	Outbuildings proposed in the Rural Residential zone are to be in accordance with the requirements set out in Clause 5.10 and Schedule 11 of the Scheme and will be required to blend in with the surrounding environment. Outbuildings are required to be contained in the building envelope of the property. Council may refer any application for a proposed outbuilding on Rural Residential zoned land to adjacent neighbours for comment where it proposes a variation of the building envelope.
General Agriculture	N/A	N/A	N/A	Outbuildings are required to be setback in accordance with the following: i. Front/Rear – 20metres ii. Side – 10metres Planning approval is not required for outbuildings on General Agriculture zoned land unless: i. The proposed outbuilding does not comply with the setback requirements listed above; and/or ii. The lot does not have frontage to a constructed public road; and/or iii. The lot, area or closely associated building/s are listed on the Municipal Inventory or State Register of Heritage Places.

Variations to the Policy

Any variations to the policy will require the applicant to demonstrate exceptional circumstances as to why the policy should be relaxed with the proposal being presented to an Ordinary Meeting of Council for determination. Assessment of the application will require consultation with adjoining and affected landowners.

Council will have regard for matters such as;

1. The visibility of the proposed outbuilding(s) as viewed from a street, public space or neighbouring property;
2. The need for removal of any native vegetation or major trees;
3. Comments for adjacent neighbours/landowners;
4. Preservation of useable on site open space areas;
5. The ability for the outbuilding(s) to be screened by existing or proposed landscaping;
6. Whether support for the application will set an undesirable precedent for similar sized surrounding lots;
7. The impact of the development on streetscape and the character of the area;
8. Any potential for impact on the amenity of the locality;
9. The objectives of the zone;
10. All relevant general matters as set out in Clause 10.2 of the Scheme; and
11. Any other matter considered relevant by the Council.

LOCAL PLANNING POLICY NO.3 – Second Hand Dwellings

Background

The Shire of Gnowangerup Local Planning Scheme No.2 does not list any specific development requirements for second hand dwellings.

The Residential Design Codes of Western Australia outline provisions relating to the appearance of a retained dwelling, but do not specifically outline provisions relating to a second hand dwelling being used as a new building on a property.

The Shire is aware that although the use of second hand dwellings is sometimes a more cost effective option, the use of second hand dwellings can sometimes cause an undesired impact on the streetscape and amenity where that dwelling is not of an appropriate standard or not updated appropriately to blend in with the property and the surrounding context.

Objectives

The objectives of the policy are as follows:

a) To provide clear guidelines for the use of second hand dwellings in the Residential, Town Centre, Rural Residential and General Agriculture zones; and

b) To achieve a balance between providing for the various legitimate needs of residents to utilise second hand dwellings as a cost effective housing solution, whilst minimizing any negative impacts on the neighbours, the streetscape, the amenity of the neighbourhood or locality and of the Shire as a whole.

LOCAL PLANNING POLICY NO.3 - Requirements

1. Exemptions from Planning Approval

    a. Where a transportable building is new (from factory) it is exempt from the requirements of this policy and is to be processed as a single dwelling in accordance with the requirements of the Scheme.

2. General Requirements

    a. Planning approval is required for a second hand dwelling on a property within the Shire of Gnowangerup.

    b. Upon receiving an application for Planning Approval, Council may seek the views of adjacent neighbours.

    c. Where a second hand dwelling is approved, a $10,000 bond is to be lodged with the Shire of Gnowangerup as a condition of Planning Approval. The bond will be held until such time as all conditions of the Planning Approval and Building Permit have been complied with.

    d. Council needs to be satisfied that the external appearance of a second hand building is equivalent to that of a new dwelling or that its appearance is not discernible from existing development in the street.

    e. The following Minimum Dwelling Standard applies:

        i) A minimum gross floor area of 50m²;
        ii) At least one (1) bedroom separate from the other rooms in the dwelling;
        iii) A lounge, meals and kitchen area (may be open plan); and
        iv) A separate bathroom and laundry.

        Temporary accommodation units such as 'Dongas' are not permitted to be used as dwellings.

    f. In determining applications, Council will have regard for;
        i) The age of the building and whether the external appearance shows obvious signs of aging or disrepair (eg rust, faded paintwork or damage);
        ii) The street appeal of the front façade and any architectural features (eg verandahs, windows with surveillance to the street);
        iii) Site improvements which have potential to result in street appeal through;
            - Construction of quality front fencing such as pickets or brick piers with open infill.
            - Landscaping and replacing substandard boundary fencing.
            - Provision of coloured concrete or brick paved driveways.

g. Council will require all works for the re-instatement of the second hand dwelling on a property to be completed within six (6) months of Planning Approval being issued. Those works include:

    i. The house being transported and stumped, joined, all walls, doors and openings being in working order and all external surfaces repainted, re-clad or rendered to the satisfaction of the Shire of Gnowangerup;
    ii. Replacing or professionally recoating roof sheeting;
    iii. Replacing/repairing and painting gutters and downpipes;
    iv. Concealing or removal of plumbing fittings, meter boxes and other utilities visible from a street or public place;
    v. Modifying, upgrading or replacing older steel or wood framed windows
    vi. All septic tanks, drains and plumbing being completed;
    vii. The site being cleared of any debris associated with the improvement of the second hand dwelling; and
    viii. The second hand dwelling complying with the requirements of the Building Code of Australia 1996 Volume 2.

h. Where a second hand dwelling is stumped, Council may require the installation of a verandah, porch, decking or similar to improve the look of permanence of a second hand dwelling.

3. Special Application Requirements

    a. All applications for Planning Approval and the issue of a Building Permit for a second hand dwelling require the following details to be submitted to the Shire of Gnowangerup:

        i. Photographs showing each elevation of the second hand dwelling in situ;
        ii. Floor plans, elevations, cross section, site plan and specifications;
        iii. A practicing structural engineer's certificate stating the design of the dwelling is suitable for transportation and re-erection; and
        iv. Where a second hand dwelling contains asbestos it is to be removed prior to transportation.

    Where these details are not provided, the Shire of Gnowangerup will refuse to process an application for Planning Approval or the issue of a Building Permit.

LOCAL PLANNING POLICY No.4 –Signs and Advertisements

Background

The Shire of Gnowangerup Local Planning Scheme No.2 lists a number of signs which are exempt from Planning Approval, which are set out in Schedule 5 of the Scheme. All other signs on zoned land require Planning Approval to be issued by the Shire of Gnowangerup and shall be subject to the requirements of this policy.

Clause 11.2 of the Scheme allows Council to issue a notice pursuant to the Scheme requiring the advertiser to remove, repair, adapt, restore or otherwise adapt the advertisement if the advertisement is "in conflict with the amenity of an area".

Objectives

To enable businesses and community groups to effectively advertise goods, services and events in a way that safeguards the visual amenity of the district.

LOCAL PLANNING POLICY NO.4 - Requirements

1. Exemptions from Planning Approval

    a. Signs exempt from Planning Approval are outlined in Schedule 5 – Exempted Advertisements of the Shire of Gnowangerup Local Planning Scheme No.2.

    b. Signs for the purposes of dwelling identification, Home Occupation, Place of Assembly, Public Places and Reserves and Temporary Signs listed in Schedule 5 shall be exempt from the requirements of this Policy.

    c. Where a sign is exempt from the requirements of this Policy and does not meet the requirements of Schedule 5, planning approval is deemed refused.

    d. Any sign which is the subject of an existing approval made prior to the adoption date of effect of this Policy;

    e. Any advertisement affixed to or painted on a shop window by the occupier of the shop and relating to the business carried on in the shop;

    f. Any sign within a building;

    g. One (1) freestanding sign (per building or business). The sign is to be placed or erected only to direct attention to a place, activity or event during the hours of that activity or event.

    h. One (1) 'farm gate sign' displaying the name, street number and owners of the farm that does not exceed 2m^2 in area.

2. General Requirements

    All signs and advertisements shall comply with the requirements set out in Table 1 of this policy and shall:

    a. Not pose a threat to public safety or health and shall not have any sharp or pointed projections where it is less than 2.7m above natural ground level.
    b. Not extend beyond any property boundary of a lot, overhang or encroach onto any reserve, Council verge or road reserve;
    c. Not be erected on land within a townsite unless it has a direct relationship with the business operated from the property or relevance to the premises on which they are located.
    d. Not be in any position where it obstructs the view from a street or site lines for vehicles entering and departing the subject lot on which the sign is placed;
    e. If illuminated:
        i. use a low level of illumination and not cause a nuisance, by way of light spillage, to abutting sites;
        ii. not comprise of flashing, pulsating, chasing or running lights;

iii. not interfere with or be likely to be confused with traffic control signals;
iv. have a minimum clearance of 2.7 metres from ground level.

f. Not undermine or conflict with the objective of this Policy;
g. Council reserves the right to refuse any sign in which the content of the advertisement:
    i. could harm or cause detriment to the State;
    ii. make reference to a product which is unsafe, or is otherwise unsuitable to be referred to in the advertisement;
    iii. contains confusing, misleading, political, offensive or objectionable information; and
    iv. would breach any provision of the Trade Practices Act or any other State or Commonwealth legislation.
h. Council will generally not support remote advertising or advance warning signs (other than a service or tourist sign), as this may lead to an undesirable precedent and proliferation of signage to the detriment of the amenity of the Shire.

Table 1 – Sign Specifications

Sign Type	Maximum Height	Maximum Width	Maximum Area	Maximum Aggregate Area of Signs	Minimum Height of Sign Above NGL	Maximum Height of Sign Above NGL	Maximum Projection from Building	Minimum Setback to Front Boundary	Minimum Setback to Side Boundary	Special Requirements
Mounted Roof Sign	-	-	-	-	2.7m	-	-	-		i. General presumption against mounted roof signs, unless where the applicant can demonstrate: a. The sign can be incorporated within the architectural design; and b. The form of advertising is determined to be necessary for the business.
Projecting Sign – Verandah	0.6m	2.4m	-	1.44 m²	2.7m	-	-	Nil	1.5m	i. One sign per tenancy/business; ii. 3m minimum separation to another Projecting Sign – Verandah; iii. Be at right angles to the front street boundary, except where located on a corner, where it may be desirable to view the sign from both street directions; iv. Projecting Signs attached to the facia of a verandah or the like shall not project beyond the outer frame or surround of the facia;
Projecting Sign – Building	-	-	4m²	4m²	2.7m	-	1m	-	2.0m	i. One sign per tenancy/business; ii. Do not project above the top of the wall to which they are attached.

Sign Type	Maximum Height	Maximum Width	Maximum Area	Maximum Aggregate Area of Signs	Minimum Height of Sign Above NGL	Maximum Height of Sign Above NGL	Maximum Projection from Building	Minimum Setback to Front Boundary	Minimum Setback to Side Boundary	Special Requirements
Wall Sign	-	-	8m²	8m²	-	-	0.3m	-	-	i. Exemptions: a. An industrial or warehouse premises as defined by the Scheme may have a maximum of four (4) signs totalling a maximum aggregate area of 15m², where such signs do not project above the eave line or the ridge of the roof of the building; b. A shop or showroom or other appropriate uses within a shopping area as defined by the Scheme are exempt from planning approval for signs which are below the awning, or in the absence of an awning, a maximum of 5m above the floor level of the building; ii. One sign per tenancy/business, outside of exemptions above. iii. If two street frontages available, one sign per street frontage is permitted and double the maximum aggregate area, if not subject to exemptions above; iv. Not to extend beyond the wall on which it is placed;
Flags	-	-	4m²	8m²	2.7m	6.0m	-	-	-	i. Maximum of two flags permitted per business/tenancy; ii. The pole to which a flag is affixed is to be of sufficient size and strength to support a flag; iii. No flag shall be permitted within 5m of another sign.

Sign Type	Maximum Height	Maximum Width	Maximum Area	Maximum Aggregate Area of Signs	Minimum Height of Sign Above NGL	Maximum Height of Sign Above NGL	Maximum Projection from Building	Minimum Setback to Front Boundary	Minimum Setback to Side Boundary	Special Requirements
Ground Based Sign – Portable	1.0m	1.0m	1m²	-	-	1.0m	-	-	-	i. Maximum of one sign; ii. The sign is to be located wholly within the boundaries of the lot; iii. The sign shall only be displayed during business hours; iv. Once placed, does not have any moving parts; v. Shall only be used to advertise products and services available from the lot.
Ground Based Signs – Non-Portable	-	-	1.5m²	-	-	1.2m	-	-	-	i. Exemptions: a. An industrial or warehouse premises as defined by the Scheme may have a maximum two (2) freestanding signs, up to a maximum aggregate area of 10m² exempt from planning approval. The types of signs included are non-portable ground based signs, monolith signs, product display signs or pylon signs. Maximum area of individual signs types is still applicable; ii. Maximum of one sign per street frontage;
Hoarding Sign	-	-	-	-	-	-	-	-	-	Hoardings are not permitted within the Shire of Gnowangerup.

Sign Type	Maximum Height	Maximum Width	Maximum Area	Maximum Aggregate Area of Signs	Minimum Height of Sign Above NGL	Maximum Height of Sign Above NGL	Maximum Projection from Building	Minimum Setback to Front Boundary	Minimum Setback to Side Boundary	Special Requirements
Monolith Sign	6.0m	-	4m²	-	-	-	-	-	-	i. Exemptions: a. An industrial or warehouse premises as defined by the Scheme may have a maximum two (2) freestanding signs, up to a maximum aggregate area of 10m² exempted from planning approval. The types of signs included are non-portable ground based signs, monolith signs, product display signs or pylon signs. Maximum area of individual signs types is still applicable; ii. One sign per tenancy/business; iii. Are not permitted on lots where a pylon sign has been approved or erected on a property, unless: a. The monolith sign does not front the same road as the pylon sign; b. The monolith sign is located a minimum of 6m from the intersecting point of corner truncations.
Panel/Fence Sign	-	-	5m²	20m²	1.2m	6.0m	-	-	-	i. Affixed to an existing panel or fence; ii. Are not erected between the existing building and the front boundary of the lot; iii. Are not within 10m of an existing sign on a lot.

Sign Type	Maximum Height	Maximum Width	Maximum Area	Maximum Aggregate Area of Signs	Minimum Height of Sign Above NGL	Maximum Height of Sign Above NGL	Maximum Projection from Building	Minimum Setback to Front Boundary	Minimum Setback to Side Boundary	Special Requirements
Product Display Sign	2.0m	2.0m	4m²	4m²	-	2.0m	-	-	-	i. Exemptions: a. An industrial or warehouse premises as defined by the Scheme may have a maximum two (2) freestanding signs, up to a maximum aggregate area of 10m² exempt from planning approval. The types of signs included are non-portable ground based signs, monolith signs, product display signs or pylon signs. Maximum area of individual signs types is still applicable; ii. One sign per street frontage for a tenancy/business; iii. If two street frontages available, one sign per street frontage is permitted and double the maximum aggregate area, if not subject to exemptions above; iv. Not located within 10m of a pylon sign;
Pylon Sign	2.5m	2.5m	6m²	6m²	2.7m	6.0m	-	-	-	i. Exemptions: a. An industrial or warehouse premises as defined by the Scheme may have a maximum two (2) freestanding signs, up to a maximum aggregate area of 10m² exempt from planning approval. The types of signs included are non-portable ground based signs, monolith signs, product display signs or pylon signs. Maximum area of individual signs types is still applicable; ii. One sign per tenancy/business; iii. Are not permitted on lots where a monolith sign has been approved or erected on a property, unless: a. The pylon sign does not front the same road as the monolith sign;

Sign Type	Maximum Height	Maximum Width	Maximum Area	Maximum Aggregate Area of Signs	Minimum Height of Sign Above NGL	Maximum Height of Sign Above NGL	Maximum Projection from Building	Minimum Setback to Front Boundary	Minimum Setback to Side Boundary	Special Requirements
Tethered Sign - Permanent	0.75 m	-	2m²	4m²	2.7m	8.0m	-	-	-	i. One sign per street frontage for a business/tenancy; ii. Not located within 10m of a pylon sign;
Tethered Sign - Temporary	9.0m	7.0m	-	-	-	15.0 m	-	-	-	Temporary balloon or inflatable signs typically associated with a business or product sale. i. One sign per tenancy/business; ii. Display cannot occur for more than 14 days in aggregate in any one calendar year; iii. Applicant is to provide a structural engineer certificate specifying structure is suitable for mounting temporary inflatable sign;

3. Special Application Requirements

    a. All sign applications shall stipulate the content of the sign with the application.

LOCAL PLANNING POLICY NO.5 – Sea Containers

Background

In recent years there has been an increased use of sea containers for storage purposes within the Shire of Gnowangerup. Sea containers provide a cheap and secure way of storing goods, but have the potential to affect the amenity of an area, given their industrial design and often poor location and maintenance.

Objectives

The objectives of this policy are as follows:

a) To establish clear guidelines for the placement of sea containers used for storage purposes within the Shire;
b) To ensure that any sea container does not detract from an existing (or reasonably desired) streetscape; and
c) To achieve a balance between providing the legitimate need for sea containers as an affordable and secure storage option, and minimizing any impact on neighbours, streetscape, the amenity of the neighbourhood or locality and of the Shire as a whole.

LOCAL PLANNING POLICY NO.5 – Requirements

A sea container is regarded as a building by the Building Code of Australia (1996) Volume 2 and therefore a building permit is required prior to the placement of a sea container on site.

1. Exemptions from Planning Approval
    a. A single sea container does not require Planning Approval when located on a property zoned Industry, Light & Service Industry or General Agriculture by the Scheme, provided it meets with the General Requirements set out below.
    b. Sea container/s fully enclosed within a building do not require Planning Approval.
    c. Sea container/s being loaded or unloaded for shipping do not require Planning Approval where they are located on a property for seven (7) days or less.
    d. In all zones a sea container may be placed on a property temporarily, for a period of up to 12 months, for the storage of materials used to construct an approved dwelling or building.

2. General Requirements

    a. Sea container/s are to comply with the criteria set out in Table 1 of this policy.
    b. Sea container/s are to be suitably screened and/or fenced from the road frontage, public space and neighbouring properties. Where a sea container has high visibility from a public space, the Shire will require the installation of screening to a minimum height equal to that of the sea container.
    c. Sea container/s shall not be located over on-site effluent disposal infrastructure or other utilities and shall be located on a flat, compacted area to the satisfaction of the Shire.
    d. Sea container/s shall be adequately ventilated, in good repair and painted a uniform colour to complement the building to which it is ancillary, to the satisfaction of the Shire.
    e. In all zones a sea container will not be permitted on vacant land unless for the purposes of storage for construction purposes as outlined in 1d.
    f. Where a sea container is proposed to be modified for a dwelling or commercial building, it will be required to be assessed against the requirements of Local Planning Policy No.3 and is to be modified to meet the requirements of the Building Codes of Australia (1996) Volume 2. Once a sea container is modified, it is no longer considered a sea container for the purposes of this policy.

3. Special Application Requirements

    a. Where it is proposed to use a sea container, Council will require the applicant to submit photographs of the sea container showing that it is in good condition.

Table 1 – Sea Container Requirements

Zoning	Setback Requirements	Special Requirements
Residential	Sea containers to be located within the building envelope of the property. Where a building envelope requires variation to accommodate a proposed sea container, Council may consult with adjacent neighbours for their views. Council will not support the placement of a sea container in front of the main building line.	Only one sea container, up to 6m in length is permitted per property. The sea container is to be screened from public places and neighbouring properties to the satisfaction of the Shire. The sea container is considered part of the permitted outbuilding floor space detailed in Local Planning Policy No.2 – Outbuildings.
Town Centre	Nil	No sea containers permitted.
Rural Residential	Sea containers to be located within the building envelope of the property. Where a building envelope requires variation to accommodate a proposed sea container, Council may consult with adjacent neighbours for their views. Council will not support the placement of a sea container in front of the main building line.	Only one sea container, up to 6m in length is permitted per property. The sea container is considered part of the permitted outbuilding floor space detailed in Local Planning Policy No.2 – Outbuildings.
Industry	As per Table 2 of the Scheme. Council will not support the placement of a sea container in front of the main building line.	Where it is proposed to utilise multiple sea containers, Planning Approval will be required.
Light & Service Industry	As per Table 2 of the Scheme. Council will not support the placement of a sea container in front of the main building line.	Where it is proposed to utilise multiple sea containers, Planning Approval will be required.
General Agriculture	On land zoned General Agricultural, the setbacks are as follows: a. Front/rear 20metres; b. Side 10metres.	Where it is proposed to utilise multiple sea containers, Planning Approval will be required.

LOCAL PLANNING POLICY NO.6 – Fire Management Plans

Background

The devastation caused by bush fires throughout Australia in recent years highlights the need for greater regulation of development in areas considered prone to bush fire attack. The *Planning for Bush Fire Protection Guidelines 2010 (Edition 2)* has been prepared by the Department of Planning in association with the Department of Fire and Emergency Services to implement a state wide approach guiding development of land within bush fire prone areas.

Clause 5.15 "Bush Fire management" of the Scheme allows Council to require the preparation of a bush fire hazard assessment or Fire Management Plan. This policy requires that these be prepared in accordance with Planning for Bushfire Protection.

Objectives

The objectives of this policy are as follows:

a) To protect property and life in the Shire of Gnowangerup;
b) To ensure development complies with up-to-date bush fire management guidelines; and
c) To reduce the impact of personal and community devastation caused by bush fire.

LOCAL PLANNING POLICY No.6 – Requirements

1. Exemptions
    a. No exemptions are applicable to this policy.
2. General Requirements
    a. Subdivision and development is to be in accordance with the requirements of *Planning for Bush Fire Protection Edition 2, 2010* or as revised from time to time.
3. Special Application Requirements
    a. Council will determine, in consultation with the Department of Fire and Emergency Services, when a Fire Management Plan is required to be prepared in accordance with the requirements of *Planning for Bush Fire Protection.*

LOCAL PLANNING POLICY No.7 – Public Open Space – 3-5 Lot Subdivision

Background

Section 153 of the *Planning and Development Act 2005* (as amended) establishes that Public Open Space cannot be requested from a subdivision that creates less than 3 lots.

Where a subdivision proposes to create in excess of 5 lots, it has been the consistent approach of the Western Australian Planning Commission to require the ceding of 10 percent of the land as Public Open Space (POS).

Since the gazettal of the Planning and Development Act in 2005 it is now possible to require POS to be ceded where 3-5 lots are created.

The Western Australian Planning Commission's Development Control Policy No.2.3 specifies that:

> *"3.1.6 The Commission may impose an open space condition where an application would create five lots or less where:*
>
> - *The imposition of the condition would yield an area of land which the Commission and Council agree is adequate and suitable for public open space purposes; or*
> - *The local government has identified an existing or potential deficiency of public open space and has an adopted strategy to improve or provide open space by land acquisition in the locality of the subdivision; or*
> - *Similar proposals containing five lots or less would be likely to eventuate in the locality. "*

The Gnowangerup, Ongerup and Borden townsites have historically been developed at a low density, with the majority of subdivision occurring prior to the requirement for the contribution to or establishment of Public Open Space. With the exception of their recreation complexes, this has resulted in a large deficiency in useable and quality Public Open Space areas.

Whilst the Shire of Gnowangerup would be asked to comment on any subdivision within the Shire boundaries, it is important to note that the final decision on any proposed subdivision lies with the Western Australian Planning Commission and that Council can only recommend a Public Open Space contribution condition to the Western Australian Planning Commission during the referral period.

Objectives

The objectives of this policy are as follows:

a) To ensure that there is adequate provisions of Public Open Space within the three townsites of the Shire of Gnowangerup.

b) To ensure that Public Open Space owned and maintained by the Shire of Gnowangerup is of a high quality for use; and

c) To provide suitable guidelines to Council where it should request a land or cash-in-lieu contribution to Public Open Space for subdivisions creating between 3 – 5 lots.

LOCAL PLANNING POLICY No.7 – Requirements

1. Exemptions from Public Open Space contribution:

    a. This policy only applies to subdivision which creates 3-5 lots zoned 'Residential' by the Shire of Gnowangerup Local Planning Scheme No.2.

2. General Requirements:

    a. The following contribution of land or cash-in-lieu shall be applied:
        i. 5 percent where a proposal creates three (3) 'Residential' zoned lots;
        ii. 7.5 percent where a proposal creates four (4) 'Residential' zoned lots; and
        iii. 10 percent where a proposal creates five (5) 'Residential' zoned lots.

    b. The Shire of Gnowangerup shall determine if a land or cash-in-lieu contribution to Public Open Space is appropriate. In making this decision, Council shall consider:
        i. The proximity of the proposed subdivision to any nearby reserves;
        ii. If the proposed subdivision immediately adjoins a reserve for recreation and whether a land contribution could be amalgamated with that reserve;
        iii. If funding from a cash-in-lieu contribution for Public Open Space would be able to be used to improve nearby existing reserves that would be used by the proposed subdivision; and
        iv. If the proposed subdivision contains land which the Shire of Gnowangerup wishes to secure for Public Open Space purposes.

LOCAL PLANNING POLICY NO.8 – Extractive Industry

Background

The Shire of Gnowangerup Local Planning Scheme No.2 defines an extractive industry as follows:

"industry – extractive" *means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar materials from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry – mining;*

Extractive industries are a discretionary land use in the 'General Agriculture' zone and *not permitted* in any other zone. Council may require that they be referred to neighbouring landowners for comment.

Extractive industries can have a high impact on the surrounding road infrastructure, existing vegetation and amenity of surrounding landowners and will therefore be referred to the relevant government agencies during the assessment period for comment. These may include Main Roads WA, Department of Parks and Wildlife, Department of Environmental Regulation, Department of Water, Department of Mines and Petroleum and Department of Agriculture and Food WA depending upon the nature of the application.

Where existing remnant vegetation is proposed to be cleared the applicant may need to seek a Vegetation Clearing Permit from the Department of Environment Regulation in accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

Larger extractive industries may require registration or a license as a 'prescribed premise' from the Department of Environmental Regulation under Part V of the Environmental Protection Act 1986 (Environmental Protection Regulations, 1987, Schedule 1)

Finally, the Department of Mines and Petroleum (DMP) have a separate role under the *Mine Safety & Inspection Act 1994 to ensure the safety of extractive industries throughout the Shire. A separate approval and process is required with the* DMP including preparing a 'Project Management Plan'. More information is available at http://www.dmp.wa.gov.au/14695.aspx.

Objectives

The objectives of this policy are as follows:

a) To assist Council in determining applications for extractive industries by providing general guidelines and outlining matters Council will have regard for in assessing applications.

b) To protect and maintain the existing landscape character, native vegetation, productive agricultural uses and general amenity of the Shire.

c) To set out standard conditions that will be considered by Council in their assessment of extractive industry applications.

d) To provide for appropriate 'buffers' between extractive industries and sensitive land uses.

LOCAL PLANNING POLICY No.8 – Requirements

1. Exemptions

    a. No exemptions are applicable to this policy.

2. General Requirements

    a. The following setbacks will generally be applied to excavation areas/ pits;
        i) A minimum of 40 metres to any road or thoroughfare;
        ii) A minimum of 20 metres to any property boundary in a different ownership;
        iii) A minimum of 20 metres to any easement;
        iv) A minimum of 50 metres to any water course or body.

    b. Excavation areas/ pits are to be separated from the closest 'sensitive land use' on a different lot (usually a house) by the recommended generic buffer distance listed in Table 1 unless a site specific technical study is prepared.

    c. Where an extractive industry proposes direct access to a sealed road and the projected number of vehicle movements from the site would justify such a requirement (as determined by Council), the Council may require crossover and vehicle access areas within 50 metres of the road to be constructed with a stable, impervious surface.

    d. Those portions of public roads as are affected by the activities related to an extractive industry shall be maintained to a 'pre-development' standard acceptable to Council at the applicants cost. A road maintenance contribution and / or bond may be payable to Council prior to commencement of works to

ensure roads are maintained to satisfactory standards. The contribution may be applied at the discretion of Council. Such upgrading contributions may be financial or in-kind and shall be calculated on a case-by-case basis.

e. An Environmental Management Plan is to be submitted addressing dieback controls, spread of noxious weeds, dust and noise is to be compiled in consultation with the Department of Parks and Wildlife and submitted to the Shire for separate written endorsement prior to commencement of any site work or an alternative time period agreed to in writing by the Shire.

f. A Rehabilitation Plan is to be submitted and approved by the Shire in writing. This plan is to address (but not be limited to) the following issues:

   i) Restrict the area of open pit to 2 hectares. Larger pits may be considered for gravel extraction where the applicant can demonstrate that it will not have any detrimental impact on the environment or amenity of the area (by lodging a detailed environmental management plan).

   ii) How the portions of land subject to extraction are to be rehabilitated (following each stage of extraction) to allow for future rural use and shall include;

      - Flattening the land;
      - Spreading of stockpiled topsoil (capable of supporting seed and plant re-growth);
      - Forming stable battered banks not to be steeper than 1 in 5; and/or
      - And revegetation using native trees, shrubs and groundcovers/ undergrowth.

g. An extractive industry license is valid for twelve (12) months from issue of the Planning Approval starting from the 1 July. It is renewable annually by the Shire subject to no complaints being received by the Shire.

Table 1 – Generic buffers to sensitive land uses

Industry	Description of Industry	Buffer distance in meters
Clay extraction or processing	Mining, extraction or processing of clay	500-1000 depending on size.
Extractive Industry – hard rock	quarrying (including blasting), crushing and screening	1000
sand and limestone extraction	no grinding or milling works	300-500 depending on size

3. Special Application Requirements

a. Where a new extractive industry is proposed, or an existing industry is to be increased in size over what was originally approved, planning approval is required prior to the industry commencing or extending. Applicants need to lodge;

- A formal planning application to be signed by the owner of the land.
- A detailed written submission explaining the application, how the use will be managed, addressing relevant matters such as dust, noise, native vegetation and dieback disease and providing information in support of the proposal.
- Detailed, accurate and scaled plans.

b. In considering any application, Council will have regard for the following matters;

i) It is important that each application be examined on its individual merit having regard for the existing land uses, topography of the land, and its specific location.

ii) Whether the site is in a visually significant location such as on a ridge, adjacent to the coast or an estuary, close to a national park or nature reserve, visible from a major road, tourist destination, scenic route or tourist route*[1].

iii) Compatibility with adjoining land uses.

iv) Noise, dust and vibration abatement measures.

v) Proximity and buffers to wetlands and water courses.

vi) Whether the proposal includes clearing of significant remnant vegetation and the quality of vegetation.

vii) Drainage implications including surface and ground water impacts.

viii) Rehabilitation measures.

ix) Intended end use of the land and future planning for the area.

x) Prevention of spread of dieback or other disease.

xi) Environmental management and measures proposed to be undertaken by the proponent to address environmental issues.

xii) Whether the access roads proposed are suitable for the volume of traffic and type of heavy proposed.

xiii) Whether the site has access to major roads, and whether the existing roads to be used by trucks are in good condition.

xiv) The proposed road haulage route and whether the use of any state controlled roads are proposed.

xv) Size of trucks and number of truck movements.

xvi) Existence of other extractive industry or heavy haulage-associated use in the vicinity.

LOCAL PLANNING POLICY NO.9 – Alfresco Dining & Trading in Public Places

Background

Alfresco dining in appropriate locations within the Shire's townsites can contribute to its ambience by adding colour, vibrancy and interest to the streetscapes. Alfresco dining is encouraged in all town centres, and especially in locations closely associated with retailing, entertainment and tourism.

The Shire of Gnowangerup supports and encourages the establishment of alfresco dining areas which:

i) Enhance the amenity, vitality and ambience of the town's retail, commercial, entertainment and tourism areas;

ii) Contribute to the activation of streets or laneways on which they are located;

iii) Provide innovative, unique and creative alfresco street furniture;

iv) May not necessarily abut the subject premises directly;

v) Do not interfere with the safe and reasonable movement of pedestrians, people with prams and motorised wheelchairs; and

vi) Are located so that they do not cause danger or unnecessary distraction to motorists, pedestrians or other road users.

In the interests of encouraging alfresco dining and street activity the additional floor space will not attract a requirement to provide additional parking.

Objectives

The objectives of this Policy are:

a) To enhance the functions, appearance and character of the commercial areas by permitting alfresco dining associated with existing food establishments on Council controlled land such as road reserves;

b) To allow for the operation of trading activities in public places in such a manner and location that they do not conflict with, or act prejudicially towards the Shire's retail and service base, or any other function of the town centre.

4. Exemptions from Planning Approval

    a. There are no exemptions from Planning Approval.

5. General Requirements

    This Policy applies to applications seeking approval to use public land for alfresco dining and trading in public places activities whether on a permanent or temporary basis. Council will have regard to the policy statements below in assessing and considering all applications.

    b. The proposed dining area or display is to be attractively integrated with, and enhance the character of the immediate locality and overall streetscape

    c. Council will not approve dining and/or display activities where, in its opinion, approval would conflict with or inconvenience other existing businesses. Council in its consideration of the impacts may consult with the owners/occupiers of other nearby premises

    d. Generally, dining and/or displays will be approved only where they are directly associated with an existing adjacent business. Activities that are not directly associated with an adjacent business may be considered in special circumstances but only where they meet a demand for goods and services that are not available already

    e. All objects for dining and/or display placed within the footpath area must not obstruct pedestrian movement or access to and from kerbside parking bays and a minimum clear footpath width of 2m shall be maintained in all cases.

    f. All objects and furniture located as part of the dining and/or display area are to be readily removable. However, where it is demonstrated to the satisfaction of Council there are positive benefits to the public, more permanent features may be permitted providing all costs associated with removal and restoration are borne by the applicant and Council is satisfied with the form, construction and appearance of those more permanent features

    g. Objects placed on the footpath within the road reserve must not obstruct sight lines for either vehicles or pedestrians, either at road junctions and crossovers.

    h. The applicant is responsible for attending the dining and/or display area and ensuring it is maintained in a good condition and clean and tidy state at all times.

    i. If a dining area and/or display are not maintained in a good condition and clean and tidy state and/or the conditions of Council's approval are not adhered to,

Council may withdraw the approval and all associated materials and objects associated with the approved use must be removed.

j. The applicant shall be solely responsible for all and any associated costs with the removal, alteration, repair, reinstatement or reconstruction to Council's satisfaction of the street carriageway, footpath or any part thereof arising from the use of the approved area. If an applicant does not complete the necessary works, Council may recoup such costs from the applicant.

k. The installation of transparent, roll-down blinds to provide weather protection for an alfresco area is supported in principle but they must be taken down each night at the close of business.

l. An Alfresco Dining and Trade Display permit is valid for twelve (12) months from issue of the Planning Approval starting from the 1 July. It is renewable annually by the Shire subject to no complaints being received by the Shire

6. Special Application Requirements

a. The applicant is required to show evidence of appropriate comprehensive public liability insurance covering any activity, object or provision within the approved public place and indemnify Council against any claim from its use by them and/or patrons.

b. In addition to normal planning application requirements, applications for Alfresco Dining Areas or Street Displays must be accompanied by plans, drawn to scale, which clearly indicate the proposed location of tables, chairs and any other object(s) and shows their relationship to existing features such as the building, kerb line, street furniture, landscaping and adjoining buildings

c. Applications must contain a written submission and must specify proposed days and hours of trading in the public area.

LOCAL PLANNING POLICY NO.10 – Industrial Design Guidelines

Background

The scheme has two zones which are intended to accommodate industrial development; 'Light & Service Industry' and 'Industry'. The objectives of these zones are as follows:

Industry zone *- to provide for manufacturing industry, the storage and distribution of goods and associated uses, which by the nature of their operations should be separated from residential areas.*

Light and Service Industry zone *- to provide for light and service industries and associated uses which are compatible with residential uses.*

The Scheme offers limited guidance on the standard of development expected within the industrial zones. The scheme lists some specific development requirements for the land uses at 'Table 2 – Development Table' for Industry – Service, Industry – Light, Industry – General and 'Showroom' as follows:

USE	Minimum Boundary Setback (metres)			Maximum Plot Ratio	Minimum Landscaped Area %	Minimum Number of Car parking Bays
	Front	Rear Average	Side			
Industry - Service	7.5	7.5	*	*	10	1 per 2 employees
Industry - Light	7.5	7.5	*	*	10	1 per 2 employees
Industry - General	7.5	7.5	*	*	15	1 per 2 employees
Showroom	*	*	*	*	10	1 for every 100m^2 of gross floor area

Where Table 2 shows an asterisk that requirement is "*to be determined by the local government' in each particular case having due regard to the streetscape, amenity and merit of the proposal*". Whilst this is a site responsive approach, it provides no guidance to the Council, officers or community as to what is an acceptable standard of development.

It is important that the Shire's industrial areas maintain a reasonable level amenity and that a level playing field is maintained for all landowners in these areas. Providing adequate parking for customers and staff within the lot boundaries to a consistent standard as well as a reasonable standard of landscaping in these zones is considered essential.

The development requirements need to be balanced with the need to encourage new business activity and what can be reasonably expected of and maintained by an industrial business operator.

The standard of development within the front setback area of a development sets the standard for how an industrial area presents to the general public. This policy stipulates the minimum standards of development that the Shire of Gnowangerup will accept for all new development in the Light & Service Industry and Industry zones.

Objectives

The objectives of this Policy are to:

a) Ensure the orderly and appropriate development of industrial areas in the Shire; and
b) Provide acceptable development standards for industrial areas in the Shire.

LOCAL PLANNING POLICY NO.10 - Requirements

1. Exemptions from Planning Approval

    a. There are no exemptions, all development in the Light & Service Industry and Industry zones requires Planning Approval.

2. General Requirements

    a. This Policy applies to applications for development in the Light & Service Industry and Industry zones.

    b. Unless stipulated otherwise in the Scheme, the development standards set out in Table 1 are the minimum standards:

	Minimum Requirement
Parking	1 per 50m^2 gross floor area
Landscaping	10% of lot area
Plot Ratio	0.5
Setbacks	7.5m front 5.0m on one side 7.5m rear (average)

c. Use of Front Setback area

i) The front setback area is the area in front of the 'main building line' and shall generally be used only for the purposes of landscaping, car parking, access or an approved 'trade display'.

ii) No materials or product are to be stored in the front setback area (with the exception of an approved trade display).

iii) No loading and unloading of goods and materials is take place in the front setback area.

iv) An open storage area that is visible from a public place or street is to be screened to the satisfaction of the Shire.

d. Building Facades

i) The facade of the building that addresses the primary street shall be either a purpose built office or constructed of brick, stone, concrete or glass or a combination of one or more of these materials.

ii) Other materials of a type and to a design approved by the Council may be permitted on a facade provided that the materials to be used are structurally and aesthetically acceptable to the Council. Zincalume cladding will generally not be acceptable.

e. Carparking & Trafficable Areas

i) All car parking bays and maneuvering areas, including the driveway access in the front setback area, being properly drained, kerbed and sealed. All parking spaces are to be line-marked and maintained in good repair thereafter.

ii) A minimum of a 2 coat bitumen seal is requirement for car parking and maneuvering for visitors and staff in front setback area.

iii) The dimensions of parking bays and maneuvering areas are to comply with Australian Standard 2890.1 *Off-street parking*.

iv) All other parking, truck turnarounds, storage and hardstand areas may be of gravel construction constructed to ensure that dust does not cause a nuisance.

f. Landscaping

i) Landscaping areas are to generally located in the front setback and down the side boundaries.

ii) A landscaping plan is to accompany any application for planning approval, and landscaping is to complement the appearance of the proposed development.

iii) Landscaping shall generally consist of lawns, gardens or the planting of trees and shrubs. The use of native and water efficient plants is encouraged.

iv) Landscaping is to be established within 3 months of the completion of the building.

v) Landscaped areas are to be reticulated and maintained at all times to the satisfaction of the Shire.

vi) With the approval of the Shire fifty (50) per cent of the landscaping requirement identified in the Scheme Text and this Policy may be met by landscaping the verge area, providing that reticulation is installed and on-going maintenance of the total

road verge bordering the subject lot is undertaken. For corner lots, this credit will be eighty (80) per cent of the landscaping requirement identified in the Scheme Text where the whole of the verge is treated.

g. Stormwater

i) Stormwater is to be contained on site before discharged to road or district system.

ii) The development may require oil separators or nutrient stripping infrastructure (such as retention basins) at the discretion of the Shire.

iii) The use of rainwater tanks for storage and reuse on site is encouraged.

h. Fencing

i) Boundary fencing is permitted to a maximum of 2.1m.

ii) Fencing along the primary street frontage is to be visually permeable.

iii) The use of barbed wire is not permitted.