

Attachment 11.3.2

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| Policy Number: | LPP 001 |
| Policy Type: | Local Planning Policy |
| Policy Name: | Cut & Fill and Retaining Wall |
| Policy Owner: | Chief Executive Officer |

AUTHORITY: Shire of Nannup Local Planning Scheme No.34

POLICY BASIS

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and the *Shire of Nannup Local Planning Scheme No. 4 (LPS4)*.

INTRODUCTION BACKGROUND

The natural topography of the Shire of Nannup provides a number of challenges to land owners and developers, in particular finding level building sites in some areas. To create these level sites, cut and fill techniques are often used along with the development of retaining walls.

This is more easily addressed at the subdivision stage where the systematic development of retaining walls can be addressed for the whole of the land. More problematic is where individual landowners seek to establish retaining walls and the impacts unregulated designs and finishes will have on immediate neighbours and the locality as a whole.

It is becoming increasingly apparent that the management of these forms of development has not been sufficient.

This policy has been formulated to provide a set of guiding principles for landowners, developers and the local government in respect to where 'cut and fill' of residential land in the local government is sought and specifically, where retaining walls and the like are sought.

OBJECTIVES

The principal objectives of this Policy are:

1. To preserve the natural topography of the Scheme Area by restricting the level of cut and fill development specifically on steep slopes which may be more suitable to other construction techniques (i.e. pole homes, stump system, retaining walls.)
2. To ensure that at subdivision stage, an assessment is undertaken as to the likely need for cut and fill and/or the development of retaining walls based on the slope of the land, lot size and vegetation cover prior to clearance of Western Australian Planning Commission (WAPC) subdivision conditions.
3. To ensure that where individual landowners seek to undertake cut and fill and/or the development of retaining walls on boundaries, the assessment provided in this Local Planning Policy is undertaken.

DEFINITIONS

"Terrace" – for the purpose of this policy a "terrace" is a series of flat platforms (or steps) on the side of a hill, rising one above the other. The base of the terrace is taken to be the bottom of the lowest step with the top being the highest point of the highest step.

"Topsoil" - for the purpose of this policy "topsoil" is taken to be the soil zone containing decomposed organic matter and seed source, generally not to exceed 150mm in depth.

“Unprotected Embankment” – for the purpose of this policy an “unprotected embankment” is taken to be the face area of a section of fill that is not subject to retaining or other forms of stabilisation.

Other definitions as set out in the Scheme or in the R Codes.

APPLICATION OF THIS POLICY

The Policy applies throughout the district. The Policy has a particular focus on residential areas where cut and fill are proposed and which will result in the construction of retaining walls. The Policy also provides guidance to the local government’s decision-making where development requires the local government’s discretion under the ‘design principles’ of **State Planning Policy 7.3** ~~the~~ *Residential Design Codes of Western Australia* (R Codes).

LINKS TO LOCAL PLANNING SCHEME AND OTHER DOCUMENTS

This Policy should be read in conjunction with all Shire of Nannup policies and the *Shire of Nannup Local Planning Scheme No. 4* (as amended).

The R Codes outline ‘deemed-to-comply’ provisions. Where there is an inconsistency between this Policy and the ‘deemed-to-comply’ provisions of the R Codes, then the R Codes prevail to the extent of such inconsistency.

For land subject to the R Codes, the development is exempt from the need to obtain development approval where:

- a. development complies with ‘deemed-to-comply’ provisions of the R Codes or any variations to the R Codes permitted by the Scheme; and
- b. the site is not on the Heritage List; and
- c. the site is outside of the **Special Control Areas SCA3 Flood Prone Land, SCA6 Heritage Area and SCA7 Landscape Values Area** ~~Heritage Area, Flood Risk Land, Special Control Area and Landscape Values Area~~ as shown on the Scheme maps.

POLICY PROVISIONS

1. General

In assessing a proposal the local government shall consider the following:

1. Where the local government suspects that unstable soil and site conditions occur, or the slope is greater than 1:5, the local government will require a geotechnical report and a structural engineer’s report to determine building construction requirements.
2. No land over 1:4 slope prior to grading shall be developed using cut & fill construction techniques, except at the specific discretion of the local government and where it can be shown that a minimum amount of development is in the spirit and not incompatible with the objectives of this policy.
3. The specific policy requirements that apply to all land within Local Planning Scheme No. ~~3~~ **4** as set out below:
 - a. Access tracks are to be located in such a manner as to minimise the required earthworks.
 - b. All exposed earthworks will be required to be landscaped in accordance with an approved landscaping plan.
 - c. Topsoil is to be stripped separately and stockpiled on site, to be respread during

landscaping.

- d. Water discharge from the site during development is to be controlled by the use of ripping, contour banks or grade banks and sumps to attenuate turbid and/or nutrient rich water leaving the site.
- e. Where a residence is to be constructed partially on cut and partially on fill, the excavated material is to be placed outside the building area to form batters and embankments and the platform is to be filled with sand. Consolidated in even lifts, not exceeding 600mm, to produce a density which will resist seven blows per 300mm of standard 16mm diameter penetrometer. As an alternative, pile and beam foundations into natural uncut ground in the fill area are acceptable.
- ~~f. Fill is not to exceed 1.5m at any given point on the site and the top level of the fill is not to exceed 2.4m from the base of the fill.~~

4. Subject to site conditions and context, the local government will have regard to this Policy in providing its comments and recommendations to the WAPC on subdivision applications. It is highlighted that the WAPC is the final decision maker in relation to subdivision.

2. Retaining wall requirements

Unless otherwise provided for within this policy, retaining walls will be required where cut or fill is equal to, or in excess, of 0.9 metres between the street boundary and the street setback, or where or on a side or rear property boundary.

While noting the above, a Development Application is required for any retaining wall higher than 0.9 metres within Special Control Area 2 – Nannup Townsite Character Area.

1. A retaining wall is not to exceed ~~2.4~~3.0 metres in height (measured from the base of the wall). The retaining wall and site works should address Table 4 of the R Codes or alternatively the applicant to address the design principle P7.3 of the R Codes.
2. Where it is proposed to terrace a portion of a lot the policy provisions set out above apply in so far that where a step is in excess of 1.0 metre retaining ~~may~~ will be required and the top level of the terrace is not to exceed 3.0 metres from the base of the terrace.
3. Where an unprotected embankment is proposed no retaining will be required where it is in accordance with the ~~BCA~~Australian Building Codes Board (ABCB) Housing Provisions Standard Volume 2 Part 3.1.4 – Earthworks (note Attachment 1). Such embankments are to be landscaped in accordance with an approved landscaping plan.
4. Land owners and developers should note their ~~h~~Health and ~~S~~safety responsibilities with regards to retaining walls during construction and on completion. Provision for safety fencing should be in accordance with the Building Code of Australia (BCA) Volume 2 Part H5P2 Fall prevention barriers ~~BCA P2.5.2 – Barriers~~.

Retaining within the confines of the property

To conserve streetscape amenity, the local government will control retaining within the front setback of sites. Retaining within 3.0 metres of the street frontage(s) is to be no higher than 2.0 metres, with a maximum change in the height of the natural ground level being limited to 1.0 metre.

Retaining within 3.0 metres of a neighbouring property boundary is to be no higher than 3.0 metres.

Beyond 3.0 metres of the property boundaries (other than in the front setback), retaining is to be no higher than 3.0 metres, with a maximum change in the height of the natural ground level being limited to 1.0 metre.

Where retaining is undertaken for the purpose of constructing a building, the external walls of the building should be designed as retaining walls and contain the soil created by the cutting and filling.

Minor retaining within the lot is acceptable to provide for garden areas, open spaces and to accommodate vehicle movements provided it is structurally sound and stormwater is appropriately controlled.

Fill

Filling above the natural ground level can result in visually prominent development and can create overlooking and/or overshadowing. In accordance with the R Codes, overlooking and overshadowing are valid planning considerations. The loss of views is however not a valid planning consideration if the subdivision/development complies with the R Codes or LPS4.

The importation of fill to increase the building pad level shall generally be limited to no more than 0.3 metres above the average building pad level of the site. Sites where subsurface rock or clay occurs, which requires the importation of more than 0.3 metres of fill, may be required to be substantiated by a professional engineer's report that demonstrates such a presence.

A Development Application is required for all retaining walls and filling within Special Control Areas SCA3 Flood Prone Land. LPS4 and Local Planning Policy 11 provide further requirements.

Subdivision

At the subdivision stage, unless justified and agreed to by the local government, a subdivider is to:

- identify, through a slope analysis, all slopes of 1:10 and greater;
- note the maximum extent of filling to be undertaken on individual lots is not to exceed 1.0 metre in height;
- construct retaining walls, up to a total maximum height of 3.0 metres along a property boundary or on other parts of the lot, to create a site capable and suitable for building construction including appropriate vehicle access between the lot and the public road;
- ensure that where the proposed retaining wall is to be constructed on the outer boundary of the subdivision area, and it abuts an existing developed land parcel, the subdivider shall consult with the adjoining landowner/s to ensure the amenity of the neighbour's property is not compromised;
- resolve stormwater management to ensure neighbouring properties are not impacted as a result of site works and construction; and
- confirm retaining wall construction and colours.

The local government will generally require subdividers to install retaining walls, prior to the creation of new titles, for proposed lots less than 1,000m² unless appropriately justified by the proponent. The local government may require retaining walls to be installed prior to the creation of new titles for lots 1,000m² and larger where site conditions are steep, there are issues associated with building construction, stormwater management or vehicular access, where a coordinated approach is required or to ensure that the lot is capable of accommodating proposed development.

The local government generally prefers that lots created through the subdivision process below 1,000m² are gently sloping. The local government will however support the following:

- for lots below 500m²: a 0.5 metre (500mm) longitudinal slope and a 0.3 metre (300mm) crossfall; and
- for lots between 500m² – 999m²: a 1.0 metre longitudinal slope and a 0.5 metre crossfall.

Where the subdivision process has changed the natural ground levels, the relevant levels to be taken at the development/building stage are those established at the subdivision stage.

ADMINISTRATION

1. Matters to be Addressed Prior to Formally Lodging the Application

Proponents are encouraged to discuss proposals that seek to vary Policy requirements with the Shire administration early on in the planning process and prior to the formal lodgement of any Development Application.

2. Application Details

Subdivision and Development

1. Where as part of the overall subdivision and development of land, any permanent excavation with a slope steeper than the angle of repose or natural slope of the soil shall have retaining walls of masonry or other materials approved by the local government of sufficient strength and stability to retain the embankment together with any surcharged loads.
2. Design of the retaining structure is to be by a practising Civil or Structural Engineer with certified engineering drawings to be submitted to the local government for approval.
3. Information to be supplied with the engineering assessment will include but not be limited to the following:
 - a site plan showing the main topographical features of the site including slope;
 - contours, sub-catchments, flow paths and drainage lines;
 - flood risk;
 - surface water and groundwater;
 - vegetation;
 - dams and water courses;
 - rock outcrops;
 - soil type,
 - fences
 - buildings;
 - level of top of sand pad/fill;
 - finish floor level;
 - cut and fill section showing sub soil drainage and cut off drains;
 - cut and fill section (of greatest cut and fill) showing method of retention;
 - landscaping plan (if required);
 - design and construction details of any retaining walls (if required) which shall be prepared by a suitably qualified structural engineer; and
 - other details required elsewhere within this Local Planning Policy.
4. The local government will determine the type and colour of materials to be used forming the retaining wall. In considering the type and colour of materials, the local government may require the subdivider to undertake a visual assessment to the requirements of the local government. In addition, any brick or block work undertaken will be required to have a 'clean' finish to the adjoining lot.

Individual Lots

1. Where any permanent excavation with a slope steeper than the angle of repose or natural slope of the soil shall have retaining walls of masonry or other materials approved by the local government of sufficient strength and stability to retain the embankment together with any surcharged loads.

2. Design of the retaining structure by a practising Civil or Structural Engineer will be required and shall be submitted to the local government for approval prior approval of a Building Permit.
3. Information to be supplied with the engineering assessment will include but not be limited to the following:
 - contours of site;
 - level of top of sand pad/fill;
 - finish floor level;
 - cut and fill section showing sub soil drainage and cut off drains;
 - cut and fill section (of greatest cut and fill) showing method of retention;
 - drainage, site run-off (minor and major events);
 - flood risk;
 - surface water and groundwater;
 - landscaping plan (if required);
 - design and construction details of any retaining walls (if required) which shall be prepared by a suitably qualified structural engineer;
 - provisions of the Residential Design Codes; and
 - other details required elsewhere within this Local Planning Policy.
4. Where a retaining wall in the Residential zone is proposed on a boundary, a Licensed Surveyor must be employed by the landowner to set out the boundaries prior to the commencement of any works. In this regard, the requirement for a Licensed Surveyor will be included as a condition of the Building Permit.
5. The local government will determine the type and colour of materials to be used forming the retaining wall. Generally, the type of retaining wall structure will be of 'earth' tones. The local government will consider oxide-tinted concrete blocks in areas that are not visible from the street.

In relation to the development of land forming the 'Askino/Moonlight Ridge' subdivision, retaining walls will be in accordance with the endorsed Development Subdivision Guide Plan as included in Attachment 2 and ensure that the buildings are in 'earthy tones' and not limestone in colour. ~~Examples of colours that are acceptable include Dulux®:~~

~~Latte;
Ground Coriander;
Stucco Tan; and
Nubuck;~~

~~as per the colour chart included as Attachment 3.~~

~~Other colours may be also be acceptable and in this regard, it is recommended to liaise with the local government.~~

~~* Dulux® is a Registered Trademark~~

In addition, any brick or block work undertaken will be required to have a 'clean' finish to the adjoining lot.

6. As part of the assessment process, consultation is usually required. The local government may require applicants to supply written support from adjoining landowners specifically implicated by the proposed retaining wall. Where written comments are not able to be obtained by the applicant, staff will provide written advice to adjoining landowners and community groups (at the applicant's cost) of the proposed construction and invite them to

submit comments to the local government.

7. If an adjoining landowner or community group does not respond within the time provided (generally 14 days), the local government will consider the application on the basis that the landowner has not exercised their opportunity to comment.
8. Where objections are received the submission(s) will be reviewed and considered in light of the applications relevance against the Local Planning Scheme No. ~~24~~, the R Codes and the provisions of this Policy.

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|------------------------------|---|
| Related Policies | |
| Related Procedures/Documents | <ol style="list-style-type: none"> 1. Building Codes of Australia Table 3.1.1.1 LPP001 Attachment1.docx 2. Subdivision Guide Plan Lot 23 Brockman Highway P0486-01(SCP) dated July 2006. LPP001 Attachment 2.docx 3. Dulux® colour chart LPP001 Attachment 3.pdf <p>Decision process for of stormwater management in Western Australia (DoW 2009 DWER 2017)</p> <p>Stormwater management manual for Western Australia (DoW 2007-2009 DWER 2023)</p> |
| Delegated Level | Chief Executive Officer or their Delegated Officer Building Surveyor, Manager Infrastructure, Development Services Officer |
| Adopted | OM 22 April 2010 # 8157 |
| Reviewed | OM 27 July 2023 |

Attachment 1 – Extracts from ABCB Housing Provisions Part 3.2

Table 3.2.1: Un-retained embankment slope ratios

| Soil class (see 4.2.2 for material description) | Site cut (excavation) (maximum embankment slope ratio, angle of site cut H:L ^{Note 1}) | Compacted fill (maximum embankment slope ratio, angle of batter H:L ^{Note 1}) |
|---|--|---|
| Stable rock (Class A) | 8:1 | 3:3 |
| Sand (Class A) | 1:2 | 1:2 |
| Firm clay (Class M-E) | 1:1 | 1:2 |
| Soft clay (Class M-E) | 2:3 | Not suitable |

Table Notes

- (1) See Figures 3.2.1a and 3.2.1b for some examples of un-retained embankment slopes.
- (2) Retaining walls must be installed in accordance with H1D3(2) where—
 - (a) the embankment slope is steeper than described in this Table; or
 - (b) the soil type is not described in this Table.

Figure 3.2.1b: Site cut and fill using un-retained embankments — Fill commencing at the allotment boundary or affecting an adjoining property

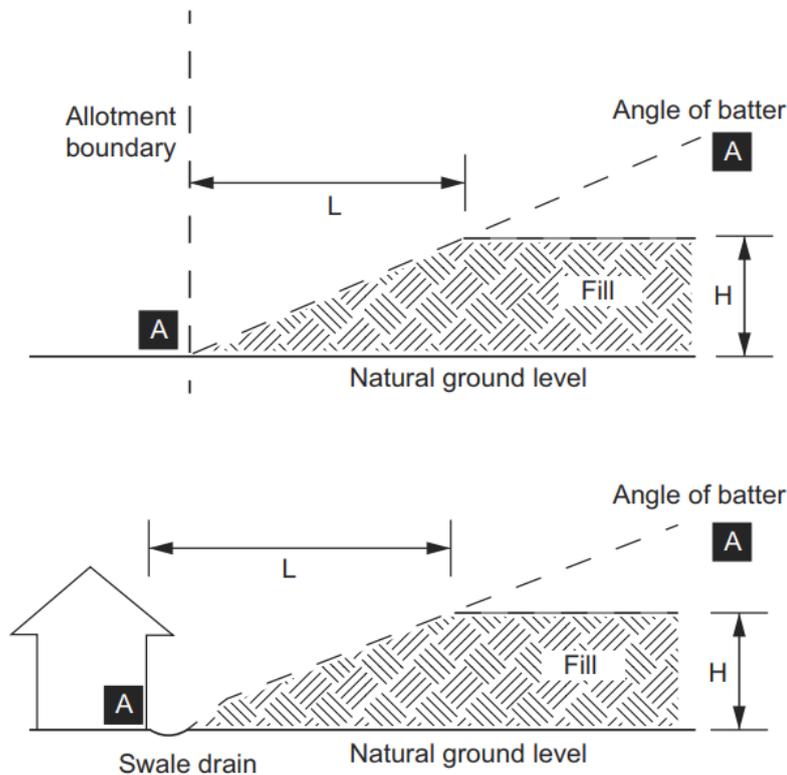
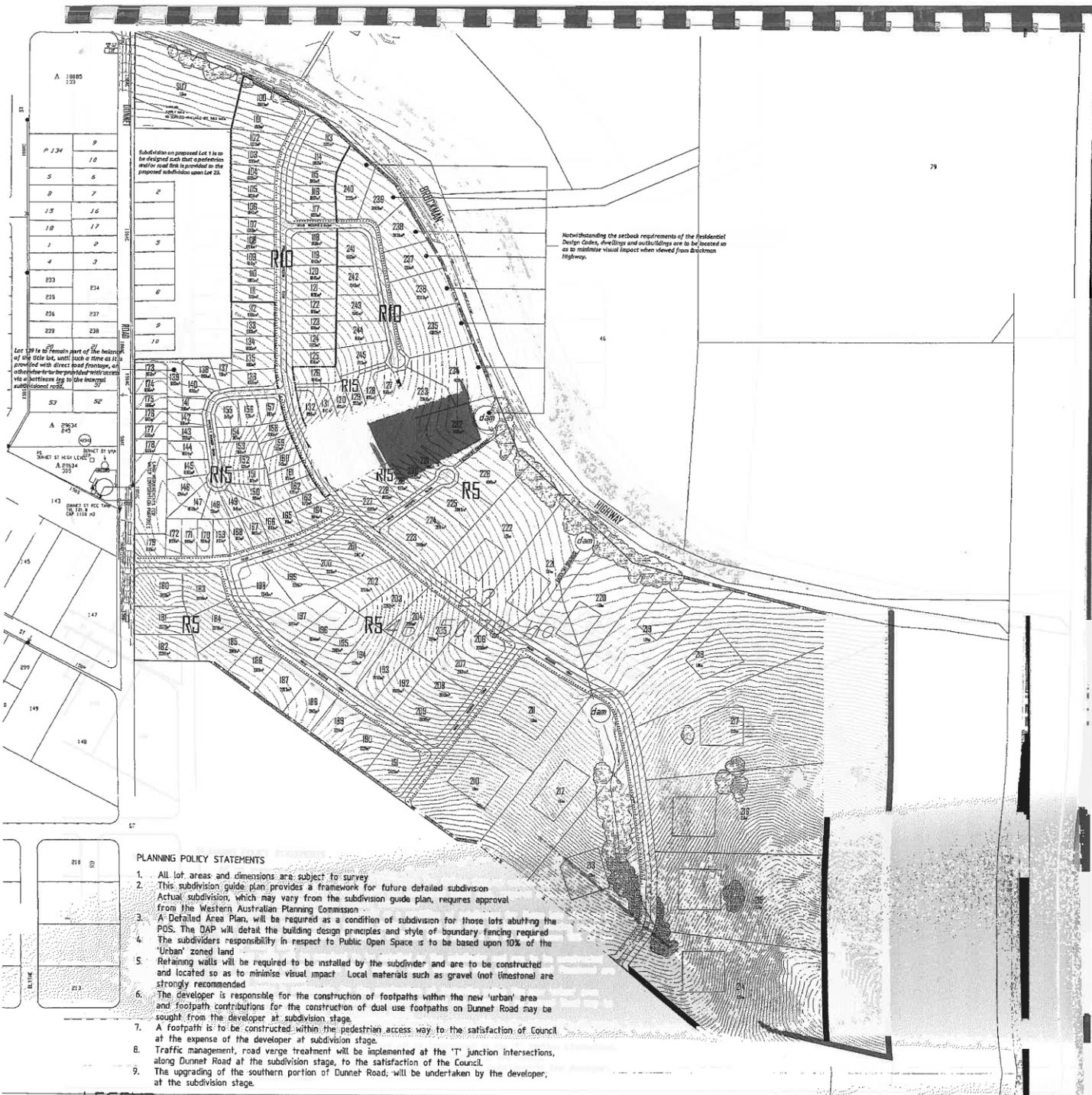


Figure Notes

- (1) The angle for line A-A is defined as the maximum embankment slope ratio H:L in Table 3.2.1 and is taken from the bottom of the footing and identifies the area suitable for fill.
- (2) Consideration must be given for drainage of *surface water*, particularly where fill affects an adjoining property.

Attachment 2 – Subdivision Guide Plan Askino/Moonlight Ridge



PLANNING POLICY STATEMENTS

- All lot areas and dimensions are subject to survey.
- This subdivision guide plan provides a framework for future detailed subdivision. Actual subdivision, which may vary from the subdivision guide plan, requires approval from the Western Australian Planning Commission.
- A Detailed Area Plan, will be required as a condition of subdivision for those lots abutting the POS. The DAP will detail the building design principles and style of boundary fencing required.
- The subdividers responsibility in respect to Public Open Space is to be based upon 10% of the 'Urban' zoned land.
- Retaining walls will be required to be installed by the subdivider and are to be constructed and located so as to minimise visual impact. Local materials such as gravel (not limestone) are strongly recommended.
- The developer is responsible for the construction of footpaths within the new 'urban' area and footpath contributions for the construction of dual use footpaths on Dunnet Road may be sought from the developer at subdivision stage.
- A footpath is to be constructed within the pedestrian access way to the satisfaction of Council at the expense of the developer at subdivision stage.
- Traffic management, road verge treatment will be implemented at the 'T' junction intersections, along Dunnet Road at the subdivision stage, to the satisfaction of the Council.
- The upgrading of the southern portion of Dunnet Road, will be undertaken by the developer, at the subdivision stage.

LEGEND

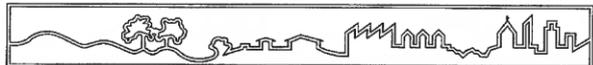
- subject property
- vegetation buffer 3m (consisting of shrubs and trees)
- remnant vegetation
- revegetation - avenue of trees
- strategic fire break (6m wide)
- residential density code
- building envelope
- footpath
- Stage 1 - WAPC Approval (May 01, 2006)

Source: cadastre information plotted from Water Corporation data, contour information plotted from Landgate data.

SUBDIVISION GUIDE PLAN
LOT 23 BROCKMAN HIGHWAY
NANNUP

North
 SCALE: 1: 4000
 DATE: July 2006
 PLAN NO: P0486-01 [SGP]
 Rev. 5

PETER D WEBB AND ASSOCIATES



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|-----------------------|---|
| Policy Number: | LPP 002 |
| Policy Type: | Local Planning Policy |
| Policy Name: | Private Stormwater Drainage Connections to Council's Stormwater Drains Stormwater Management and Connection |
| Policy Owner: | Chief Executive Officer |

AUTHORITY: *Planning and Development Act 2005*
Local Government Act 1995 Schedule 9.1.7
 Shire of Nannup Local Planning Scheme No. 4

POLICY BASIS

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and the *Shire of Nannup Local Planning Scheme No. 4 (LPS4)*.

OBJECTIVES

The objectives of this policy are to:

1. ~~To provide a control system for the installation of private drainage connections, within town sites, to the local government's drainage pipelines, at a cost to the applicant. To minimise maintenance issues with townsite drainage systems caused by private connections, to ensure that kerbs and pipelines are not damaged by unqualified and inexperienced installers and to provide a uniformed standard.~~ Ensure that development is compatible with the design capacity of the existing local government stormwater system so as not increase the incidence of downstream flooding
2. Minimise maintenance issues with the local government's stormwater system caused by private connections and to provide a consistent standard.
3. Ensure that stormwater capture and conveyance within a development site is properly managed through the provision of drainage infrastructure to appropriate capacity and standard.
4. Ensure that stormwater capture and conveyance within a development site is provided so that stormwater does not constitute a potential hazard or nuisance to persons or property including adjoining property.
5. Ensure that on-site detention systems are designed and constructed to be compatible with other aspects of site planning.
6. Ensure that drainage works do not cause inconvenience or safety hazards to pedestrians or vehicular traffic.

DEFINITIONS

Definitions are as per the *Shire of Nannup Local Planning Scheme No.4* or as set out in *Better Urban Water Management* or the *Stormwater Management Manual for Western Australia*.

"ARI" means Average Recurrence Interval event.

"Bioretention" means the process in which contaminants i.e. nutrients are removed from stormwater runoff through a treatment train consisting of option(s) such as chemical treatment, soil amendments and use of nutrient absorbing plants.

"Detention/detain" means the process of reducing the rate of off-site stormwater discharge by temporarily holding rainfall runoff, to the design ARI event, and then releasing it slowly to reduce the impact on downstream water bodies and to attenuate urban runoff peaks for flood protection of

downstream areas.

“Infiltration” means the process by which water of the ground enters the soil.

“Retention/retain” means the process of preventing rainfall runoff from being discharged into receiving water bodies by holding it in a storage area. The water may then infiltrate into groundwater, evaporate or be removed by evapotranspiration of vegetation. Retention systems are designed to prevent off - site discharges of surface water runoff up to the design ARI event. It is the difference between total precipitation and total runoff.

“Runoff” means the portion of rainfall on a drainage area or surface that is discharged from the drainage area to drainage.

“Stormwater” means all surface water runoff from rainfall, predominantly in urban and rural living catchments.

Townsite:

~~Includes the subdivision of the “Askino Estate” along with other urban, residential and associated subdivision/development near the Nannup townsite.~~

APPLICATION OF THIS POLICY

This policy applies throughout the municipality.

LINKS TO LOCAL PLANNING SCHEME AND OTHER DOCUMENTS

This policy should be read in conjunction with the *Shire of Nannup Local Planning Scheme No.4*, the *Shire of Nannup Local Planning Strategy*, the *National Construction Code (Building Code of Australia)*, *State Planning Policy 7.3 Residential Design Codes* and various Local Planning Policies.

POLICY PROVISIONS

1. Landowner’s responsibility to manage stormwater

Stormwater from buildings and surface water runoff is the responsibility of the landowner to effectively manage and to appropriately detain/retain stormwater on their property.

2. Detaining and retaining stormwater

All new subdivision/development within the municipality is required to detain stormwater on site and where possible retain stormwater. Where site conditions dictate, there may be a need to use appropriate bioretention to remove nutrients from stormwater runoff which may include soil amendments and use of nutrient absorbing plants.

The minimum design criteria is to detain stormwater on site for the 1 in 1 year, 1 hour ARI storm event.

The total post-development 1 in 1 year ARI site runoff is to be controlled to be no greater than the pre-development 1 in 1 year ARI site runoff.

Surface drainage systems shall be designed to ensure that overflows, with a 1 in 100 year ARI storm event, do not present a hazard to people or cause damage to off-site property.

Stormwater flows, ARI events, time of concentration, and runoff coefficients shall be in accordance with the relevant Australian Standard and/or guidelines endorsed by Engineers Australia.

Rainfall intensity shall be in accordance with accepted guidelines or information relevant to the district. Attachment 1 sets out the rainfall intensity for Perth which will be applied in the Shire of Nannup until there is updated information relevant to the municipality.

Stormwater runoff from impermeable surfaces in developments shall be managed in any one or more of the following ways to the satisfaction of the local government:

- soakwells;
- stormwater detention basins;
- rainwater tanks;
- infiltration basins and infiltration trenches;
- diversion or catch drains across a slope to convey runoff at a non-erosive velocity and to divert runoff from upslope areas around the site of a disturbance or an area at risk of erosion;
- installation of barriers positioned so as to intercept runoff and sediment;
- installation of a sediment fences to reduce runoff velocities and cause the deposition of silt;
- swales;
- rain gardens;
- planting of continuous vegetated buffers; and
- any other method identified as being acceptable for controlling stormwater runoff to the satisfaction of the local government.

On-site stormwater detention storage areas must be located:

- in an appropriate location, generally in or near the lowest point of the site;
- so as to collect runoff from all roofed and impervious areas;
- clear of any surface flow path conveying stormwater runoff from adjoining land. If overland flow from adjoining properties will enter the detention system then this flow should address the 1 in 100 year ARI event and conveyed by suitable means to bypass the detention system. Alternatively the detention system can be enlarged to cater for the additional catchment area;
- as part of the overall development scheme for the site;
- so that pedestrian movements will be clear of the top water level for storms up to the 1 in 1 year ARI event;
- on common property in the case of development within strata title schemes. Below ground storage can be provided under private courtyards provided that the surcharge point from the storage area and the primary means of access for maintenance is clearly provided from common property;
- to ensure that no upstream pits have grate levels lower than the detention top water level; and
- so that access to the system is readily available and not via any enclosed structures.

Detention/retention may be achieved in clay sites or where high groundwater exists by use of infiltration basins and infiltration trenches with associated trickle feed/outlets, appropriate fill and/or sub-soil drainage systems.

Vegetated basins for storing events greater than 1 in 1 year ARI event, 1 hour should have batters no steeper than 1:6 and have operational water depth not exceeding 0.9 metre.

All above ground storage should generally be integrated into landscaping areas which are to be appropriately vegetated. The local government encourages appropriate native species.

3. Soakwells

Soakwells should be provided and maintained for impervious areas including car parks, driveways and roofs.

The collection points and soakwells should be located so as to minimise the amount of runoff entering the road reserve.

Soakwells should be provided at the minimum rate of storage to address the impervious area.

Runoff should be collected and conveyed in an above ground system with a grated overflow entry to the soakwell (enabling first flush sediments to settle out reducing maintenance needs of soakwells).

If the soakwells have become inoperative, in the opinion of the local government, the property owner is to undertake such maintenance as directed.

Additional requirements are set out in Attachment 2.

4. Property drainage

All premises should be provided with gutters, downpipes or other associated drainage features to ensure effective stormwater disposal away from buildings and other impervious surfaces. Stormwater management systems should be designed to avoid the potential for erosion, damage or any other defects to the property or adjoining properties caused by stormwater. All stormwater systems should ensure that stormwater is adequately detained and ideally retained on the lot at least for 1 in 1 year ARI storm event, 1 hour average stormwater event.

Where local government approval is required for property drainage systems, the local government will require details of the work proposed including the locations, size, grade and class of all pipes proposed, as well as the position of all pits, together with existing and proposed structures, trees, overland flow paths and existing and proposed impervious areas.

5. Applying to the local government for connection to the stormwater system

Where stormwater cannot be retained on site, the local government will consider connections where justified by the proponent and where there is capacity in the stormwater system to manage peak flows.

Connection into the local government's stormwater system may be provided at the proponent's cost subject to approval of the local government.

Connections to the local government's stormwater system shall be approved in writing.

Connections to the local government's stormwater system should be in accordance with the requirements of Attachment 3.

6. Stormwater drainage plan

A Stormwater Drainage Plan is generally required for infiltration and conveyance systems seeking development approval. The Stormwater Drainage Plan must demonstrate the appropriateness of the proposed drainage system within the site and as relevant the proposed connection to the local government's stormwater system.

A Stormwater Drainage Plan must contain sufficient information to assess whether the proposed stormwater management system is feasible, both within the site and as relevant in its connection to the local government stormwater system, and will function as designed.

Where a Stormwater Drainage Plan is required by the local government, the plan should provide the information set out in Attachment 4 unless varied by the local government.

Nothing in this Policy prevents a proponent carrying out a Stormwater Drainage Plan that demonstrates drainage of the development by alternative means. Preparation of a Stormwater Drainage Plan should be in accordance with a brief approved by the local government and shall generally be carried out by a professional engineer experienced in drainage design.

~~All land owners can apply to the local government to connect their private stormwater drainage into any available local government drainage system on a street/road reserve or a drainage reserve or easement, but must make application and copy with the local government's specifications.~~

~~All applications are to be accompanied with a refundable bond as set out in the Council's adopted Fees and Charges to ensure the approved work is in accordance with the approved plans and specifications. With new houses this will form part of the building permit process.~~

~~Drainage connections may be to an inlet pit/well liner or pipeline in the street verge. They may also be made to an open 'Vee' drain or to a properly shaped gap in the kerb line. Connections can also be made to a drainage reserve or easement through private property provided the requisite approvals are acquired.~~

~~Any drainage pipe connecting from private property into a public local government controlled piped drainage system will require the installation of a manhole/silt trap to be situated and built within the private property prior to connection into the local government's system, to stop any silt or debris from entering the pipeline system.~~

~~All maintenance of the silt trap is the landowner's responsibility and the local government will not accept any liability for any damage or failure of the silt trap.~~

~~There are various other services on the road reserve, e.g. power, water supply, sewer, telephone cables etc. Whoever installs the private drainage connection is totally responsible for checking the location of these services and for any liability if damage is done to them.~~

~~The local government is not responsible for damage done to private drainage pipes on street verges by other groups, individuals or service authorities.~~

~~If the drainage plumber or builder declines to make good any lack in meeting the local government's requirements, then the local government shall retain the bond and use its own staff to complete the works.~~

~~The local government shall allow a private drain pipe connection to be cut into the existing kerbing of a street to allow the water to drain down the kerb face if the pipe is of a small diameter (approximately 90mm) and the connection makes use of a standard commercial shaped drainage fitting to match the kerb profile.~~

~~The local government will generally require that new drainage pipes, proposed to be created through new lots, are protected by an easement.~~

ADMINISTRATION

1. Matters to be Addressed Prior to Formally Lodging the Application

Proponents are encouraged to discuss stormwater management designs and systems that seek to vary Policy requirements with the Shire administration early on in the planning/design process and prior to the formal lodgment of any proposal or application.

2. Proposal or Application Requirements

The level of detail associated with addressing stormwater management will depend on what stage

the proposal is at in the planning/development process (e.g. Local Water Management Strategy, Urban Water Management Plan or Stormwater Drainage Plan) along with the risks associated with the proposal, the land use, the site's location and the site's features.

3. Assessing the Proposal or Application

Where a proposal or application is made that does not comply with the requirements set out in this Policy, the proposal/application may be referred to adjoining/nearby landowners, State Government agencies or other stakeholders for comment. The local government may also seek advice from the community and other stakeholders depending on the risks associated with the proposal, the land use, the site's location and the site's features.

Proposals/applications will be assessed on a case by case basis subject to *Local Planning Scheme No. 4*, this Policy, other Local Planning Policies, *State Planning Policy 7.3 Residential Design Codes*, other State Planning Policies, relevant State Government publications on stormwater management, information provided by the proponent and any submissions received.

The Council may refuse its consent or grant its consent with or without conditions.

| | |
|------------------------------|---|
| Related Policies | LPP 1 Cut & Fill and Retaining Walls LPP 8 Development on Flood Prone Land LPP 013 LPP 10 Car Parking and Vehicular Access |
| Related Procedures/Documents | Shire of Nannup Stormwater Management Procedure LPP002 Attachment 1.docx Decision process for of stormwater management in Western Australia (DoW DWER 2009 2017) Stormwater management manual offer Western Australia (DoW 2007-2009 DWER 2023) <i>State Planning Policy 7.3 Residential Design Codes – Volume 1 and 2</i> |
| Delegation Level | <i>Chief Executive Officer or their Delegated Officer</i> , Manager Infrastructure, Executive Officer, Development Services Officer |
| Adopted | OM 22 April 2010 |
| Reviewed | OM 27 July 2023 |

Attachment 1 - Local Planning Policy 2: Stormwater Management Procedure
Rainfall intensity for Perth (applies to the Shire of Nannup)

OUTPUT IFD TABLE
Rainfall Intensity (mm/hr) for Perth

| Duration | Average Recurrence Interval (Years) | | | | | | | |
|----------|-------------------------------------|-------|--------|--------|--------|--------|--------|--------|
| | 1 | 2 | 5 | 10 | 20 | 50 | 100 | 500 |
| 5m | 59.35 | 78.17 | 102.62 | 119.02 | 142.65 | 177.59 | 207.44 | 290.89 |
| 6 | 55.19 | 72.60 | 95.01 | 110.00 | 131.62 | 163.54 | 190.77 | 266.70 |
| 7 | 51.74 | 67.99 | 88.74 | 102.57 | 122.56 | 152.02 | 177.10 | 246.93 |
| 8 | 48.82 | 64.08 | 83.44 | 96.31 | 114.92 | 142.32 | 165.62 | 230.37 |
| 9 | 46.30 | 60.72 | 78.88 | 90.92 | 108.37 | 134.01 | 155.79 | 216.21 |
| 10 | 44.09 | 57.77 | 74.90 | 86.23 | 102.66 | 126.78 | 147.25 | 203.94 |
| 11 | 42.13 | 55.16 | 71.38 | 82.08 | 97.63 | 120.42 | 139.74 | 193.17 |
| 12 | 40.38 | 52.83 | 68.24 | 78.39 | 93.15 | 114.76 | 133.07 | 183.63 |
| 13 | 38.81 | 50.73 | 65.42 | 75.08 | 89.13 | 109.70 | 127.10 | 175.09 |
| 14 | 37.38 | 48.83 | 62.87 | 72.08 | 85.50 | 105.13 | 121.71 | 167.41 |
| 15 | 36.07 | 47.10 | 60.55 | 69.36 | 82.21 | 100.97 | 116.82 | 160.45 |
| 16 | 34.88 | 45.51 | 58.42 | 66.87 | 79.19 | 97.18 | 112.37 | 154.11 |
| 17 | 33.77 | 44.04 | 56.47 | 64.58 | 76.43 | 93.71 | 108.28 | 148.31 |
| 18 | 32.75 | 42.69 | 54.66 | 62.46 | 73.87 | 90.50 | 104.52 | 142.97 |
| 20 | 30.93 | 40.26 | 51.43 | 58.69 | 69.32 | 84.79 | 97.81 | 133.48 |
| 25 | 27.27 | 35.43 | 45.02 | 51.21 | 60.32 | 73.53 | 84.62 | 114.87 |
| 30 | 24.52 | 31.80 | 40.22 | 45.63 | 53.62 | 65.17 | 74.85 | 101.16 |
| 35 | 22.36 | 28.95 | 36.47 | 41.28 | 48.41 | 58.70 | 67.29 | 90.59 |
| 40 | 20.61 | 26.64 | 33.45 | 37.79 | 44.23 | 53.51 | 61.25 | 82.18 |
| 45 | 19.15 | 24.73 | 30.96 | 34.90 | 40.79 | 49.25 | 56.29 | 75.30 |
| 50 | 17.93 | 23.11 | 28.86 | 32.48 | 37.90 | 45.68 | 52.15 | 69.56 |
| 55 | 16.87 | 21.73 | 27.06 | 30.42 | 35.44 | 42.65 | 48.63 | 64.70 |
| 60 | 15.96 | 20.53 | 25.51 | 28.63 | 33.32 | 40.03 | 45.60 | 60.53 |
| 75 | 13.85 | 17.80 | 22.06 | 24.72 | 28.73 | 34.47 | 39.21 | 51.92 |
| 90 | 12.32 | 15.82 | 19.56 | 21.89 | 25.42 | 30.45 | 34.60 | 45.73 |
| 2.0h | 10.21 | 13.09 | 16.14 | 18.03 | 20.89 | 24.97 | 28.34 | 37.32 |
| 3 | 7.82 | 10.00 | 12.27 | 13.67 | 15.80 | 18.82 | 21.32 | 27.94 |
| 4 | 6.46 | 8.25 | 10.09 | 11.22 | 12.94 | 15.39 | 17.40 | 22.73 |
| 5 | 5.57 | 7.11 | 8.67 | 9.62 | 11.09 | 13.16 | 14.87 | 19.37 |
| 6 | 4.94 | 6.30 | 7.66 | 8.49 | 9.78 | 11.59 | 13.07 | 17.00 |
| 8 | 4.09 | 5.20 | 6.31 | 6.98 | 8.02 | 9.48 | 10.68 | 13.84 |
| 10 | 3.53 | 4.49 | 5.43 | 5.99 | 6.87 | 8.12 | 9.13 | 11.80 |
| 12 | 3.13 | 3.98 | 4.80 | 5.29 | 6.06 | 7.15 | 8.04 | 10.36 |
| 14 | 2.83 | 3.60 | 4.36 | 4.82 | 5.53 | 6.54 | 7.36 | 9.52 |
| 16 | 2.59 | 3.30 | 4.01 | 4.44 | 5.11 | 6.05 | 6.82 | 8.85 |
| 18 | 2.40 | 3.06 | 3.72 | 4.13 | 4.76 | 5.64 | 6.37 | 8.29 |
| 20 | 2.24 | 2.86 | 3.49 | 3.87 | 4.46 | 5.30 | 5.99 | 7.82 |
| 22 | 2.10 | 2.68 | 3.28 | 3.65 | 4.21 | 5.01 | 5.67 | 7.41 |
| 24 | 1.98 | 2.53 | 3.11 | 3.46 | 4.00 | 4.76 | 5.39 | 7.06 |
| 36 | 1.50 | 1.93 | 2.39 | 2.67 | 3.10 | 3.72 | 4.23 | 5.59 |
| 48 | 1.22 | 1.57 | 1.96 | 2.21 | 2.57 | 3.10 | 3.53 | 4.71 |
| 60 | 1.03 | 1.33 | 1.67 | 1.89 | 2.21 | 2.67 | 3.05 | 4.09 |
| 72 | 0.89 | 1.16 | 1.46 | 1.65 | 1.94 | 2.35 | 2.69 | 3.62 |

Attachment 2 – Standard Requirements for Soakwells and On-site Detention

The following outlines minimum requirements for soakwells and on-site detention for new developments. The purpose of these requirements is to prevent increased stormwater runoff entering the local government stormwater system causing overloading and flooding.

The local government will have regard to rainfall intensity which will be in accordance with accepted guidelines or information relevant to the district.

~~Stormwater from buildings and surface water runoff is the responsibility of the owner to manage and contain on their property. The Building Code of Australia (BCA) has standards (3.1.2.5), to protect the building from water damage. In the Shire of Nannup, about 900mm of rain falls on each square metre of land in a year. For the average house lot (1,012m²) this is 911,000 litres that needs to be controlled. In clay soils in newer urban areas a stormwater system is available to connect to, to help with stormwater management.~~

Residential

1. Where there is no available stormwater system to connect to, ~~you~~ **proponents** will **generally** need to provide 1 m³ of on-site storage for every 100m² of impervious surface, which is the total of all roofs, paving and driveways. As a guide a 900 x 900 soakwell will hold about 0.5m³.
2. Where a stormwater connection system is available, the landowner is required to provide a silt trap on the property side of the connection point (see *diagram below*).
3. Gutters and downpipes need an overflow relief in the event of a blockage in the stormwater system. The gutter may be designed to prevent flooding, and downpipes should not be directly connected to the stormwater pipes below ground, without some means of escape.
4. Sub soil drains are required to be connected to the stormwater disposal system. These pipes need to work efficiently for the structural integrity of ~~your house~~ **dwelling**, so maintenance is essential.
5. Paving around the ~~house~~ **dwelling** ~~needs~~ **should** be a minimum 50mm below the house ~~or building~~ floor level and slope down a minimum 25mm in the first metre away from the building. Some paving areas may also need to be connected to a drainage system, depending on the landscape.
6. Driveways that fall towards the street need to have a stormwater grate at the edge of the property to catch the run off.

Commercial (includes retail, industry and tourist developments)

1. Commercial developments need to manage stormwater on site., ~~and~~ **B** Because of the **generally** large areas of impervious surface, the design of the system will usually need to be slowly released to the street system where available, through a slow release silt trap. The design would usually require a professional consultant or engineer.
2. All storm water pipes from private property that have been approved to discharge into ~~Council~~ **the local government** stormwater drainage system must be connected via a storm water grate as detailed below:

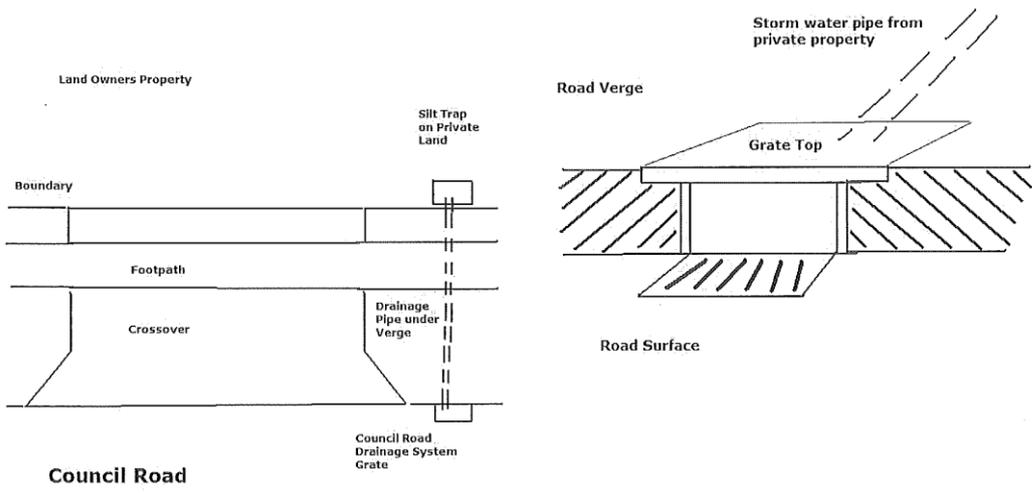
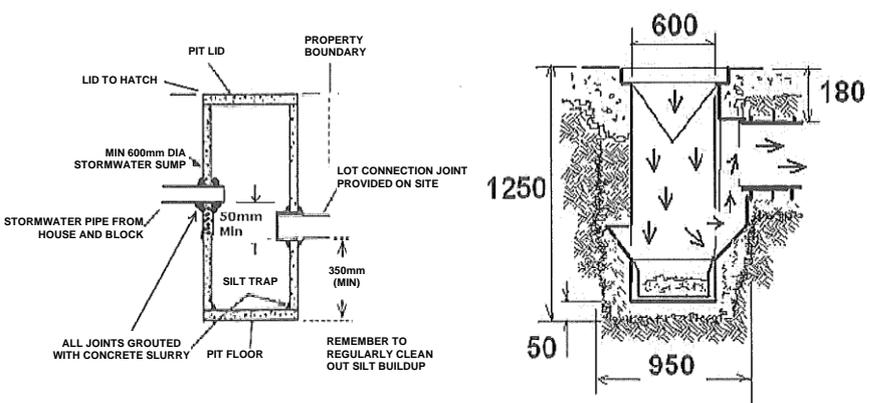


Diagram 2: Residential Silt Trap

Commercial Pollutant Arrestor Pit



Attachment 3 – Standard Requirements for Connection to the Local Government's Stormwater System

All drainage works connecting to the local government stormwater system (open or piped) must be designed and constructed so that:

- stormwater flows are controlled to recognised best practice limits;
- stormwater infrastructure will withstand expected traffic loads; and
- stormwater infrastructure will not impede other uses of public land (e.g. access to adjoining properties, other service authority etc.).

The piped property drainage system is to capture and convey to a lawful point of discharge stormwater runoff from the following areas of the development site:

- impervious areas including roofs, paved areas and driveways;
- areas subject to changes to natural ground level including cut or filled areas; and
- areas where the natural or pre-development overland flow regime is disrupted to the potential detriment of an adjoining property.

Carrying out of the development must not introduce, impede or divert stormwater runoff in such a manner as to increase the rate or concentration of stormwater flow across a boundary onto adjoining private property. Any proposed flow onto adjoining properties is only permissible where an easement is secured and if it can be managed so as to not exceed pre-development flow rates and concentrations.

Piped systems shall meet the minimum pipe diameter, cover and gradient criteria specified in the current relevant Australian Standard. Such systems shall be designed so that any overflows will not pond against, or enter into buildings.

Unless otherwise agreed to by the local government, the following is to be designed, constructed and suitably maintained:

- a throttled direct lot connection;
- a 100mm diameter pipe;
- at the inlet a 90° elbow with an open ended perforated riser should be used (enabling discharge flows to mimic pre-development flows);
- a silt trap must be included at the entry point with access for maintenance;
- connections to piped minor conveyance systems must be to or in close proximity to a manhole in the minor conveyance system to facilitate maintenance; and
- if no manhole exists in close proximity the proponent is responsible for installing a manhole to local government specifications.

Drainage connections may be to an inlet pit/well liner or pipeline in the street verge. They may also be made to an open 'Vee' drain or to a properly shaped gap in the kerb line. Connections can also be made to a drainage reserve or easement through private property provided the requisite approvals are acquired.

Any drainage pipe connecting from private property into a local government controlled piped drainage system will require the installation of a manhole/silt trap to be situated and built within the private property prior to connection into the local government's system, to stop any silt or debris from entering the pipeline system.

The local government shall allow a private drain pipe connection to be cut into the existing kerbing of a street to allow the water to drain down the kerb face if the pipe is of a small diameter (approximately 90mm) and the connection makes use of a standard commercial shaped drainage fitting to match the kerb profile.

Overflow connections from soakwells should be made from the final soakwell of the private drainage system. A trapped manhole should be placed at the boundary of the lot prior to entering the local government's system.

All connections should have a trapped manhole placed at the boundary of the lot prior to entering the local government's stormwater system. Connections should be fitted with a non-return valve to prevent surcharging from the local government's stormwater system.

All connections should have a provision for an overflow. Overflows should be located to allow stormwater to flow overland to the street without entering buildings.

Connections should only be made to manholes. No direct connections to pipes should be permitted. Where a new manhole is required, it should be approved by the local government and constructed at the proponents cost.

Connections may be constructed by the proponent or by the local government at the proponent's cost. The contact for construction of connections is the Shire's Works Manager.

Where the proponent makes connections, the proponent is required to have a road-opening permit prior to commencing work and to comply with requirements for works in road reserves. A Traffic Management Plan may be required in this circumstance.

Connections should be smoothly and neatly grouted.

Maintenance of connections is the responsibility of the landowner. The local government accepts no responsibility for any maintenance costs or damages arising through lack of maintenance of the connection, backflow prevention or overflow provisions.

The local government may require pollution control facilities to be installed to remove sediments, rubbish and oils prior to connecting to the local government's stormwater system. Pollution control is required on connections from car parks and paved areas in commercial, industrial, light industry and mixed business areas. Pollution control facilities and devices should be selected and designed to suit the site and should be approved by the local government.

There are various other services on the road reserve, e.g. power, water supply, sewer, telephone cables etc. Whoever installs the private drainage connection is totally responsible for checking the location of these services and for any liability if damage is done to them.

The local government is not responsible for damage done to private drainage pipes on street verges by other groups, individuals or service authorities.

If the drainage plumber or builder declines to make good any lack in meeting local government's requirements, then local government shall retain the bond and use its own staff to complete the works.

All maintenance of the silt trap is the landowner's responsibility and the local government will not accept any liability for any damage or failure of the silt trap.

Attachment 4 - Stormwater Drainage Plan

The Stormwater Drainage Plan is to be in accordance with the Policy to include plans, diagrams and information showing:

- the proposed method of stormwater disposal and sufficient design level information to demonstrate that the proposed system will drain;
- plan of the site showing location, size and levels of soakwells, pipes and other drainage features;
- any constraints such as trees, services, structures and easements that may affect the viability of the drainage or on-site detention/retention system;
- existing ground levels or contours;
- proposed location and levels of roofs, driveways, parking and other paved or sealed areas;
- detail of any proposed connections to the local government's drainage system including size, level and location;
- a table showing volume calculations, including lot area, impermeable area, minimum soakwell volume required; and
- construction details for soakwells, other stormwater structures and any proposed connections to the local government's stormwater system.

The local government may also require the following information, as applicable:

- detailed engineering drawings;
- location, layout and dimensions for all stormwater management structures and measures;
- all information and specifications necessary to enable the stormwater management system to be constructed in accordance with the design intent, and to enable a "works as executed" plan to be prepared;
- existing and proposed finished surface contours at relevant intervals (i.e. 0.1 metre for flat sites to 1.0 metre for sloping sites) and spot levels;
- proposed and existing building locations and floor levels;
- street levels including gutter and kerb heights and levels;
- proposed infiltration measures (e.g. soakage trenches, swales, landscaping, permeable pavements, etc.);
- proposed discharge points to the local government stormwater system (show levels at these locations);
- any surface flow paths or flood-affected areas;
- vertical information sufficient to assess the impact of runoff from adjacent properties and demonstration that existing surface flows on adjacent properties will not be altered as a result of the proposed development;
- location, extent, depth, volume and maximum storage level of each on-site detention storage;
- location and details of each discharge control device;
- orifice plate dimensions and centreline levels;
- pit locations, dimensions and levels (surface and invert) and pipe inverts and grades;
- location and levels of internal drainage system;
- levels and locations of the discharge points for each storage;
- cross sections through storages, orifice pits and tanks as necessary;
- structural details (including reinforcing where applicable);
- a maintenance schedule that clearly and simply sets out the routine maintenance; and
- justification that the proposed design measures will not cause adverse stormwater impacts on adjoining properties.

| | |
|----------------|-------------------------|
| Policy Number: | LPP 3 |
| Policy Type: | Local Planning Policy |
| Policy Name: | Sea Containers |
| Policy Owner: | Chief Executive Officer |

AUTHORITY: Shire of Nannup Local Planning Scheme No. ~~3~~4

POLICY BASIS

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and the *Shire of Nannup Local Planning Scheme No. ~~3~~4* (~~LPS3~~ LPS4).

OBJECTIVES

The objectives of this Policy are to:

1. Regulate the use of sea containers within the Shire of Nannup so as to ensure that they do not detract from the amenity of the area.
2. Allow for temporary controlled use of sea containers for storage and during building construction.
3. Outline Council's development standards in regard to the location and use of sea containers within the municipality.
4. Provide increased certainty for landowners, the community and others and to assist in providing greater consistency in decision making by the local government.

DEFINITIONS

In this Policy, the following definitions apply:

“Dwelling” as defined in the *Residential Design Codes of Western Australia*, is 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.

“R Codes” means the *Residential Design Codes of Western Australia*, adopted by the Western Australian Planning Commission including any updates.

“Sea container” means a metal transportable structure designed for the storage and transport of goods from one location to another by road and sea, but can be used generally in five different ways:

- a. Road and sea transport: Used by transport and shipping companies to transport and store goods or are temporary used for storage on private or public property.
- b. Temporary storage of materials on a building site.
- c. Conversion to a building for commercial uses, for example as a kiosk.
- d. Conversion to a building for personal or commercial storage on a property.
- e. Conversion to a habitable building complying with ~~LPS3~~ LPS4, *Building Code of Australia*, *Public Health Act 2016* and *Health (Miscellaneous Provisions) Act 1911* requirements.

“Temporary storage” is outlined in sections 2 and 3. The sea container used for temporary storage is not connected to power or ‘powered up’.

“Vacant lot” means a lot or property upon which no dwelling is constructed and includes a lot created pursuant to the *Strata Titles Act 1985* (as amended).

All other terms within this Policy shall have the same meaning given under the provisions of ~~LPS3~~ **LPS4** or the 'deemed provisions' in the Regulations.

APPLICATION OF THE POLICY

This Policy applies throughout the municipality.

LINKS TO LOCAL PLANNING SCHEME AND OTHER DOCUMENTS

This Policy relates to various requirements set out in ~~LPS3~~ **LPS4**, the R Codes and is also guided by the *Building Act 2011*, *Building Regulations 2012* and the *Building Code of Australia*. Where there is an inconsistency between this Policy and the R Codes, then this Policy prevails to the extent of such inconsistency. Where there is an inconsistency between this Policy and ~~LPS3~~ **LPS4**, then ~~LPS3~~ **LPS4** prevails to the extent of such inconsistency.

POLICY PROVISIONS

1. General

The Policy does not address the placement of transportable dwellings, relocated dwellings, railway carriages, or transportable offices, or the type of building commonly referred to as 'dongas'.

A sea container is not deemed to be an outbuilding or minor structure exempted from Development Approval of the local government under the Regulations or ~~LPS3~~ **LPS4**.

Other than proposals set out in sections 2 and 3 of this Policy, a Development Application is required to be submitted to the local government with associated development approval and a Building Permit gained prior to siting a sea container on a property.

2. Road and sea transport - temporary storage

No development approval or Building Permit is required for temporary storage of one (1) sea container on a lot in all zones for up to three (3) months. This is subject to the sea container not being located within the front boundary setback area, in areas designated for car parking or landscaping and is not connected to power or powered up.

Multiple sea containers can be located on lots zoned **General** Industry, ~~Agriculture~~ **Rural** or ~~Agriculture Priority 1 and Agriculture Priority 2~~ **Priority Agriculture** zones for up to 3 months, without a requirement for development approval or a Building Permit, provided the sea containers are not located within the front boundary setback area, or in areas designated for car parking or landscaping. Subject to the intended use, such as a transport depot, the overall development may however require development approval.

Sea containers must be stored in neat rows (not stacked) and shall be screened by landscaping, fencing or other means acceptable to the local government, to ensure that storage areas are not exposed to view from nearby roads or other public places.

Should the sea container be connected to power or be powered up, the local government will require a Development Application for the temporary sea container.

3. Temporary storage of materials on a building site

In all zones, a sea container may be placed temporarily on a property to store building materials while construction of an approved dwelling, approved commercial building, or other approved building is being carried out on the property, without requiring development approval or a Building Permit.

A sea container must not, however, be placed on the property prior to the issue of a Building Permit for the dwelling, approved commercial building or other approved building. The sea container must be removed immediately upon completion of construction of the approved building or the expiry of the Building Permit.

Should the sea container be connected to power or be powered up, the local government will require a Development Application for the temporary sea container.

4. Conversion to a building for personal or commercial storage

Proposals to permanently place a sea container on a property zoned Residential ~~or Special Residential~~ are generally discouraged as they can impact local amenity. Where a Development Application is received to permanently place a sea container on a property zoned Residential ~~or Special Residential~~, the local government may invite comments from neighbours, prior to determining the Development Application.

The local government does not favour permanent sea containers within a Heritage Area or within a Landscape Values Area unless it is effectively screened from main roads or key tourist routes.

The local government will consider Development Applications on their merits in other zones.

A Development Application proposing conversion to a building for personal or commercial storage on a property is required to address the following:

- a. The sea container not being used for habitable purposes.
- b. The sea container is screened from public view including from nearby roads, other public places and adjoining properties.
- c. If the sea container will be easily seen from nearby roads, other public places, or adjoining properties, then the exterior of the sea container shall be in a state of good repair or shall be upgraded (i.e. painted to blend in with the surrounding development or landscape) within three (3) months of being placed on site.
- d. The sea container is not located within the front setback. The sea container is to be appropriately sited to address side and rear boundary setbacks as per ~~LPS3~~ LPS4, be within an approved building envelope, or located outside of building exclusion areas.
- e. The number of sea container/s per property is at the discretion of the local government.

5. Conversion to a building for habitation

Sea containers shall not be used for habitable purposes, unless they gain local government approval and comply with ~~LPS3~~ LPS4, the *Building Code of Australia, Public Health Act 2016* and *Health (Miscellaneous Provisions) Act 1911* as a habitable ~~unit~~ building. The local government will have regard to other Local Planning Policies as relevant.

An application to permanently or temporarily place a sea container on a property for habitation purposes shall not be supported, unless the following criteria are met:

- a. The exterior of the sea container shall be in a state of good repair. Unless screened from nearby roads, other public places and adjoining properties, or suitably justified by the applicant, the local government may require the sea container/s to be re-clad or treated in such a way to make them visually more compatible with the surrounding environment, and the dwelling/habitable building to incorporate measures such as verandahs to improve the visible appearance of the structure.
- b. Set back from boundaries as required by ~~LPS3~~ LPS4, within an approved building envelope, or located outside of building exclusion areas.
- c. Comply with requirements of the *Building Code of Australia, Public Health Act 2016*, and *Health (Miscellaneous Provisions) Act 1911* requirements.

6. Setbacks/Location

For zones subject to the R Codes, permanent sea containers are to be setback in accordance with the R Codes. For other zones, setbacks are outlined in ~~LPS3~~ LPS4 or sea containers are to be located within the approved building envelope for the site or outside of building exclusion areas.

The local government may approve sea containers that are setback less than 1.0 metre from side and rear boundaries on residential lots, subject to compliance with the fire separation requirements of the *Building Code of Australia* and consultation with adjoining landowners.

7. Sea containers on ~~V~~ Vacant lots

The local government will consider sea containers on vacant lots in most zones.

In general, the local government does not support sea containers on a vacant lot in the Residential zone, ~~Special Residential zone and in~~ Special Use & Tourism zones (where it is subject to the R Codes) except where the construction of a dwelling is imminent on the lot. The local government may consider approving a sea container on a vacant lot in these zones subject to the applicant gaining necessary approvals for the dwelling, or the applicant providing appropriate written assurances that a dwelling will be shortly applied for and substantially completed within two years of the sea container receiving conditional development approval.

8. Land ~~U~~ Uses

Sea containers are not to be used for commercial, industrial, habitable or other non- domestic purposes other than as approved by the local government. Sea containers are to be used for low-key 'domestic' uses, to the satisfaction of the local government, that do not create undesirable impacts on adjoining or nearby properties.

ADMINISTRATION

1. Matters to be Addressed Prior to Formally Lodging the Application

Proponents are encouraged to discuss proposals that seek to vary Policy requirements with the Shire administration early on in the planning process and prior to the formal lodgement of any Development Application.

2. Application Requests

The following details are to be submitted with the Development Application:

- a. A completed Application for Development Approval and payment of the required fee.
- b. A neatly drawn and scaled site plan showing the proposed location of the sea container and detailing setbacks to boundaries. The site plan should also include other buildings, access ways, vegetation and other key features on the property.
- c. Photographs of the container(s) prior to uplift if available.
- d. The proposed size and use of the sea container and if approval is being sought for a temporary period (state time period) or on a permanent basis.
- e. Evidence by photos that the sea container will be adequately screened from view and is not easily seen from nearby roads, other public places, or adjoining properties.
- f. If a sea container can be easily seen from nearby roads, other public places, or adjoining properties, then details of any upgrading and/or colour to be painted are to be provided.

3. Consultation with Landowners and Stakeholders

The local government may consult with adjoining/nearby landowners where an application for a sea container is made that does not comply with the requirements of this Policy.

4. Assessing the Development Application

The local government may refuse a Development Application where it is inconsistent with this Policy, ~~LPS3~~ LPS4, the R Codes, based on the information provided by the applicant, or based on information set out in any submission.

Each application is considered on its merits based on matters such as the context and location. When considering applications for development approval, the local government will have regard to various matters including:

- the zoning of the lot;
- lot size, shape and features, including the extent of existing screening;
- the existing level of development, including sea containers, on the site;
- setbacks and location of the proposed sea container/s;
- the effect on the streetscape and visibility from nearby public places;
- the intended use and demonstrated need for the sea container/s;
- provisions and requirements set out in ~~LPS3~~ LPS4, the R Codes and the *Building Code of Australia*;
- relevant State Planning Policies and Local Planning Policies;
- other planning considerations including Structure Plans and Local Development Plans;
- written comments from affected landowners and stakeholders; and
- any other circumstance and factor affecting the application in the opinion of the local government.

The 'onus of proof' rests with the applicant to justify their application based on the requirements of this Policy.

5. Approval Conditions

Conditions of approval shall be applicable, as deemed necessary by the local government. The conditions may include:

- a. The exterior of the sea container shall be upgraded to blend with the surrounding development or landscape in terms of colour and finish within three (3) months of being placed on site to the satisfaction of the local government.
- b. The sea container is permitted to be used for (insert use) only and shall not be used for habitable purposes, unless approved by the local government.
- c. This approval shall expire (insert date or insert "if the development hereby permitted is not completed within 3 months"). The sea container shall be removed from the subject site at the expiry of the approval or after the expiry of any extension of that time which may be provided by the local government.
- d. If the sea container falls into disrepair, or becomes unsightly, the local government will require its removal, with the cost to be met or reimbursed by the landowner.

6. Additional Approvals Required

A Building Permit is required, prior to the placement of the sea container on site, where proposed to be permanent or located long term (refer to sections 4 and 5 of this Policy). The Building Permit may, at the discretion of the Building Surveyor, need to include certification from a professional engineer, as to the method of providing structural tie down.

No Building Permit is required for a temporary sea container as set out in sections 2 and 3 of this Policy. Proponents should however adopt a risk-based approach regarding securing tie down. A Building Permit is required for the associated dwelling, commercial building, or other building.

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|-------------------------------|---|
| Related Policies: | LPP 1 Cut & Fill and Retaining Wall LPP 2 Private Stormwater Drainage Connections to Council's Stormwater Drains Stormwater Management and Connection LPP 448 Development in Flood Prone Areas LPP 2215 Outbuildings Land |
| Related Procedures/Documents: | <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> <i>Building Code of Australia</i> |
| Delegation Level: | Chief Executive Officer or their Delegated Officer |
| Adopted: | OM 23 April 2020 |
| Reviewed: | OM 27 July 2023 |

| | |
|-----------------------|-------------------------|
| Policy Number: | LPP 004 |
| Policy Type: | Local Planning Policy |
| Policy Name: | Consultation |
| Policy Owner: | Chief Executive Officer |

AUTHORITY *Planning and Development Act 2005*
Planning and Development (Local Planning Schemes) Regulations 2015
State Planning Policy 3.7.3 Residential Design Codes
Shire of Nannup Local Planning Scheme No. 4

POLICY BASIS

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and the *Shire of Nannup Local Planning Scheme No. 4 (LPS4)*.

OBJECTIVES

The objectives are to:

1. Clearly define the level of consultation relevant to planning issues.
2. Detail the requirements for consultation based on the level of impact.
3. Outline the process the local government will use when undertaking consultation and considering submissions.

DEFINITIONS

The following definitions are relative to this policy:

“**Adjoining**” refers to any land or owner of land which abuts an application site or is separate from it only by a pathway, driveway or similar thoroughfare.

“**Affected Person**” means a person who owns land:

- that adjoins an application site; or
- the enjoyment of which may be detrimentally affected by the use of an application site or the erection of a building on an application site.

“**Development**” is as set out in the *Planning and Development Act 2005* or associated Regulations.

“**Land**” includes any building or part of a building created on the land.

“**Neighbouring Land**” means any land, other than adjoining land which may be detrimentally affected by the use of an application site for the creation of a building on an application site (and includes properties in a neighbouring local government area).

“**Notification**” means written advice provided by the local government in accordance with the requirements of the policy, however does not provide persons notified with an opportunity to formally respond to, and comment on, the information conveyed.

“**Submitters**” means those affected persons who have provided written comment on a proposal within the formal comment period or shortly thereafter at the discretion of the local government.

“**Works**” means any physical alterations made to land or property within the municipality, either by

the local government or a government agency, or third party authorised by the relevant agency.

“**Approval Types**” in relation to **Attachment 1**, any reference to the following letters has the following definition:

“P” **means that the use is permitted if it complies with all relevant development standards and requirements of the Scheme as it relates to the use of the land**~~means that the use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme.~~

“I” **means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with all relevant development standards and requirements of the Scheme as it relates to the use of the land.**

“D” **means that the use is not permitted unless the local government has exercised its discretion by granting development approval**~~means that the use is not permitted unless the local government has exercised its discretion by granting planning approval.~~

“A” **means that the use is not permitted unless the local government has exercised its discretion by granting development approval after advertising in accordance with clause 64 of the Deemed Provisions**~~means that the use is not permitted unless the local government has exercised its discretion and has granted planning approval after giving special notice in accordance with clause 9.4.~~

“X” **means that the use is not permitted by the Scheme**~~means a use that is not permitted by the Scheme.~~

POLICY PROVISIONS

1. General

The minimum level of consultation used by the local government shall relate to the extent of community impact or interest associated with the proposed development, project or local government works, and shall be selected according to the following categories:

Level 1 - NO CONSULTATION (approval type ‘P’, ‘I’ or ‘X’ or relevant ‘D’ uses/development)

- i) No predicable detrimental impact on the character or amenity of the immediate or general locality likely;
- ii) Consultation is not required or is precluded under relevant legislation;
- iii) Consultation has previously occurred, and only minor modifications or modifications that address previous concerns raised are proposed.

Level 2 – ADJOINING LANDOWNER COMMENT (approval type ‘D’ - for relevant uses/development or ‘A’)

- i) Development, use or works involve additions or alterations that are visible or have an apparent impact on the owner or occupier of land immediately adjacent to the side of the property affected.
- ii) Statutory requirements for notification exist (SPP 3-4 **7.3** Residential Design Codes).

Method of Consultation

The owners/occupiers of properties determined as being potentially affected by a development proposal will be consulted in writing providing a minimum of 14 days for the lodgement of any submissions.

Where the land owner/occupier is consulted by the proponent of a development proposal, evidence of the acceptability of the proposal shall be provided by way of a signed letter of no-objection and endorsement by way of no objection comment, signature, printed name and full address on a copy of the plan(s) submitted for approval.

Level 3 – SURROUNDING (NEARBY) PROPERTIES COMMENTS (approval type ‘D’ or ‘A’)

- i) Development, use or works involve potential detrimental impacts on the land adjoining the application site or other neighbouring land, the use or enjoyment of which may be affected by the proposal.

Method of Consultation

The owners/occupiers of properties determined as being potentially affected by a development proposal will be consulted in writing providing a minimum of 14 days for the lodgement of any submissions.

Dependent upon the level of impact in the area, the local government may also publish a notice of the development proposal in a paper, published weekly, that provides coverage of the Shire of Nannup inviting comment/submissions within a specified period.

The local government may also seek comment through advertising on its website and having information available at the Shire office.

Where a State Government agency is consulted, the comment period is 42 days in accordance with the Regulations.

Level 4 – LOCALITY/SHIRE WIDE & STATE WIDE (approval type ‘D’ or ‘A’)

Development, use or activities that are likely to affect the amenity, character or function of an area greater than surrounding properties including the whole Shire, proposals, projects or local government functions that are of Shire- wide, Regional or State significance.

Method of Consultation

The local government may give notice or require the applicant to give notice in the following manner:

1. Publish a notice of the development proposal in a paper, published weekly, that provides coverage of the Shire of Nannup or where State-wide notification is required, the West Australian newspaper;
2. Arrange for a sign or signs to be placed in a prominent position(s) on the development proposal site;
3. Consult with the owners/occupiers of properties determined as being potentially affected by a development proposal (in writing) providing a minimum of 21 days for the lodgement of any submissions;
4. Consult with the owners/occupiers of land beyond the foregoing areas where, in the opinion of the local government, there will be an impact; and
5. Consult as necessary with other affected government agencies or statutory authorities as the case requires, drawing attention to the form of the development proposal and inviting comment within a period not being less than ~~21~~ 42 days or, where appropriate, such longer period as may be necessary.
6. The local government will seek comment through advertising on its website and having information available at the Shire office.

2. Functions and Proposals Subject To Consultation

Schedule Attachment 1 outlines the matrix upon which the appropriate level of consultation with

affected persons and the community may be determined, for key local government activities and types of development. Where proposals occur that do not clearly fall within the matrix, or where circumstances indicate that the standard level would not be appropriate, the criteria outlined above shall be used to establish the consultation process required.

3. Consultation Procedure

Where there is an inconsistency between this Policy and the *Planning and Development (Local Planning Schemes) Regulations 2015*, then the Regulations prevail to the extent of any such inconsistency.

4. Consideration of Submissions

Upon closure of the comment period the following actions are to be undertaken by the responsible officer:

1. Write to all submitters acknowledging receipt of the submission, and advise of the process of determining the issue or action. Where appropriate, this requirement may be replaced by an advert in the local weekly newspaper with written notification to those outside the circulation area, in which case written notification to submitters after the decision is made should be undertaken by the responsible officer.
2. All submissions will be taken into account in the determination of the issue or action, and recommendations/decisions made in accordance with the level of officer delegation relevant to the proposal.
3. When a decision is to be made by Council (as distinct from a delegated officer), a summary of submissions or the actual submission(s) where provided will be taken into account by the Council in determining the application/proposal or action to be taken. **Alternatively, the a copy of the full submission(s) to be included in the agenda.**
4. The local government has a responsibility to consider the economic, social and environmental impacts of any proposal. Specifically matters to be taken into account in the consideration of proposals and submissions are outlined in ~~LPS No. 3 clause 10.2~~ **Schedule 2 Part 9 Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

5. Cost of Consultation

The costs of the consultation requirements specified within this policy are generally reflected in the **Development Planning** Application or other fee, however in some cases the costs are to be met by the applicant/proponent.

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| Related Policies: | ADM 19 Community Consultation |
| Related Procedures/ Documents | Schedule 1 – Consultation Levels LPP005 Attachment 1.docx |
| Delegation Level: | Chief Executive Officer or their Delegated Officer, Development Services Officer |
| Adopted: | OM 22 April 2010 |
| Reviewed: | OM 27 July 2023 |

Attachment 1 – Consultation Levels

| FUNCTION | CONSULTATION LEVEL |
|--|--------------------|
| BUILDING | |
| Building applications | 1 |
| Assessment of structures on boundaries (SPP 3.4.7.3 6.3.2 Part 5.1.3) | 2 |
| Demolition | |
| - licences outside of townsites | 1 |
| - licences within townsites | 2 |
| - Heritage building/structure | 3 |
| Signage | 1 |
| | |
| PROPERTY MANAGEMENT | |
| New community buildings/facilities | |
| Shire catchment function | 4 |
| - Local catchment function | 3 |
| Refurbishment of buildings | |
| - Non-Heritage | 2 |
| - Heritage | 4 |
| Disposal of community building or Council property | |
| - Non-Heritage | 2 |
| - Heritage | 4 |
| Use or development of Council reserves where planning approval not required. | |
| - consistent with approved plans or strategies. | 1 |
| - not associated with approved plans/strategies. | 3 |
| Change of use of Council buildings/properties | |
| - Minor | 1 |
| - Major | 3 |
| | |
| ENGINEERING/WORKS | |
| Forward infrastructure management programs (5 year Program) | 4 |
| Road and works construction manual | 4 |
| Road resurfacing | 1 |
| Reconstruction and new construction works | |
| - consistent with annual programming and involving no significant detrimental impacts on the immediate locality; | 2 |
| - likely to have significant detrimental impacts on the locality beyond those already notified; | 4 |
| - minor works (excluding normal maintenance) not associated with annual programming where no detrimental impacts on the locality are likely. | 2 |

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| HEALTH | |
| Offensive Trades | 2 |
| Public events & concerts | 4 |
| - 'A or D' * uses or likely detrimental impacts on the locality | 4 |
| - 'P' * uses where unlikely to involve detrimental impacts on the locality | 1 |
| | |
| PLANNING | |
| Local Planning Scheme Review | 4 |
| Local Planning Strategies | 4 |
| Management Plans (Local) | 4 |
| Outline Development Plans & Structure Plans | |
| - Minor | 3 |
| - Major | 4 |
| Scheme Amendments | 4 |
| Development - 'P', 'I', relevant 'D' uses/development or 'X' Uses | 1 |
| Development – Relevant 'D' or 'A' Uses | |
| - where there are likely detrimental impacts to surrounding landowners | 2 |
| - where there is no likely detrimental impacts to surrounding owners | 1 |
| Development - 'A' or 'D' Uses | |
| - where impacts are confined to adjoining properties and the immediate vicinity of the proposal. | 2 |
| - where impacts affect the broader locality, in addition to adjoining properties. | 3 |
| - all development applications (other than for a single dwelling and associated outbuildings) shall be referred to relevant State Government agencies, servicing authorities and stakeholders as determined by the local government. | 3 |
| Bed and Breakfast | 2 |
| Extractive Industries | 3 |
| | |
| CORPORATE | |
| Policy/Local Laws | |
| - Local impact or involves specific user groups | 3 |
| - Shire/State/Regional impacts | 4 |
| Reserve use permits | 1 |
| Changes to Council function/service provisions (eg Recreation Centre and Library opening times, prices etc.) | 2 |
| Forward Plan – development | 4 |
| Forward Plan - statutory advertising period | 4 |
| New rating structure or format | 4 |

| | |
|--|---|
| Advertising of rates, annual proposal | 4 |
| Specific area rates | 4 |
| Budget – advertising | 4 |
| Loan proposals not in budget (advertising local) | 4 |
| Plans and Strategies | |
| - Council functions impacting on the Shire in general; | 4 |
| - impacting on specific sectors of the community (eg. Youth, disabilities etc) | 3 |
| Community managed projects involving Council, which impact on other sectors. | 3 |

* As defined under the Shire of Nannup Local Planning Scheme No. 3 ~~4 Section 4.3.2~~ **Clause 18.**

| | |
|----------------|---|
| Policy Number: | LPP 65 |
| Policy Type: | Local Planning Policy |
| Policy Name: | Nannup Townsite Character Area Design Guidelines |
| Policy Owner: | Chief Executive Officer |

AUTHORITY Shire of Nannup Local Planning Scheme No. 4

POLICY BASIS

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and the *Shire of Nannup Local Planning Scheme No. 4* (LPS4).

OBJECTIVES

The objectives of this Policy are to:

1. Retain Nannup's unique character and sense of place.
2. Provide a high level of amenity.
3. Create an attractive and desirable environment.
4. Require development to address the garden village and non-metropolitan context, topography, landscape values and the area's character and heritage.
5. Avoid replication of standard metropolitan building designs and promote sustainability principles in dwelling design.
6. Provide the basis for consistent assessment and decision making.

DEFINITIONS

Definitions in this Policy are as per LPS4 or *State Planning Policy 7.3 Residential Design Codes* (R-Codes). The following additional terms are defined as follows:

"Barn-Style dwellings" means dwellings that have design features that resemble outbuildings or barns which normally consist of external metal cladding of walls and roof.

"Building materials" means the materials which constitute the structure, dwelling or building.

"Eaves" refers to the projecting overhang at the lower edge of the roof.

"Transportable building" means any building or structure which:

- is designed and constructed to be transported in one or more parts from its place of construction to its intended location; or
- has previously been located on another site other than on the lot upon which it is to be placed, and includes a skid mounted transportable unit (sea container), donga and light weight pre-fabricated building.

In this Policy, **"dwelling"** also includes a single house, grouped dwelling, multiple dwelling, ancillary dwelling, short-term accommodation and other form of habitable structure.

APPLICATION OF THE POLICY

This Policy applies to new dwellings and other forms of habitable structures (for permanent or short-term accommodation purposes), extensions to dwellings, front fencing, retaining walls, incidental structures and non-residential development within the Nannup Townsite Character Area (see Attachment 1). This relates to Special Control Area 2 (SCA2) in LPS4.

The Policy includes dwellings and structures that are built on site, newly-constructed prefabricated buildings i.e. has been built off-site but not used as a dwelling elsewhere, and second-hand buildings and dwellings.

The provisions of this Local Planning Policy apply to all development and/or use of premises in the Local Planning Policy Area where indicated as permitted or discretionary land uses under the Zoning Table of LPS4.

Subject to LPS4, development and use of land shall be in accordance with the standards and requirements of this Policy.

There are separate guidelines for the Nannup Heritage Area (largely applying to the Nannup town centre).

LINKS TO LOCAL PLANNING SCHEME AND OTHER DOCUMENTS

This Policy relates to various requirements set out in LPS4, *State Planning Policy 3.7 Planning in Bushfire Prone Areas*, *State Planning Policy 7: Design of the Built Environment*, *State Planning Policy 7.3 Residential Design Codes – Volume 1 (R-Codes)*, *State Planning Policy 7.3 Residential Design Codes – Volume 2 – Apartments*, the *Building Code of Australia* and various Local Planning Policies. Where there is an inconsistency between this Policy and LPS4, then LPS4 prevails to the extent of such inconsistency.

EXEMPTIONS FROM DEVELOPMENT APPROVAL

Except where provided for within the provisions of the Residential Design Codes and subject to compliance with the relevant development requirements and standards of LPS4 and this Policy, there are no other exemptions or exclusions permitted under LPS4. Where incidental structures, proposed or an extended single house, or a proposed ancillary dwelling complies with this Policy, LPS4, the R-Codes and other local planning policies, then there is no requirement for gaining development approval from the Shire.

POLICY PROVISIONS

1. General

The building vernacular within the Nannup townsite, outside of the heritage area (town centre), represents predominantly timber framed and clad dwellings. The majority of dwellings in the townsite are single-storey on generous size blocks (especially compared to the metropolitan region). There are currently no three storey buildings in SCA2.

Materials vary between traditional timber and fibre cement weatherboards, through to brick and Colourbond. Roofing material does vary but corrugated iron dominates, mainly silver or pale in colour, and rooflines are generally traditional hipped/pitched although various newer buildings use skillion roofs. Most buildings include a verandah or contain generous eaves.

The colour of buildings varies although the use of cream or pale walls is commonly found.

Foundations vary from stumps to concrete slabs, although the latter is more common in newer buildings. The use of visually intrusive “cut and fill” and dominating retaining walls are relatively uncommon within SCA2.

In recent years, dwelling design has changed due to affordability considerations, changing demographics, architectural preferences, a greater range of building materials, a need to address energy rating and bushfire risks, and an increased value given to sustainable living. While such changes have enhanced parts of the townsite and have created greater residential comfort, there are also some instances of visually unappealing and undesirable residential character. Particular

examples include dwellings that mimic outbuildings and barns, and designs which provide minimal windows or no verandahs.

The local government recognises that new dwellings within SCA2 should retain or enhance the amenity of the townsite. Preferably, residential designs should assist to retain or enhance the area's amenity through taking account of the area's values and its sense of place.

This Policy supports attractive and sustainable dwellings and development that strengthens local identity other than a few design options or where the design introduces 'metropolitan' building materials that are not sympathetic with the local context and character. The Policy does not prescribe particular architectural styles, nor inhibit creative design, but provides a framework to retain or enhance the character of the Nannup townsite. The local government seeks to ensure that dwellings and development do not detract from the amenity of the locality while achieving the aims and objectives of LPS4.

Where required, the local government will require the applicant to submit a site analysis plan.

2. Development and Design

A) *Supported Building Designs and Building Materials*

Various building designs are supported in SCA2 in the spirit of allowing architectural choice. To account for climatic conditions, energy efficiency, enhanced sustainability and local character, the local government has a preference for the following design elements to be incorporated into any dwelling:

- Orientated to promote passive solar design;
- Dwellings with a verandah or a generous eave on the northern side;
- Dwellings having a verandah on the front/primary setback which faces the street with eaves for most other sides of the dwelling;
- Roof pitch, for most of the dwelling, being 20 degrees or more (unless it is skillion design where the roof pitch can be less than 20 degrees);
- The use of weatherboard or similar products;
- Metal roofs;
- Are sympathetic to the existing landform, including split level designs and which minimise high retaining walls;
- Retain mature trees where possible;
- Landscaping provided it does not increase bushfire risks/BAL ratings;
- Built form should reflect a village like character consistent with the character of SCA2;
- Nil or low-key front fencing;
- Outbuildings appropriately located and scaled;
- The appearance of proposed built form when viewed from public streets and places shall be attractive and visually compatible with the values of SCA2;
- Building facades and walls that front a street, or are visible from the street or other public spaces, shall be detailed and articulated with design indentations/reliefs, architectural features, colour schemes and active frontages, such as door and window openings, that reduce the visual impact of large blank wall spaces;
- The building design, detailing and finishing shall provide an appropriate scale to the street, add visual interest and enable differentiation between buildings when viewed from public streets; and
- Details set out in Attachment 2.

B) *Non-supported Building Designs and Building Materials*

The following dwelling designs are considered inconsistent to the character of SCA2:

- Tudor;
- Georgian;
- “A Frame”;
- Mediterranean;
- Barn-style shed/houses and shed-like structures being constructed for the purpose of human habitation;
- Flat roofs (less than 5%) – for the entire building;
- Zinalume walls (if more than 20% of the surface area on the front external wall); and
- Repurposed dwellings, including those constructed from sea containers and dongas unless re-clad and utilising other external design enhancements.

A Development Application for a single house or any dwelling, or for an extension, is required where the above designs are proposed. Accordingly, unless appropriately justified by the applicant (e.g. the proposed dwelling is screened from public view), the local government will recommend to Council that an application for the above designs be refused.

C) Dwelling Wall Materials and Colours

The local government supports materials and colours that do not detract from the amenity and the character of SCA2.

Generally, external building materials and finishes should be sympathetic to the existing landscape in design, colour and material.

Dwellings in SCA2 should not be constructed of materials or colours which, in the opinion of the local government, create a negative visual impact on the area’s amenity.

The use of metallic, or corrugated sheet cladding on the walls of dwellings will not be supported by local government unless they are incidental to the overall design or screened from public view.

The local government will consider small feature components, of metallic, or corrugated sheet cladding on the walls of residential dwellings, which are generally limited to 20% of the total external surface wall area.

Steel wall cladding should generally be pre-painted Colourbond custom orb type. The use of unpainted Zinalume wall sheeting is not supported unless used as an architectural feature on no more than 20% of the surface area of the front external wall. A Development Application is required where a dwelling proposes more than 20% of the surface area on the front external wall with unpainted Zinalume.

D) Roof Pitch and Design

Dwelling roofs should generally be consistent with the character of SCA2. Unless justified by the applicant and agreed to by the local government, roof pitch within the area should be at least 20 degrees (see Figure 1). Roofs to garages, carports and outbuildings should generally be consistent in roof pitch. Variations to this are required to be justified by the applicant.

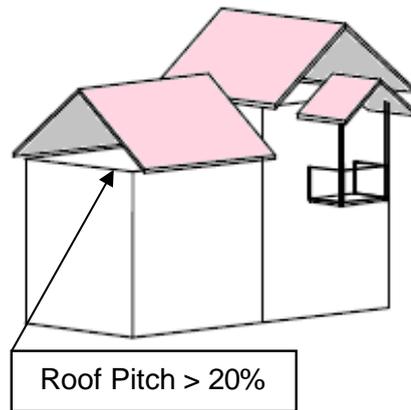


Figure 1: Recommended roof pitch

A shallower pitch may be acceptable for verandahs, canopies and small skillions unless agreed by the local government. Roofing should generally incorporate overhangs, eaves and where appropriate verandahs.

To achieve a consistency of roofs and to moderate the impact of direct solar load on external walls and windows, dwellings shall require a minimum:

- 480mm eaves on the northern orientation or the provision of verandahs. This does not apply where there are patios, minor roof nibs and entry porticos (or similar);
- Roof pitch of 20 degrees, other than for smaller components of the design or where a skillion design is proposed.

The entire skillion roof pitch can be less than 20 degrees.

A roof with a pitch of less than 5% will require the submission of a Development Application, unless it is for a skillion roof or is for an incidental component of the roof.

The roof design can utilise gable, hipped, skillion or butterfly design.

In keeping with the character of SCA2, metal roofs are preferred over tiled roofs. The metal roofs for dwellings and outbuildings can be Colourbond or Zinalume.

Other than extensions to existing dwellings, other habitable structures or outbuildings, a Development Application is required where a non-metal roof is proposed (including tiles and “green” roofs).

E) Garages and Carports

In the interest of enhancing streetscapes, garages and carports which face the street are to be consistent to the requirements set out in the R-Codes. The local government requires that garages do not occupy more than 50% of the total property frontage (see Figure 2). Where applicable, the applicant is encouraged to review design options including the orientation of garages or using a carport instead of a garage.

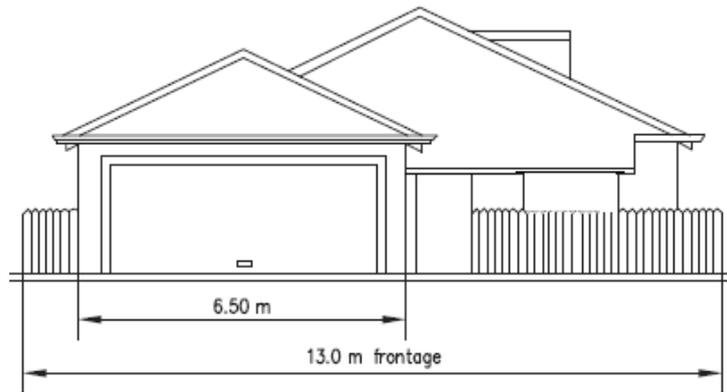


Figure 2: Proportion of garage frontage to width of property

F) Walls and Fences

To retain character, the local government prefers that properties in SCA2 do not have front fences. Where front fencing is provided, the local government supports the delineation of private front yards by hedging, plantings and other visually permeable landscaping provided a clear view of the dwelling from the street and vice versa is maintained.

All fencing shall complement/improve the amenity of SCA2 and contribute positively to the streetscape.

Only masonry, timber or decorative metal fencing of an open style shall be permitted for front fencing or for a side boundary where it is a corner lot.

Solid fencing forward of the building line shall have a maximum height of 1.2m and shall be constructed of masonry/brick or wrought iron finish.

The maximum height of fencing on the front boundary shall be 1.8m with the solid portion of fencing being restricted to a maximum height of 1.2m and the remainder of the fence being visually permeable.

A Development Application is required for front fences in SCA2 where the fence is above 1.2 metres. If the fence is above 1.2 metres, unless justified by the applicant, the fence should be visually permeable.

No Development Application is required for side or rear fences/walls in SCA2 provided they are below 1.8 metres and are located outside of flood prone land (Special Control Area 3).

To balance privacy and neighbourhood character, no Development Application is required for a fence/wall above 1.2 metres on the side boundary of corner lots provided it meets the R- Codes including unobstructed sight lines.

Additional fencing and wall provisions are subject to the R-Codes, the *Shire of Nannup Fencing Local Laws* and the *Dividing Fences Act 1961*.

G) Incidental Structures

No Development Application is required for incidental structures, generally associated with dwellings, as set out in the Supplemental Provisions of LPS4 and also within Part 7 Clause 61 of the Regulations provided it is consistent with this Policy, the R-Codes, LPS4 and other local planning policies.

No application for development approval is required for an outbuilding, rainwater tank or fencing

where consistent with this Policy, the R-Codes and the property is outside of flood prone land.

H) Conversion of Outbuildings to Dwellings

The local government considers that the conversion of an outbuilding to a dwelling within SCA2 can result in substandard housing being produced and this form of housing is potentially detrimental to the amenity of SCA2.

Unless appropriately justified, the local government does not support an outbuilding being converted to a dwelling within SCA2.

A Development Application is required for the conversion from an outbuilding to a dwelling. The local government will, amongst matters, consider:

- Whether the proposed dwelling is visibly intrusive from public roads and public places including whether adequate screening (vegetation etc.) exists;
- The impact of the proposed development in relation to adjoining or nearby properties; and
- Whether the external appearance of the proposed dwelling is adequate or what mitigating design improvements are proposed.

I) Barn-Style Dwellings

A Development Application is required for “barn-style” dwellings.

The local government will have regard to the proposed siting of the building, particularly its visibility from surrounding properties and roads, as well as the form of external cladding proposed to be used on the building.

Unless appropriately justified, the local government does not support dwellings which resemble sheds or “barn-style” dwellings in SCA2.

J) Transportable Buildings

No Development Application is required for new purpose built transportable dwellings, if not constructed of sea containers or dongas (or repurposed dwellings), if other planning considerations set out in this Policy (including roof pitch) and in LPS4 are met.

K) Repurposed Dwelling

A Development Application is required for a single house, extension to a single house or extension to other dwelling where the building, dwelling or structure consists of a skid mounted transportable unit (sea container) or a donga. Such a use is best described as a ‘repurposed dwelling’.

The local government considers that a repurposed dwelling can be detrimental to the amenity of SCA2.

The local government generally does not support a repurposed dwelling unless, amongst other matters:

- The exterior of the repurposed dwelling is in a state of good repair; and
- Unless screened from nearby roads, other public places and adjoining properties the local government will require the repurposed dwelling to be re-clad or treated in such a way to make it visually more compatible with the amenity of the area, and the dwelling/habitable building to incorporate measures such as verandahs or other architectural/design features to improve the visible appearance of the structure.

Should development approval for a repurposed dwelling be granted, the following conditions may apply:

- A specific time period to which development approval applies and the requirements for removal of structures which are intended to be temporary;
- External repainting and/or re-cladding of the building;
- The construction and/or replacement of verandahs;
- Modification of roof design if considered necessary to ensure the structure is consistent with surrounding dwellings;
- Require landscaping to be established within a specified time and thereafter maintained; and
- Require the applicant or owner to provide a bond or unconditional bank guarantee to the local government as surety for the completion of the transportable building to a standard or presentation acceptable to the local government within a specified time frame, usually within 6 months. A bond will only be returned upon the completion of the necessary works to the local government's satisfaction.

L) Second-hand Dwelling

A Development Application is required for a second-hand dwelling.

The local government will consider second-hand dwellings provided they are comprised of high-quality design features suitable to SCA2, as determined by the local government.

The local government will not approve the use of a second-hand dwelling or other building containing asbestos.

Should development approval for a second-hand dwelling be granted, it may include the following conditions:

- Certification from a practicing structural engineer that the design and condition of the building is suitable for relocation and re-use;
- All asbestos is removed prior to relocation;
- Require landscaping and to be established within a specified time and thereafter maintained; and
- Require the applicant or owner to provide a bond or unconditional bank guarantee to the local government as assurance for the completion of the relocated dwelling to a standard or presentation acceptable to the local government within a specified time frame, usually within 6 months. A bond will only be returned upon the completion of the necessary works to the local government's satisfaction.

Where a relocated dwelling is not completed to an acceptable standard within the specified time, the local government may either:

- Require the building to be removed, pulled down, altered or otherwise made to comply with the development approval and Building Permit; or
- Undertake the works necessary to complete or rectify any outstanding condition/s and/or items listed on the Schedule of Works. If this occurs, a portion or the entire bond may be forfeited.

M) Outbuildings

The local government will have regard to matters including the R-Codes, LPS4 and this Policy.

N) Retaining Walls

The local government seeks to encourage designs that work with the topography rather than creating

large retaining walls and associated filling.

The local government will require a Development Application for retaining walls that are over 0.9 metres in height.

O) Solar Collectors

The local government will require a Development Application for solar collectors which are inconsistent with the R-Codes or where the structure is on the Heritage List and the solar collectors are visible from public places.

3. **Procedural Considerations**

A) No development approval required in certain circumstances

No development approval is required for the erection or extension of a single house, outbuilding or retaining wall that complies with the deemed-to-comply requirements of the R- Codes, in accordance with clause 61(4)(c) of the Deemed Provisions from the Regulations, where consistent with this Policy and where consistent with LPS4.

Attachment 3 summarises when a Development Application is required and not required. Further details are outlined in this Policy, in LPS4 and in the Regulations.

Note - a Building Permit is generally required to be submitted and approved as per the Building Regulations 2012.

B) Where the deemed-to-comply requirements are not met

As per the R-Codes, where applications do not meet the Deemed-to-Comply requirements, development approval is required. The Development Application will be assessed by the local government having regard to the relevant design principles of the R-Codes.

C) Applications requiring variation of Policy

Where an Application for Development Approval requires a variation to the deemed-to-comply requirements, the application will be assessed against the performance criteria of the R-Codes plus against this Policy. The onus is on the applicant to demonstrate to the satisfaction of the local government that the proposal complies with the design principles of the R-Codes and/or the objections and provisions of this Policy.

The provisions of this Policy may be varied where at least one of the following applies:

- Specific requirements have been determined for a particular lot through a Local Development Plan or Structure Plan pursuant to LPS4;
- The physical dimension of the lot, that is its depth or width, prevents reasonable compliance with this policy in respect of rear setbacks; or
- The topography of the land or of the surrounding land does not make the required provisions practicable.

Where an application for development approval is inconsistent with the R-Codes and/or this Policy, the applicant is to justify how it addresses the objectives of SCA2.

D) Variation of Residential Design Codes, LPS4 and this Policy

A Development Application for a dwelling, extension to a dwelling or other incidental structure is required where it necessitates the exercise of discretion by the local government to vary the R-Codes, to vary LPS4 or to vary this Policy.

E) Development Impact Statement and other supporting information

Where an application proposes a variation to one or more deemed-to-comply requirements and/or the application is considered to have a significant impact on the existing conditions of a locality, the local government may require the applicant to prepare or arrange a Development Impact Statement to be submitted with the application for development approval.

Where required, the Development Impact Statement is to be undertaken to the satisfaction of the local government.

The local government may require supporting information to make a proper development assessment of any proposed variation as part of a development application. This could include the provision of matters including:

- Site analysis plan showing the natural and finished ground levels, the location of existing and proposed buildings on the premises, relationship to adjoining and surrounding uses, and the nature of existing and likely development in the vicinity of the subject lot/development site;
- Materials and colour palette (if required);
- Overshadowing diagram; and
- Any other relevant information requested by the local government.

F) Applications consistent with Policy

Where an Application for Development Approval is required and where the application is consistent with this Policy and any other requirement of LPS4 or relevant Local Planning Policy, the development approval will be granted under delegated authority to the Chief Executive Officer where no substantive objections have been received during advertising.

Where a substantive objection has been lodged, the application is to be determined at an Ordinary Meeting of Council.

ADMINISTRATION

1. Matters to be Addressed Prior to Formally Lodging the Application

Proponents are encouraged to discuss proposals that seek to vary Policy requirements with the Shire administration early in the planning process and prior to the formal lodgement of any Development Application.

2. Application Requirements

Development Applications are to include the following:

- A completed Form of Application for Development Approval;
- A site plan showing the location of all existing and proposed structures, and the location of any easements;
- A floor plan/s and elevations;
- A schedule or details of external materials and colours to be used; and
- Payment of the local government Development Application fee.

Subject to the proposed location and the scale of the proposed dwelling, the local government may also require the applicant to provide:

- Site analysis plan;
- Development impact statement;
- Detailed contour information from a licenced surveyor;
- Cross sections showing the extent of cut and fill;

- Written information relating to the reasons why any standard requirements of this Policy should be varied; and
- Any other plan or information that the local government may reasonably require to enable the application to be determined.

Should a Development Approval be issued, it will also be necessary for the proponent to submit a Building Permit Application (which gains necessary approval) prior to undertaking construction.

3. Consultation with Landowners and Stakeholders

The local government will consult with adjoining/nearby landowners and other stakeholders as required by LPS4, the Regulations and as determined by the local government. The local government may also consult where an application does not comply with this Policy and/or it does not comply with the deemed-to-comply requirements of the R-Codes.

4. Assessing the Development Application

The local government will have due regard to matters including the following in assessing Development Applications:

- Clause 67 in Schedule 2 of the Regulations;
- The character, values and amenity of SCA2;
- Building form;
- Roof form;
- Standard of construction;
- Materials and details;
- Alterations and additions;
- Retaining walls, excavation and fill;
- Fencing;
- Open space, landscaping and tree retention;
- Bushfire risk;
- Incidental structures;
- Written comments from affected stakeholders; and
- Any other circumstance and factor affecting the application in the opinion of the local government.

Should a Development Application for a dwelling or other structure not comply with requirements of this Policy and matters are not able to be addressed through conditions of approval, the application will be considered by Council.

Where objections are received and the objections are not able to be adequately dealt with through conditions of approval, the application will be referred to Council for determination.

The Council may grant its consent with or without conditions or refuse its consent. The Council may refuse a Development Application where the application is inconsistent with this Policy, LPS4, other Local Planning Policies, the R-Codes and other State Planning Policies, or be based on information provided by the applicant, or be based on information set out in any submission received.

| | |
|-------------------|---|
| Related Policies: | LPP 1 Cut & Fill and Retaining Walls LPP 3 Sea Containers LPP 4 ⁸ Development in Flood Risk Prone Land Areas LPP 4 ¹⁰ Car Parking and Vehicular Access LPP 4 ¹³ Heritage Conservation LPP 2 ¹⁵ Outbuildings |
|-------------------|---|

| | |
|--------------------------------|---|
| Related Procedures/ Documents: | <i>Planning and Development (Local Planning Schemes) Regulations 2015 State Planning Policy 3.7 Planning in Bushfire Prone Areas State Planning Policy 7.0 Design of the Built Environment State Planning Policy 7.3 Residential Design Codes – Volume 1 and Volume 2</i> |
| Delegation | Chief Executive Officer or their Delegated Officer |
| Adopted: | OM 24th March 2022 |
| Reviewed: | OM 27 July 2023 |

**Attachment 1 – Extract from Local Planning Scheme
No.34**

**Table 11
Special control areas in Scheme area**

| Name of area | Purpose | Objectives | Additional provisions |
|---|--|--|---|
| SCA2 – Development Control Area - Nannup Townsite Character | To regulate residential design to protect and enhance Nannup's historic built character. | <ul style="list-style-type: none"> (a) To retain Nannup's unique character and sense of place. (b) To provide a high level of amenity. (c) To create an attractive, desirable and responsive environment. (d) To require development to address the garden village and non-metropolitan context, topography, landscape values and the area's character and heritage. | <ul style="list-style-type: none"> 1. The local government will have due regard to the local planning policy relating to the Nannup Townsite Character Area in determining development applications. This includes - <ul style="list-style-type: none"> (a) building form; (b) roof form; (c) standard of construction; (d) materials and details; (e) alterations and additions; (f) retaining walls, excavation and fill; (g) fencing; (h) open space, landscaping and tree retention; (i) bushfire risk; and (j) incidental structures. 2. Development approval within the SCA is only required in accordance with Schedule A - Supplemental provision 61(1)(a) of this Scheme. 3. Where an application for development approval is inconsistent with the local planning policy relating to the Nannup Townsite Character Area, the application is to justify how it addresses the objectives of SCA2. |

Attachment 2 – Encouraged Residential Development and Design Guidelines Overview

Unless separately covered in the main part of *Local Planning Policy No. 5 Nannup Townsite Character Area Design Guidelines*, the following does not form part of *Local Planning Policy No. 5 Nannup Townsite Character Area Design Guidelines*. Instead, the following are guidelines that are supported by the local government to further enhance the character of the Nannup Townsite Character Area and to deliver increased sustainability.

Site Analysis Plan

Before positioning a dwelling or undertaking proposals for other habitable structures, a site analysis plan is recommended to address climatic considerations, to reduce the potential for risk and damage of fire and flood, minimise visual impacts from major roads/key tourist routes and address stormwater. The siting and design of a dwelling or other habitable structures should amongst other matters:

- Maximise northerly light into living areas and provide for solar access and warmth;
- Provide adequate cross ventilation from summer breezes (particularly from the south-westerly direction);
- Protect from summer afternoon sun;
- Consider the lot's topography and views;
- Be compatible with front setbacks of adjoining properties;
- Address the primary street and have a positive civic presence to complement or enhance existing street aesthetics;
- Have clearly defined main entrances (using paths, lighting and porticos);
- Minimise overlooking and overshadowing of adjoining properties (where possible and practical);
- Account for fire risk and low fuel areas; and
- Address flooding risk.

Other details are set out in the R-Codes.

Orientation and Major Openings

Dwellings should front the street and have at least one major opening from a habitable room to overlook the public street or as relevant a common access driveway.

Verandahs and Eaves

The use of verandahs and wide eave overhangs to shade walls and provide sheltered outdoor living areas are encouraged. Verandahs are an attractive design feature that provide protection from the weather especially rain and summer sun. The local government supports verandahs on dwellings throughout the area to provide comfort and enhance streetscapes. In keeping with the country town and rural nature of the area, dwellings should generally provide verandahs, porches, porticos or other architectural relief on the elevations that are viewed from the street.

A verandah, portico or covered entry in keeping with the overall house design, should generally be a minimum length of 25% of the front facade of the house.

Dwelling roofs within the area should have eaves that are a minimum of 550mm in width to assist in enhancing the visual amenity as set out in Figure A.

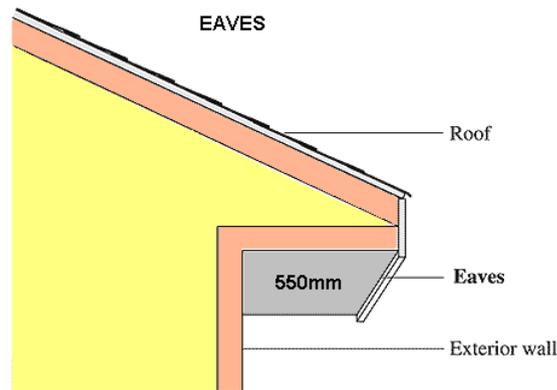


Figure A: Required width of eaves

Preferred External Building Materials

Preferred materials should generally be made of:

- Brick;
- Rendered cement;
- Stone;
- A lightweight material with rendered effect;
- Painted weatherboards;
- Stucco (plaster or cement either fine or coarse); and
- Tilt-up (construction technique using pre-cast concrete to build walls) which is painted or rendered.

The local government will also consider materials including:

- Reverse cladding with internal brickwork;
- Fibre cement;
- Cedar or timber weatherboard;
- Fibre cement, mini orb, Colourbond;
- Rammed earth; and
- Combination of colour rendered brickwork, limestone, stone and cladding products.

The use of Zinalume or light coloured Colourbond roof sheeting is generally supported. However, care must be taken to ensure the location of the house and the roof pitch used does not produce a glare nuisance to surrounding properties or passing traffic.

Energy Efficiency

The local government encourages new dwellings and major additions to dwellings that maximise energy efficiency and reduce the demand on energy sources for heating and cooling. Various strategies to maximise energy efficiency in a dwelling include:

- Location of living areas on the north elevation;
- Location of non-habitable rooms on the eastern and western elevations, such as bathrooms, laundries and carports/garages;
- Adequate insulation in walls, floor and roof cavities;
- Ventilation control;
- Appropriate room zoning;
- Use of eaves, verandahs and shading devices;
- Use of solar hot water systems;
- Use of energy efficient appliances and lighting; and
- Location of refrigerators and freezers away from external walls and hot areas.

Water Conservation

The local government encourages water conservation. Various strategies to minimise water use include:

- Rainwater tanks which are of an appropriate size, given this has a range of benefits including with stormwater management. Water from rainwater tanks should be fit for purpose;
- AAA rating of all shower heads and tap ware;
- Use of a grey water reuse system approved by the Western Australian Department of Health;
- Lawn areas to be minimal;
- Use of lawn varieties that require lower water usage;
- Use of low-flow trickle irrigation, such as drippers, mulching and soil conditioners; and
- Use of indigenous plant species and other drought-resistant trees and shrubs.

Attachment 3 - Summary of when a Development Application is required

| Building Type | Development Application Required? |
|--|---|
| Aged or Dependent Persons Dwelling | Yes |
| Ancillary Dwelling | Yes |
| Grouped Dwelling | Yes |
| Multiple Dwelling | Yes |
| Residential Building | Yes |
| <p>Single House, Extension to a Single House, or Extension of Other Dwellings which are:</p> <ol style="list-style-type: none"> 1. Proposing a variation to the Residential Design Codes or Local Planning Scheme No. 4 (LPS4) Yes 2. Outside of a designated building envelope or within a designated building exclusion area Yes 3. Within a flood prone area Yes 4. A transportable building which is: <ol style="list-style-type: none"> a) A new purpose built dwelling (not constructed from sea containers / dongas) if other planning considerations are met. No b) Any building or structure which is not a new purpose built dwelling. Yes 5. A second-hand relocated dwelling or building Yes 6. Within a Heritage Area Yes 7. On the State Heritage Register or Heritage List of LPS4 Yes 8. Inconsistent with Local Planning Policies relating to development and design: <ol style="list-style-type: none"> a) Tudor/Georgian/"A" Frame/Mediterranean Yes b) Barn-style dwelling Yes c) Flat Roofs (less than 5%) Yes d) Zinalume Walls (if more than 20% of surface area on front external wall) Yes e) Zinalume Roofs No f) Conversation of an outbuilding to a dwelling Yes | |
| Garages and Carports | No, subject to consistency with the R-Codes and LPS4 and not within flood prone land. |

| | |
|---|--|
| <p>Walls & Fencing:</p> <ol style="list-style-type: none">1. Front fencing2. Side and rear fencing | <p>No, subject to consistency with the R-Codes and LPS4</p> <p>No</p> |
| <p>Incidental Structures</p> | <p>No, subject to consistency with the R-Codes and LPS4 and not within flood prone land.</p> |

| | |
|-----------------------|---|
| Policy Number: | LPP 0076 |
| Policy Type: | Local Planning Policy |
| Policy Name: | Special Rural Residential and Special Residential Fencing Standards |
| Policy Owner: | Chief Executive Officer |

AUTHORITY: Shire of Nannup Local Planning Scheme No.34

POLICY BASIS

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and the *Shire of Nannup Local Planning Scheme No. 4* (LPS4).

OBJECTIVES

This policy aims to direct persons who wish to erect fencing in the areas zoned ~~Special Rural~~ Residential and ~~Special Residential~~ under the Shire of Nannup Local Planning Scheme No.34 with a view to retaining a rural fencing theme.

DEFINITIONS

“**Fence**” means an enclosure or barrier abutting a roadway, street or boundary line of adjacent property.

APPLICATION OF THE POLICY

This Policy applies to boundary fencing on Rural Residential zoned properties only throughout the municipality.

Location:

~~This policy has effect on boundary fencing on Special Rural and Special Residential zoned properties only.~~

POLICY PROVISIONS

1. General

The minimum standard of boundary fencing permitted is as below:

- ~~a. All fencing of Special Rural lots are to comply with sub-clause 4.13.10.7 of the Scheme along with any relevant conditions set out in Schedule 12 of the Scheme.~~
- ~~b. All fencing of Special Residential lots are to comply with sub-clause 4.13.9.3 of the Scheme along with any relevant conditions set out in Schedule 13 of the Scheme.~~
- a. Fences in are to be post and ~~minimum of four (4) strand~~ plain wire construction or post and ring lock or similar approved by the local government, at least 1.0 to 1.3 metres high, unless written approval from the local government has been received for a fence of a lesser standard.
- b. Solid fencing such as super six or pickets is not permitted on boundaries.

- c. When clearing fence lines abutting the local government's road reserve, persons undertaking the clearing are not to clear more than 2 metres into the road reserve from the surveyed property boundary. Road reserves are to be left free of all cleared material, which shall be contained, on the owner's property.
- d. The use of electric fencing systems is permitted but not as a substitute for item 2 and suitable warning signs are to be placed in prominent positions on the fence at regular intervals on all boundary fences that are electrified. All electric fencing systems must be of a type approved by Western Power.
- e. The electrification of barb wire fences is not generally permitted unless appropriately justified by the proponent and agreed to by the local government.
- f. Owners of ~~special~~ rural **residential** properties shall ensure that the fence they construct is sufficient to contain the animals/stock on the property, and where the type of stock kept is varied through changing circumstances, the fence should be maintained to a standard suitable for the stock kept at that time.
- g. Fencing should be designed to not impede the free flow of floodwaters for land identified as Flood **Pron**~~Risk~~ Land in the Scheme.

2. Fencing Around Dwelling Buildings

Solid fencing such as ~~Netascreen~~ **Colorbond**®, ~~Super Six~~ **Hardifence**®, timber pickets, stone or brick may be permitted in proximity to buildings where it will not affect the amenity of the area.

| | |
|----------------------------------|---|
| Related Policies: | |
| Related Procedures/ Documents | |
| Delegation Level: | Chief Executive Officer or their Delegated Officer Building Surveyor Development Services Officer |
| Adopted: | OM 22 April 2010. |
| Reviewed: | OM 27 July 2023 |

| | |
|-----------------------|--|
| Policy Number: | LPP 0087 |
| Policy Type: | Local Planning Policy |
| Policy Name: | Nannup Mainstreet Heritage Precinct |
| Policy Owner: | Chief Executive Officer |

AUTHORITY: Shire of Nannup Local Planning Scheme No. 4

POLICY BASIS

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and the *Shire of Nannup Local Planning Scheme No. 4 (LPS4)*.

OBJECTIVES

The objectives of this policy are:

1. To guide the development within the defined heritage district to ensure that the existing character of the precinct is not diminished by development applications that does not reflect the Shire of Nannup's aspirations.
2. To conserve and protect the cultural heritage significance of the Nannup Main Street Heritage Area;
3. To ensure that new buildings, and alterations and additions to existing buildings, can be accommodated within the Area without adversely affecting the Area's significance and amenity;
4. To encourage development which is compatible, complementary and sympathetic with the existing heritage significance, character and appearance of the Nannup Main Street Heritage Area; and

To provide improved certainty to landowners and the community about the planning processes for development within the Area.

DEFINITIONS

~~As contained within the attached guidelines.~~ Definitions in this Policy are as per LPS4 or *State Planning Policy 7.3 Residential Design Codes (R Codes)*. The following additional terms are defined as follows:

"Building Form" means the overall shape and volume of a building and the arrangement of its parts.

"Character" is essentially the combination of the public and private domains. Every property, public place or piece of infrastructure makes a contribution, whether large or small. It is the cumulative impact of all these contributions that establishes local character. The physical qualities of character in Nannup are diverse and include:

- the era of the majority of development;
- the subdivision pattern;
- the siting and orientation of development/built form on the lots;
- the form and distribution of open space;
- building height, scale and proportion; and
- distinctive building styles, particular design elements, materials and finishes.

"Compatible/Complementary/Sympathetic Development" means a design outcome that shares the characteristics of the context, and while it will not be the same as historic neighbours, will not

look out of place amongst them.

“Contemporary Design” means design styles that are of their time and that do not use the design elements of another time, such as historicism.

“Cultural Heritage Significance” has the same meaning given to the term in the *Heritage Act 2018*, and means aesthetic, historic, scientific, social or spiritual value for individuals or groups within Western Australia.

“Development” has the same meaning given to the term in the *Planning and Development Act 2005*.

“Façade” means the exposed face(s) of a building towards roads or open space, or the frontal outward appearance of a building.

“Heritage Areas” are precincts in which the relationship between the various built elements creates a special sense of place which is worth conserving. A Heritage Area may be a group of places that together form a precinct which is of cultural heritage significance notwithstanding that each place within the precinct does not itself have cultural heritage significance and which, in the opinion of Council, require special planning controls to conserve and enhance the cultural heritage significance of the Area under the provisions of the Shire’s LPS4.

“Historic Character” means the combination of particular characteristics or special qualities of a place related to its period or style of construction.

“Historicism” means an excessive regard for past styles and may include copying them, as opposed to contemporary design.

“Infill Development” means a new building in an established and valued historic context. Good infill is sympathetic to its surroundings and context, and creates a new structure that enhances and complements the existing character. Infill should be distinguishable from the existing context but should look like a “well-mannered neighbour”.

“Local Heritage Survey” means the identification and recording of places that are, or may become, of cultural heritage significance in the local government district. Local Governments are required under the *Heritage Act 2018* to prepare such a list.

“Townscape” means the total visual impression gained from any one location within a street including the natural and man-made elements, and is made up of the appearance of, and the relationships between, buildings in terms of design, scale, materials, colours, finishes, signs, external furniture, paving materials for roads, footpaths and landscaping.

APPLICATION OF THE POLICY

This Policy applies to land use and development within the Nannup Main Street Heritage Area (see Attachment 1). This relates to Special Control Area 6 (SCA6) in LPS4.

The provisions of this Local Planning Policy apply to all development and/or use of premises in the Local Planning Policy Area where indicated as permitted or discretionary land uses under the Zoning Table of LPS4.

Subject to LPS4, development and use of land shall be in accordance with the standards and requirements of this Policy.

LINKS TO LOCAL PLANNING SCHEME AND OTHER DOCUMENTS

This Policy relates to various requirements set out in LPS4, *State Planning Policy 3.7 Planning in Bushfire Prone Areas*, *State Planning Policy 7 Design of the Built Environment*, *State Planning Policy*

7.3 Residential Design Codes – Volume 1 (R Codes), State Planning Policy 7.3 Residential Design Codes – Volume 2 – Apartments, the Building Code of Australia and various Local Planning Policies. Where there is an inconsistency between this Policy and LPS4, then LPS4 prevails to the extent of such inconsistency.

POLICY PROVISIONS

~~The Nannup Main Street Heritage Precinct is defined within the attached document titled “Nannup Mainstreet Heritage Precinct Guidelines – Amended August 2008”.~~

~~The objectives as outlined in the guidelines are to ensure all new developments and redevelopment within the Mainstreet Heritage Precinct should contribute positively to the heritage values and townscape quality of Nannup.~~

~~The guidelines outline the requirements to achieve the objectives and are an integral part of this policy.~~

~~The local government will also have regard to other Scheme requirements relating to the Heritage Area.~~

1. General

During the period 1885 to 1914 there was a considerable increase in settlement activity within the Blackwood River region. As the area was opened up by roads and railways, small towns developed, and with them came opportunities for business. The settlement of Nannup was officially declared a townsite in 1890.

The main occupations of the early pioneers were sheep and cattle raising on pastoral leases, catching wild horses and timber cutting. The latter activity was undertaken both to clear land for grazing, and to cater for the growing timber industry. The timber trade grew rapidly with a growing demand – both locally and internationally – for railway sleepers and telegraph poles.

Nannup’s main street (Warren Road) has developed slowly without much redevelopment, and consequently there has been little disturbance of its essential character. The basic spatial elements of this character are small commercial and residential buildings set on large lots, with areas around the buildings left open, and generally containing some small outbuildings and large mature trees (often deciduous and non-native to the area).

Warren Road has a number of buildings of cultural heritage significance, and several more of moderate heritage value. Scattered amongst these are some original, modest commercial and residential buildings of varying historic character. The main street is noteworthy due to the relatively intact nature of its building stock from the early part of the 20th century.

The Nannup community is concerned about conserving, enhancing and appropriately developing the physical, cultural and aesthetic environment of its central commercial area and Main Street. The community seeks to enhance the existing built fabric, the social and business viability of the town, and to ensure that future development is in keeping with these goals and the recognised character of the town.

The collective worth of the existing heritage buildings – large and small – and the absence of any really intrusive buildings, distinguishes Warren Road as an important Heritage Area, and one well worth protecting and enhancing.

This Policy is therefore intended to provide applicants, landowners, business operators and residents with the framework to be used by the Shire in assessing land use and development proposals in the Main Street Heritage Area.

The development guidelines contained in this Policy are not intended to create a “time capsule” and stifle new development. Rather, they set out to guide and encourage new contemporary development and redevelopment, and to ensure that the important heritage values, and unique timber town character of Nannup, will be preserved for the enjoyment of future generations.

All new development should avoid historicism, and instead contribute positively to Nannup’s streetscapes to ensure the very features for which the town is admired are conserved.

2. Development and Design

A) Town Character

The Nannup community perceives the character of the town as contained in two major interlinking themes, which are:

- A “Garden Village”, and
- A timber town, originating primarily in the thirty years either side of 1900.

These concepts are to be used in a complementary manner as design parameters, and the main source of design inspiration for future development.

B) Objectives

All new development and redevelopment within the Nannup Main Street Heritage Area should contribute positively to the recognised heritage values and established townscape quality of Nannup’s main street.

The Council requires that all proposals for new development and additions to existing development within the Heritage Area shall:

- add to the range of services and facilities available to the town residents and its visitors;
- ensure through appropriate design that the strong “Garden Village” character, and “timber town” identity/role of the town is preserved, particularly in regard to development size, form, height and scale;
- be compatible with existing development, particularly in regard to building materials, shop front design, front setbacks, the use of colour, the application of advertising signage and the location and form of fencing;
- enhance the existing overall visual appearance of the Heritage Area;
- improve the provision of weather protection for pedestrians; and
- build upon the existing strong sense of community, and improve the economic viability of the town.

C) Places Of Heritage Significance

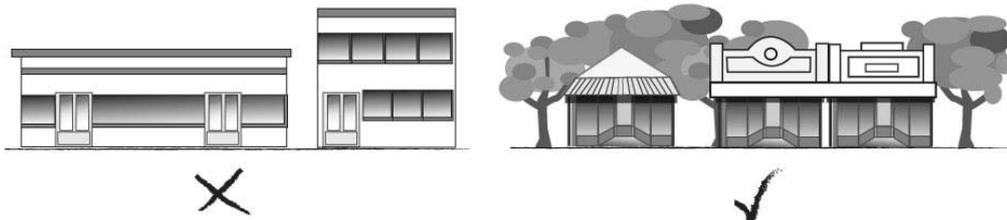
The Shire of Nannup Municipal Inventory (Feb. 1996) records a number of places within the Nannup Main Street Heritage Area as having varying degrees of cultural heritage significance. Key heritage places are included on the Heritage List.

Some other places within the Area have lesser heritage significance, but nevertheless contribute to the town’s overall heritage quality. Applicants are advised to discuss heritage aspects with Shire staff at the earliest stage of planning and/or design development.

“Development” is defined under the *Planning and Development Act 2005*, and includes demolition, erection, construction or alteration of any building or structure or the land, the carrying out of excavation works, or the like. In the case of places registered by the Heritage Council of Western Australia, development includes anything likely to change the character or external appearance of any building, or irreversible alteration to the fabric.

D) Building Form

The form that a building takes is greatly influenced by the use which it houses. If the proposed use of a new building is compatible with neighbouring uses, then it is much more likely that the form of that building can also be “neighbourly”.



Generally the emphasis of building form should be vertical or compact, rather than wide, low buildings which have a horizontal emphasis to their form and detailing.

Where large frontages are planned, the façade should be broken up by vertical elements, and where possible new floor levels, window positions and sizes, and verandahs, should complement those of adjacent buildings.

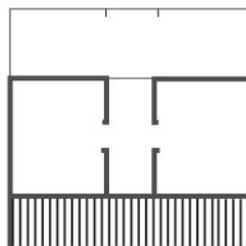
Although shops will wish to display their goods effectively, modern shop fronts with aluminium frames and floor to ceiling glass are not appropriate, and will not be encouraged in new developments. They should certainly not be included in alterations to existing historic buildings.

Additions or alterations to existing shop fronts in the Heritage Area should follow traditional window-door-verandah-gable forms in size, proportion and placement. The heights of these elements, especially the gable or parapet ends, the verandahs and the dwarf wall under the display window should follow those of adjacent original shop fronts.

E) Plan Form

The shapes of traditional plan forms in Nannup are characteristically simple. They are composed of basic rectangle and square combinations and are usually symmetrically arranged around a central front door. Plans for new developments should reflect this where possible. Complex plans with walls that step in and out are not acceptable.

As is often the case with older commercial buildings, the front door may be recessed slightly from the remainder of the front façade, with the external entry floor abutting the footpath paved with decorative feature tiles or mosaics.



F) Roof Form

Main roofs in the Heritage Area have characteristically been clad with custom orb profile sheeting (i.e., corrugated iron – not tiles), and pitched between 25 and 35 degrees. The design configuration of the roof should be simple with rectangular plans and a combination of hipped or gabled roofs.



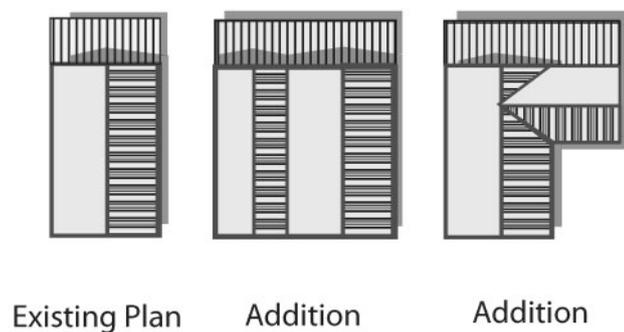
G) Building Height

Buildings within the Heritage Area are generally single storey. This can mean about 4 to 6 metres in height. Two storey buildings may be permitted where the function of the proposed building makes it unavoidable. Three storey buildings will not be permitted.

H) Alterations & Additions

In altering and extending existing buildings in the Heritage Area, all of the general principles outlined for new development in these Development Guidelines shall be applied.

In making additions, care needs to be taken of the impact the changes may have on the building being extended, and on the character of the street as a whole. There are some simple ways in which additions can be carried out to reduce their impact, and some examples are illustrated below.



In carrying out external alterations to existing buildings, the principles established in these Development Guidelines in respect of materials, colour schemes and building details should be taken into consideration.

It is highly desirable that an architect with heritage conservation skills be engaged to assist in major alterations to existing heritage buildings. Advice should also be sought from the Heritage Council of WA.

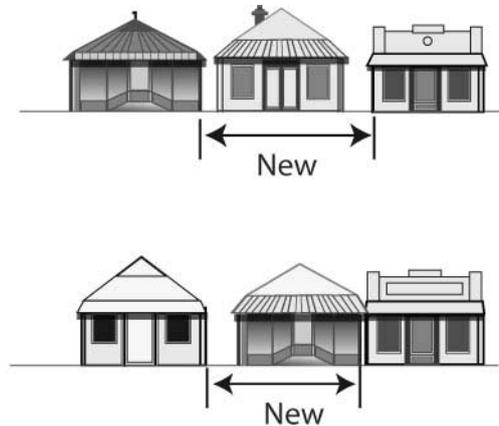
I) Infill Development

This is a very important form of development because of its immediate relationship with, and impact

upon, existing buildings and the streetscape.

Infill development does not need to imitate traditional buildings in every detail, but it should at least respect and reflect the scale, form, materials and emphasis of surrounding buildings.

Infill commercial development should seek to provide continuity and harmony with the existing streetscape by continuing the parapet height or gable height, the verandah height, window and door format, dado and stringing lines of adjacent traditional buildings.

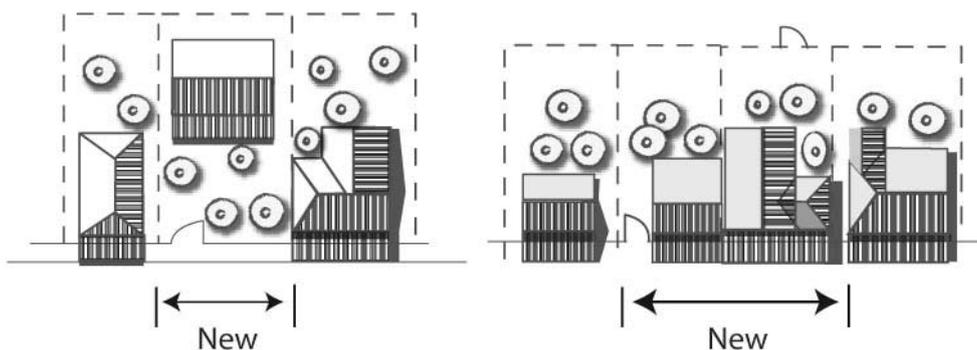


Building construction should be limited to a palette of sympathetic materials such as weatherboard, red/orange bricks and/or rendered finished masonry, and steel custom orb sheeting.

If a dwelling is to be constructed within the Heritage Area, it should be compatible and complementary in style, form, scale, materials and location on the site with existing dwellings in the immediate locality. The construction of suburban-style project homes or kit homes within the Heritage Area is not appropriate, and will not be approved.

J) Setbacks

Generally, new commercial buildings shall be located on the front property boundary, unless the function of the building demands that some part of it be set back. Residential buildings may be set back from the front boundary.



New residential buildings may be set back from the front property line (left) as has traditionally occurred in Warren Road. However, new commercial buildings shall generally be located on the front property line (right), as this has also traditionally been the norm.

Applicants should be aware that Council will need to be strongly convinced of any need to set a commercial building or part of a commercial building back from the front property line.

It is accepted that access to the rear of developments may need to be provided at the side of

buildings, but side setbacks should ideally be kept to a minimum to facilitate continuity of frontages in the northern part of the Heritage Area.

All garages or carports are to be situated at the rear of commercial buildings with access from the rear of the property unless otherwise approved by Council.

Any garage or carport associated with a residential property shall be set back to the side of, or behind, the dwelling it serves, and in any event shall be set back a minimum of five metres from the front property line, and where located at the side of the dwelling shall face the main street. The front fence must contain an enclosing gate on the front property line where vehicular access is gained from the street, and the gate must be compatible in style, scale and materials with the rest of the front fence. (See "Fences & Garden Walls")

A garage or carport shall be designed in a manner consistent with the style of the existing dwelling or commercial building with which it is associated, except where this would be detrimental to achieving the desired streetscape.



K) Open Space & Landscaping

As has been stated previously, it is strongly recommended that commercial buildings be located on the front boundary. Therefore the scope for planting at the front of the building, (other than on the footpath within the public domain) will be limited or impossible. Therefore, in order to maintain the town's rural character, the planting of taller-growing trees to the side and rear of buildings will be encouraged. This will help provide the buildings with a setting and a backdrop when seen from the street, in keeping with the existing character of the Heritage Area.

Existing street trees should be protected and retained in the course of any new development. Opportunities for new street tree plantings should be actively pursued. It is preferable to locate new street trees on the extended alignment of side boundaries, so shops and their advertising will not be unduly obscured by the tree canopies.

L) Materials & Details

The most common original building material for walls within the Heritage Area is weatherboard. Red/orange bricks, and/or rendered finished masonry are also widespread. Some stone has been used, mostly associated with fencing. Custom orb ("corrugated iron" or zincalume) is a traditional material that is used widely for roofing, and for some walls.

Modern decorative bricks, pale-coloured bricks or tumble-finished bricks should be avoided, as should fibro cement planks and sheeting, and steel sheeting other than custom orb profile.

M) Verandahs & Awnings

Verandahs and awnings provide shade and protection from the weather for footpaths and ground level shopfronts. Their provision on new buildings where the intended use of the proposed building makes it feasible will be strongly encouraged, especially where continuity with adjacent verandahs or awnings will result.

Roll-down blinds attached to the front edge of verandahs or awnings are useful for sun protection, and can double as advertising spaces. (See "Outdoor Advertising & Signage")

Both commercial and residential buildings in the Heritage Area have traditionally been built with verandahs or awnings. Those of commercial buildings have nearly all been located over the public footpath, with simple square profile “4x4” posts. Rustic “bush poles” for supports are not acceptable. If the posts are unprotected from vehicles they should be non-structural. If they can be adequately protected then they can be structural elements.

The addition of a verandah or awning to an existing building is acceptable, provided either that the building originally had a verandah or awning, or that one can be added without prejudicing the building’s original character and details.

Where appropriate, additions and new buildings should follow precedent and adopt a veranda or awning style in keeping with local examples within the Heritage Area. Overly “bullnose”-style and concave verandahs and awnings are not a part of the Nannup streetscape and should be avoided.



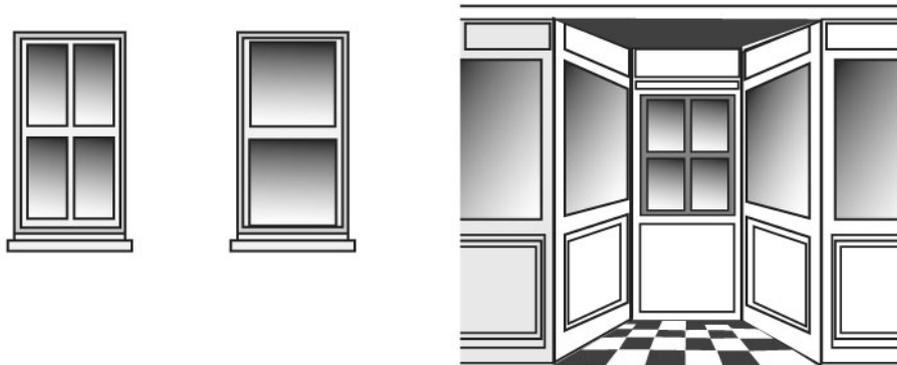
Appropriate awning styles.

N) Windows & Doors

Traditionally, most windows and doors of Nannup’s heritage buildings are rectangular with a vertical emphasis. The shopfront windows may be multi-paned or square. Large “picture windows” and floor-to-ceiling sliding glass doors should be avoided. Most windows have sills, and frames are made of timber or copper.

Door and window frames of new buildings which are visible from the street may be of timber, or commercial quality box aluminium framed, or copper, or timber to match existing, or of a material and form to match the period of the building being restored.

Door openings should have a vertical emphasis. Timber doors with a plain flush panel or vertical boards are preferred, as are timber door frames.



Typical windows and recessed front doorway.

O) Outdoor Advertising & Signage

The type and form of advertising and other signage on buildings should be respectful in scale, form and style to the character of the building itself, and the Heritage Area as a whole. Town identification should be paramount in the wording of signs.

Advertising signage should ideally be confined to those areas of buildings illustrated below. While it is not necessary to adopt an “olde worlde” approach to signage, signs which at least respect the scale and form of traditional signs are preferred. In particular, the use of under-verandah signs and “shingles” is encouraged.

If necessary, signs can be externally illuminated. Internally illuminated, flashing and “chasing”-style signs are inappropriate in the Heritage Area, and will not be permitted.



Appropriate locations for advertising signs.

Large hoarding-style signs on the flank walls of buildings are potentially inappropriate and intrusive and should be avoided. Roof-mounted signs are not permitted. Signs painted directly onto roofs, verandahs or awnings may be permitted.

Advertising signs on roll-down blinds on verandahs or awnings may also be permitted, but only where the blinds obscure signage on the windows, and any signage must only be of a type and size of those on the window(s) being obscured.

Bunting and permanent banners are not permitted.

All signage is to comply with the provisions of the Shire of Nannup’s Local Planning Policy *LPP12 Signs and Advertisements*.

A-frame signs (sandwich boards) may be permitted, provided they do not have a surface area (each of two faces) of more than 0.5m², and in any event a maximum width of 600mm and a maximum height of 900mm measured from the ground.

Each business is restricted to one A-frame sign. The sign must be placed immediately adjacent to the kerb, or to the front wall of the business, and must not be placed in close proximity to other items (tables, chairs, rubbish bins, etc.), so as to create a “pinch-point” on the footpath, thereby restricting free pedestrian movement.

P) The Use Of Colour

As well as protecting and enhancing a building, its colour scheme can have a dramatic effect on the streetscape. A poor colour scheme can undermine architectural features and streetscape quality. This is particularly important in a small, visually cohesive town like Nannup. Buildings should therefore be painted to create a harmonious streetscape, while allowing for some individual expression.

The Shire of Nannup wants to encourage the application of a coordinated “palette” of colours to public buildings, privately-owned existing and new commercial buildings, and street furniture within the Main Street Heritage Area. These colours should be appropriate to the rural character and acknowledged heritage values of the town.

The use of natural colours appropriate to the Nannup locality is encouraged. These colours should reflect the hues of the local soils, rocks and vegetation.

However, where paint scrapings can determine original colours on older buildings, then these colours should be reinstated, or closely followed.

Previously unpainted brickwork on heritage buildings should not be painted over.

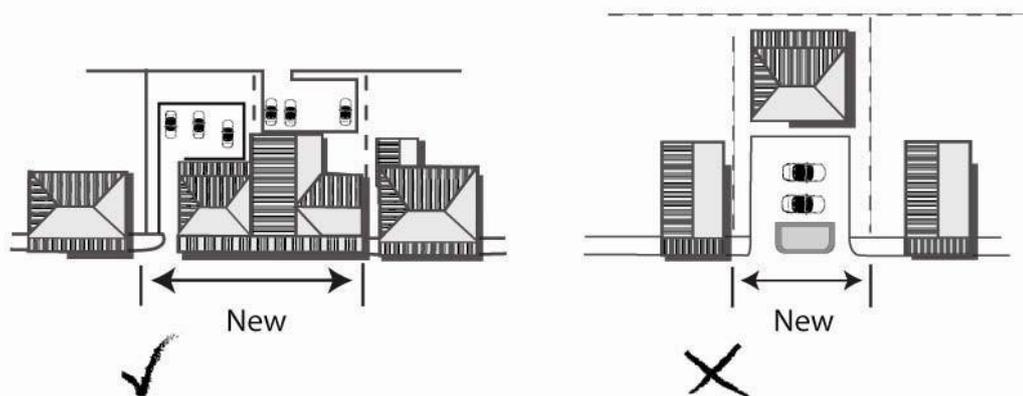
The preferred colours for roofing iron include zincalume in its natural state, or traditional red.

Appropriate colours for decorative elements (where they occur) such as cornices or moldings will be those which will provide either a darker or lighter contrast to the main colour of the building, either weatherboard, brick or render. Doors, windows, fascias and other trim can be contrasted in colours appropriate to the region’s natural environment.

The Shire may seek professional advice on colour schemes appropriate to Nannup.

Q) Parking Provisions & Vehicle Access (Including Service Vehicle Access)

Generally, private vehicle provision should be at the rear of buildings, or may be at the side. Open car parks at the front of buildings will not be permitted.



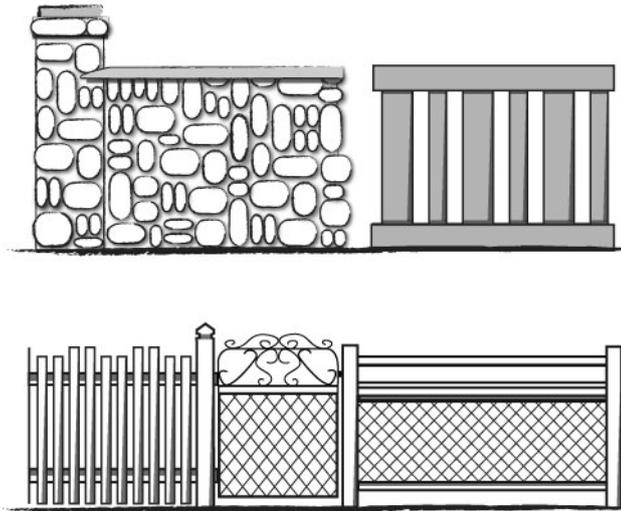
Where access to a rear car park is unavailable from the rear, access should be provided at the side of the building.

Service access shall preferably be provided to the side or rear of a commercial building. Service vehicle access shall be constructed so that vehicles using it may return to the street in a forward direction.

R) Fences & Garden Walls

It is important that the character of Nannup is not compromised or lost by the intrusion of fence types

and heights that would transform its country town tenor into that of a suburban subdivision.



1930s wall, fences and gate, appropriate for the Heritage Area.

Where commercial buildings are built up to or close to the front boundary, fences have generally not been provided. They are usually provided on residential lots, or on the front boundary of that part of a commercial lot which does not contain a building (e.g., to contain an outdoor eating area adjacent to a café).

Where front fencing has been provided it is low (0.8 to 1.2m) and built of a consistent palette of timber post and rail, simple timber pickets, and/or stone and rendered masonry. Front hedges of a similar height may also be acceptable. Gates should match the style and scale of the fence.

High fences, Colorbond®, “timber lap” and treated pine fencing are all inappropriate for front fencing.

Different fences suit different property types. Generally the smaller (narrower) the lot, the more sophisticated the fence. Side fences beyond the front building line and rear fences can step up to approximately 1.8m. “Super six”-style fibro cement sheeting may be used as a fencing material for rear yards if its visual impact from the street(s) will be limited.

P) Solar Collectors

Where possible, solar collectors (includes solar panels) should be sensitively located and designed to respect the heritage values of the area.

No Development Application or associated development approval is required for solar collectors if they are not visible from Warren Road and they are consistent with the R Codes. In other cases, a Development Application is required. The applicant to consider ways to mitigate impacts through location and design and provide written justification for the Development Application.

The local government will consider the visual impact, heritage impact and amenity considerations.

3. Vacant Land

Vacant sites within the Heritage Area should be maintained in good order. They should not be used to store materials, parked cars, or allowed to deteriorate or become a fire risk.

It is highly desirable for vacant sites to be fenced along the front boundary, in order to maintain a continuous “street wall” which helps to reinforce the visual impression that the town is healthy and

prosperous. Even a basic picket fence can help to attract the attention of the passer-by, and distract him/her from the uninteresting view behind it.

4. Alfresco Dining

“Alfresco” is an Italian word meaning “in the open air”. Nannup’s climate makes dining outdoors a pleasant pastime for much of the year, and the town’s food outlets are increasingly providing tables and chairs outside on road reserves for their patrons’ enjoyment.

Alfresco dining facilities can add colour and vitality to the main street, but it is important that they do not obstruct pedestrian or vehicular movement, or interfere with activities carried on in adjoining premises. The establishment of appropriate alfresco dining areas is encouraged by the Shire of Nannup.

Alfresco dining areas can be established in association with most cafes, restaurants, hotels, bakeries or take away food outlets, provided that:

- They are located directly adjacent to the business;
- They do not obstruct pedestrian movement or obscure or restrict access to adjacent properties. A minimum of 1.5metres of footpath width must be kept clear for pedestrians in all areas; and
- Alfresco dining furniture, alfresco plastic blinds and A-frame signs must not obstruct the visibility of vehicles or pedestrians either at road junctions or at driveways.

Street furniture offers the opportunity to provide colour and interest, and to enhance the image of the business. While the versatility and low cost of plastic furniture is recognised, other materials such as wood, steel and cast metals are more appropriate to the character of Nannup, and are also encouraged as they are less susceptible to discolouration and marking, and are available in a wide variety of styles.

All furniture and other structures are to be free-standing, and umbrellas must be provided with a secure base.

The business which establishes and carries on the alfresco dining establishment is responsible for cleaning the dining area at the close of business each day.

Structures which are part of the street furniture may bear commercial advertising, although the advertising can only relate to the establishment, or the goods sold within it.

5. Franchises/Corporate Images

Any local, regional, state, national or international corporate body proposing a development in Nannup (including a petrol station, real estate agent, hardware store, supermarket, fast food store, chemist or similar retail/commercial enterprise) should be aware that every application for development approval shall be assessed against this Policy. In particular, colour schemes and advertising will be critically assessed, and developments will not be permitted to adversely affect the town’s established character, or subdue its rural image.

While an applicant’s requirement to exhibit their company’s standard logo is recognised and will be accommodated where possible, it is expected that restraint will be shown in the application of corporate colours, decoration and advertising.

In particular, the Shire will not allow the Policy objectives regarding building form to be compromised by the introduction of inappropriate suburban “drive-through” architecture.



An example of corporate signage which does not respect the character or proportions of the building.

ADMINISTRATION

1. Matters to be Addressed Prior to Formally Lodging the Application

Proponents are encouraged to discuss proposals that seek to vary Policy requirements with the Shire administration early in the planning process and prior to the formal lodgement of any Development Application.

2. Application Requirements

Development Applications are to include the following:

- A completed Form of Application for Development Approval;
- A site plan showing the location of all existing and proposed structures, and the location of any easements;
- A floor plan/s and elevations;
- A schedule or details of external materials and colours to be used; and
- Payment of the local government Development Application fee.

Subject to the proposed location and the scale of the proposed dwelling, the local government may also require the applicant to provide:

- Site analysis plan;
- Development impact statement;
- Detailed contour information from a licenced surveyor;
- Cross sections showing the extent of cut and fill;
- Written information relating to the reasons why any standard requirements of this Policy should be varied; and
- Any other plan or information that the local government may reasonably require to enable the application to be determined.

Should a Development Approval be issued, it will also be necessary for the proponent to submit a Building Permit Application (which gains necessary approval) prior to undertaking construction.

3. Consultation with Landowners and Stakeholders

The local government will consult with adjoining/nearby landowners and other stakeholders as required by LPS4, the Regulations and as determined by the local government. The local government may also consult where an application does not comply with this Policy and/or it does not comply with the deemed-to-comply requirements of the R-Codes.

4. Assessing the Development Application

The local government will have due regard to matters including the following in assessing Development Applications:

- Clause 67 in Schedule 2 of the Regulations;
- The character, values and amenity of SCA6;
- Building form;
- Roof form;
- Standard of construction;
- Materials and details;
- Alterations and additions;
- Retaining walls, excavation and fill;
- Fencing;
- Open space, landscaping and tree retention;
- Bushfire risk;
- Incidental structures;
- Written comments from affected stakeholders; and
- Any other circumstance and factor affecting the application in the opinion of the local government.

Should a Development Application not comply with the requirements of this Policy and matters are not able to be addressed through conditions of approval, the application will be considered by Council.

Where objections are received and the objections are not able to be adequately dealt with through conditions of approval, the application will be referred to Council for determination.

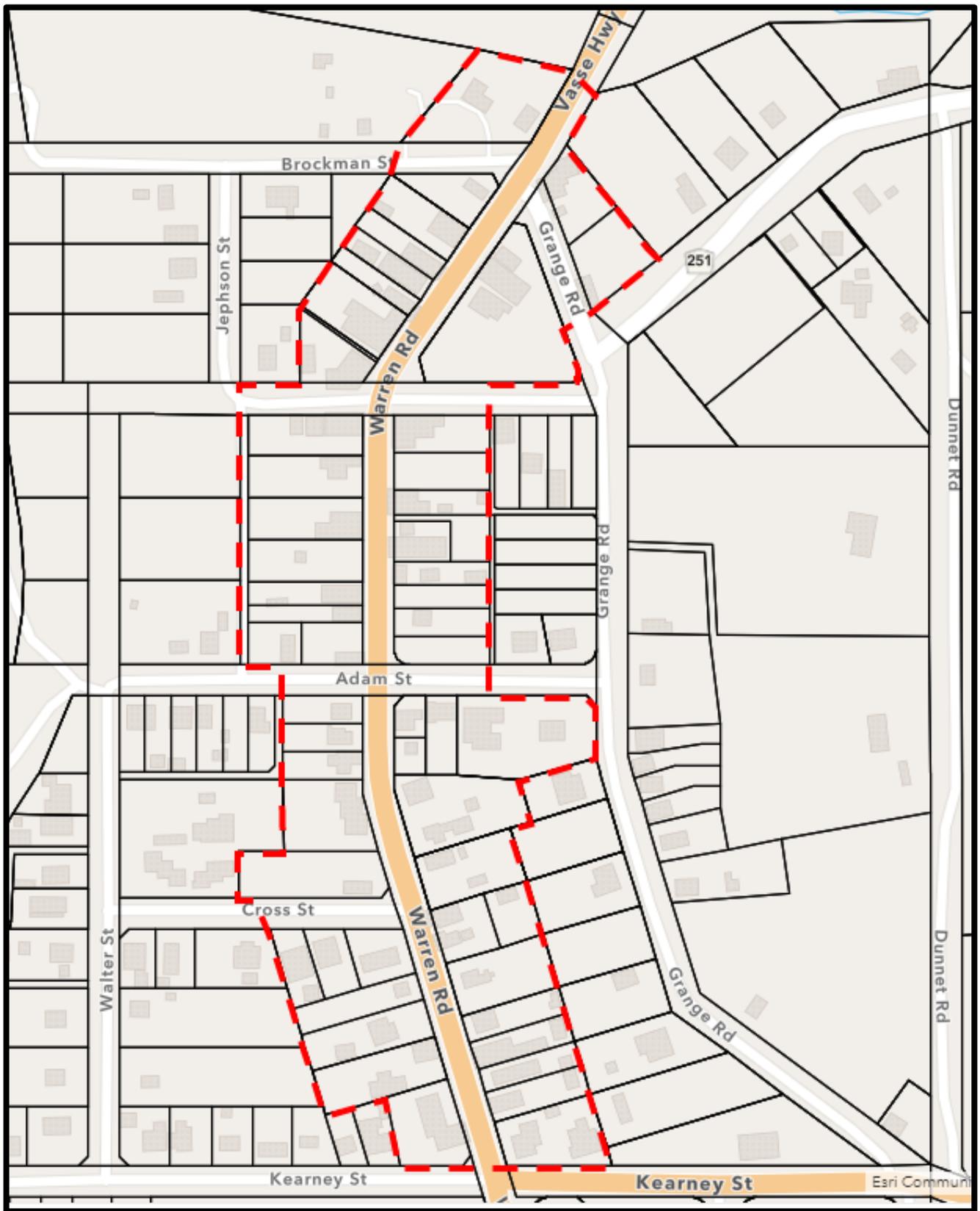
The Council may grant its consent with or without conditions or refuse its consent. The Council may refuse a Development Application where the application is inconsistent with this Policy, LPS4, other Local Planning Policies, the R-Codes and other State Planning Policies, or be based on information provided by the applicant, or be based on information set out in any submission received.

| | |
|----------------------------------|---|
| Related Policies: | LPP 1 Cut & Fill and Retaining Walls LPP 3 Sea Containers LPP 8 Development in Flood Prone Land LPP 10 Car Parking and Vehicular Access LPP 13 Heritage Conservation LPP 15 Outbuildings |
| Related Procedures/ Documents | <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> <i>State Planning Policy 3.7 Planning in Bushfire Prone Areas</i> <i>State Planning Policy 7.0 Design of the Built Environment</i> <i>State Planning Policy 7.3 Residential Design Codes – Volumes 1 and 2</i> |
| Delegation Level: | Chief Executive Officer or their Delegated Officer, Building Surveyor, Development Services Coordinator |
| Adopted: | OM 22 April 2010. |
| Reviewed: | OM 27 July 2023 |

Attachment 1 – Extract from Local Planning Scheme No.4

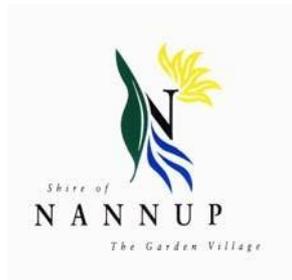
Table 11
Special control areas in Scheme area

| Name of area | Purpose | Objectives | Additional provisions |
|----------------------|---|--|--|
| SCA6 – Heritage Area | To conserve and protect the cultural heritage significance of the Nannup town centre. | To ensure that the new buildings, alterations and additions to existing building and associated development can be accommodated within the Nannup town centre without adversely affecting the area's historic heritage significance and amenity. | <ol style="list-style-type: none"> 1. Notwithstanding clause 58(1), development approval is required for signs which are inconsistent with Local Planning Policy <i>LPP18 Signs and Advertisements</i> and inconsistent with Local Planning Policy <i>LPP19 Heritage Conservation</i>. 2. The local government will have regard to relevant Local Planning Policies including <i>LPP8 Nannup Main Street Heritage Precinct</i>, <i>LPP13 Car Parking and Vehicular Access</i>, <i>LPP18 Signs and Advertisements</i> and <i>LPP19 Heritage Conservation</i>. |



SCA6 – Development Control Area – Heritage Area

~~NANNUP MAIN STREET HERITAGE AREA LOCAL PLANNING POLICY No. 8~~



~~Shire of Nannup~~

~~Adopted as a Local Planning Policy by the
Shire of Nannup 28 October 2010~~

~~1.0 BACKGROUND~~

~~During the period 1885 to 1914 there was a considerable increase in settlement activity within the Blackwood River region. As the area was opened up by roads and railways, small towns developed, and with them came opportunities for business. The settlement of Nannup was officially declared a townsite in 1890.~~

~~The main occupations of the early pioneers were sheep and cattle raising on pastoral leases, catching wild horses and timber cutting. The latter activity was undertaken both to clear land for grazing, and to cater for the growing timber industry. The timber trade grew rapidly with a growing demand – both locally and internationally – for railway sleepers and telegraph poles.~~

~~Nannup's main street (Warren Road) has developed slowly without much redevelopment, and consequently there has been little disturbance of its essential character. The basic spatial elements of this character are small commercial and residential buildings set on large lots, with areas around the buildings left open, and generally containing some small outbuildings and large mature trees (often deciduous and non-native to the area).~~

~~The town's character is enhanced by the gentle winding nature of its main street, the remarkable cohesion of the street's built form, and the surrounding hilly topography which allows differing views of mature trees and various rural activities.~~

~~2.0 PURPOSE OF THE POLICY~~

~~The Nannup community is concerned about conserving, enhancing and appropriately developing the physical, cultural and aesthetic environment of its central commercial area and main street. The community is seeking to enhance the existing built fabric, the social and business viability of the town, and to ensure that future development is in keeping with these goals and the recognised character of the town.~~

~~Warren Road has a number of buildings of cultural heritage significance, and several more of moderate heritage value. Scattered amongst these are some original, modest commercial and residential buildings of varying historic character. The main street is noteworthy due to the relatively intact nature of its building stock from the early part of the 20th century.~~

~~Warren Road may not be directly comparable to the main streets of York, Bridgetown or Northampton in the number of high value heritage buildings each contains. However the collective worth of the existing heritage buildings – large and small – and the absence of any really intrusive buildings, distinguishes Warren Road as an important Heritage Area, and one well worth protecting and enhancing.~~

~~This Policy is therefore intended to provide applicants, landowners, business operators and residents with the framework to be used by the Shire in assessing land use and development proposals in the Main Street Heritage Area.~~

~~The development guidelines contained in this Policy are not intended to create a "time capsule" and stifle new development. Rather, they set out to guide and encourage new contemporary development and redevelopment, and to ensure that the important heritage values, and unique timber town character of Nannup, will be preserved for the enjoyment of future generations.~~

~~All new development should avoid historicism, and instead contribute positively to Nannup's streetscapes to ensure the very features for which the town is admired are conserved.~~

~~3.0 APPLICATION OF THE POLICY~~

~~The Policy applies to land use and development within the area shown within the broken line on Figure 1 (see over page).~~

~~4.0 THE POLICY & THE SHIRE OF NANNUP LOCAL PLANNING SCHEME~~

~~All development within the Policy area is subject to the Shire of Nannup's Local Planning Scheme No. 3.~~

~~Council's Local Planning Scheme (Section 7.2) provides for the designation of "Heritage Areas". This Local Planning Policy and its development guidelines underpin the objectives for development within the Nannup Main Street Heritage Area.~~

~~Land owners should be aware of other relevant parts of the Local Planning Scheme, in particular Section 4.13.11 relating to the Town Centre Zone.~~

~~5.0 POLICY OBJECTIVES~~

- ~~1. To conserve and protect the cultural heritage significance of the Nannup Main Street Heritage Area;~~
- ~~2. To ensure that new buildings, and alterations and additions to existing buildings, can be accommodated within the Area without adversely affecting the Area's significance and amenity;~~
- ~~3. To encourage development which is compatible, complementary and sympathetic with the existing heritage significance, character and appearance of the Nannup Main Street Heritage Area; and~~
- ~~4. To provide improved certainty to landowners and the community about the planning processes for development within the Area.~~

~~6.0 FURTHER INFORMATION~~

~~The Council's town planning and building staff should be consulted at the earliest stage of planning for new development. This will ensure that you are fully briefed on the Shire's objectives for the area in which you are proposing to develop, and that you have a common understanding of the interpretation of the requirements of the Shire's various planning documents.~~

~~For further information please contact the Shire and speak to its planning staff on tel. (08) 9756 1018.~~

~~7.0 APPLICATIONS FOR PLANNING APPROVAL~~

~~Development within the Nannup Main Street Heritage Area requires Planning Approval in accordance with Clause 8.1 of the Shire of Nannup's Local Planning Scheme No. 3.~~

~~All applications for planning approval must be made on the form prescribed in Schedule 6 of Local Planning Scheme No. 3, and the form must be completed and signed by both the owner of the land and the applicant.~~

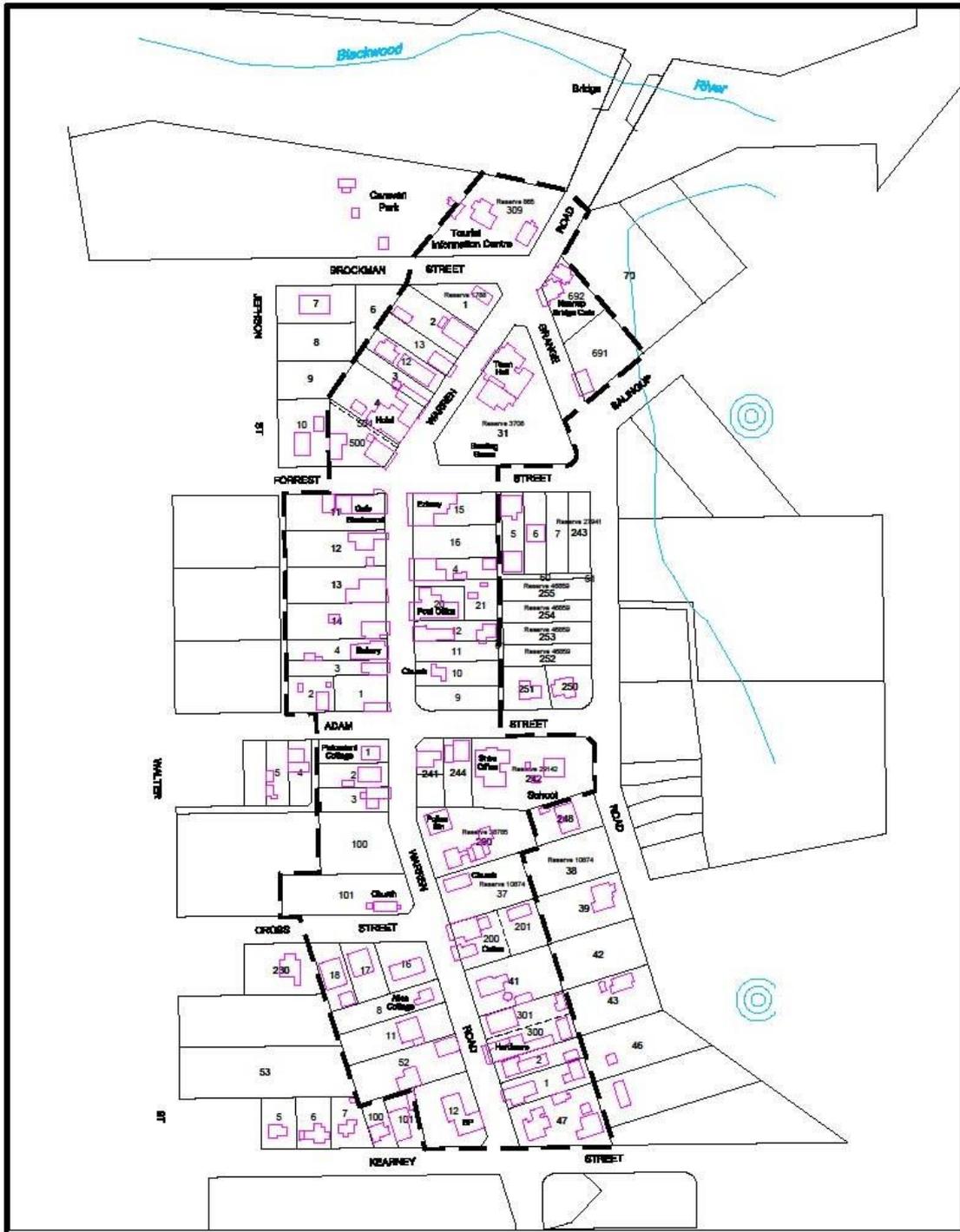


FIGURE 1
 NANNUP MAIN STREET HERITAGE AREA
 SHIRE OF NANNUP



SCALE 1:2500 @ A3 DATE: 16.11.2010

~~8.1 DEVELOPMENT GUIDELINES~~

~~Town Character~~

~~The Nannup community perceives the character of the town as contained in two major interlinking themes, which are:~~

- ~~• A “Garden Village”, and~~
- ~~• A working timber town, originating primarily in the thirty years either side of 1900.~~

~~These concepts are to be used in a complementary manner as design parameters, and the main source of design inspiration for future development.~~

~~Objectives~~

~~All new development and redevelopment within the Nannup Main Street Heritage Area should contribute positively to the recognised heritage values and established townscape quality of Nannup’s main street.~~

~~The Council requires that all proposals for new development and additions to existing development within the Heritage Area shall:~~

- ~~• add to the range of services and facilities available to the town residents and its visitors;~~
- ~~• ensure through appropriate design that the strong “Garden Village” character, and “working timber town” identity/role of the town is preserved, particularly in regard to development size, form, height and scale;~~
- ~~• be compatible with existing development, particularly in regard to building materials, shop front design, front setbacks, the use of colour, the application of advertising signage and the location and form of fencing;~~
- ~~• enhance the existing overall visual appearance of the Heritage Area;~~
- ~~• improve the provision of weather protection for pedestrians; and~~
- ~~• build upon the existing strong sense of community, and improve the economic viability of the town.~~

~~Land Uses~~

~~Land uses are directly controlled through Part 4 of Local Planning Scheme No. 3.~~

~~PLACES OF HERITAGE SIGNIFICANCE~~

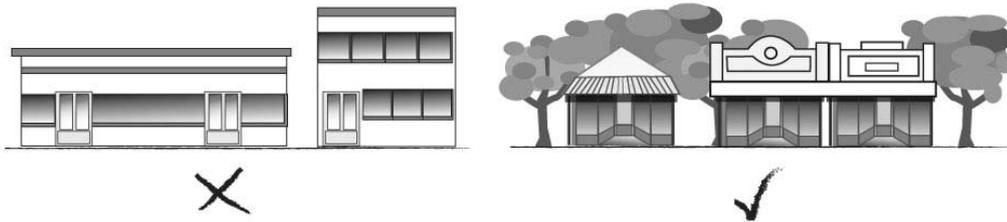
~~The Shire of Nannup Municipal Inventory (Feb. 1996) records a number of places within the Nannup Main Street Heritage Area as having varying degrees of cultural heritage significance.~~

~~Some other places within the Area have lesser heritage significance, but nevertheless contribute to the town’s overall heritage quality. Applicants are advised to discuss heritage aspects with Shire staff at the earliest stage of planning and/or design development.~~

~~“Development” is defined under the Town Planning and Development Act and Heritage Act, and includes demolition, erection, construction or alteration of any building or structure or the land, the carrying out of excavation works, or the like. In the case of places registered by the Heritage Council of Western Australia, development includes anything likely to change the character or external appearance of any building, or irreversible alteration to the fabric.~~

BUILDING FORM

The form that a building takes is greatly influenced by the use which it houses. If the proposed use of a new building is compatible with neighbouring uses, then it is much more likely that the form of that building can also be "neighbourly".



Generally the emphasis of building form should be vertical or compact, rather than wide, low buildings which have a horizontal emphasis to their form and detailing.

Where large frontages are planned, the façade should be broken up by vertical elements, and where possible new floor levels, window positions and sizes, and verandahs, should complement those of adjacent buildings.

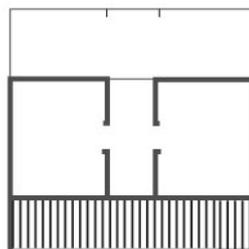
Although shops will wish to display their goods effectively, modern shop fronts with aluminium frames and floor to ceiling glass are not appropriate, and will not be encouraged in new developments. They should certainly not be included in alterations to existing historic buildings.

Additions or alterations to existing shop fronts in the Heritage Area should follow traditional window-door-verandah-gable forms in size, proportion and placement. The heights of these elements, especially the gable or parapet ends, the verandahs and the dwarf wall under the display window should follow those of adjacent original shop fronts.

PLAN FORM

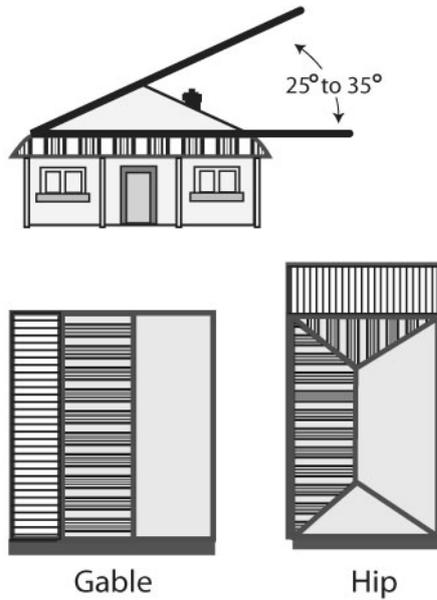
The shapes of traditional plan forms in Nannup are characteristically simple. They are composed of basic rectangle and square combinations and are usually symmetrically arranged around a central front door. Plans for new developments should reflect this where possible. Complex plans with walls that step in and out are not acceptable.

As is often the case with older commercial buildings, the front door may be recessed slightly from the remainder of the front façade, with the external entry floor abutting the footpath paved with decorative feature tiles or mosaics.



ROOF FORM

Main roofs in the Heritage Area have characteristically been clad with custom orb profile sheeting (i.e., corrugated iron — not tiles), and pitched between 25 and 35 degrees. The design configuration of the roof should be simple with rectangular plans and a combination of hipped or gabled roofs.



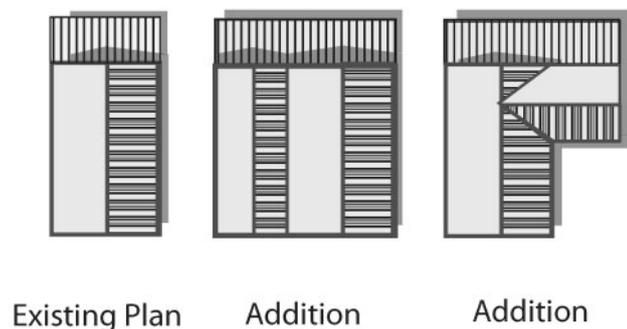
~~BUILDING HEIGHT~~

~~Apart from the Nannup Hotel, buildings within the Heritage Area are single storey. This can mean about 4 to 6 metres in height. Two storey buildings may be permitted where the function of the proposed building makes it unavoidable. Three storey buildings will not be permitted.~~

~~ALTERATIONS & ADDITIONS~~

~~In altering and extending existing buildings in the Heritage Area, all of the general principles outlined for new development in these Development Guidelines shall be applied.~~

~~In making additions, care needs to be taken of the impact the changes may have on the building being extended, and on the character of the street as a whole. There are some simple ways in which additions can be carried out to reduce their impact, and some examples are illustrated below.~~



~~In carrying out external alterations to existing buildings, the principles established in these Development Guidelines in respect of materials, colour schemes and building details should be taken into consideration.~~

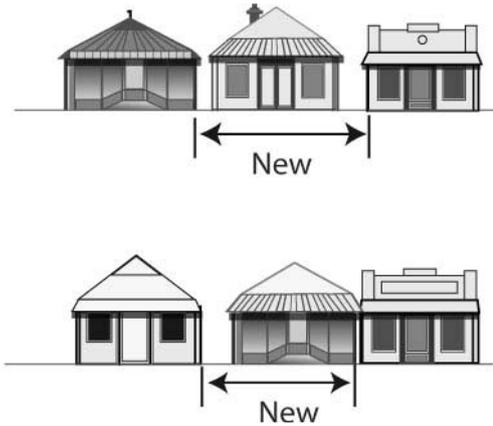
~~It is highly desirable that an architect with heritage conservation skills be engaged to assist in major alterations to existing heritage buildings. Advice should also be sought from the Heritage Council of WA.~~

INFILL DEVELOPMENT

This is a very important form of development because of its immediate relationship with, and impact upon, existing buildings and the streetscape.

Infill development does not need to imitate traditional buildings in every detail, but it should at least respect and reflect the scale, form, materials and emphasis of surrounding buildings.

Infill commercial development should seek to provide continuity and harmony with the existing streetscape by continuing the parapet height or gable height, the verandah height, window and door format, dado and stringing lines of adjacent traditional buildings.

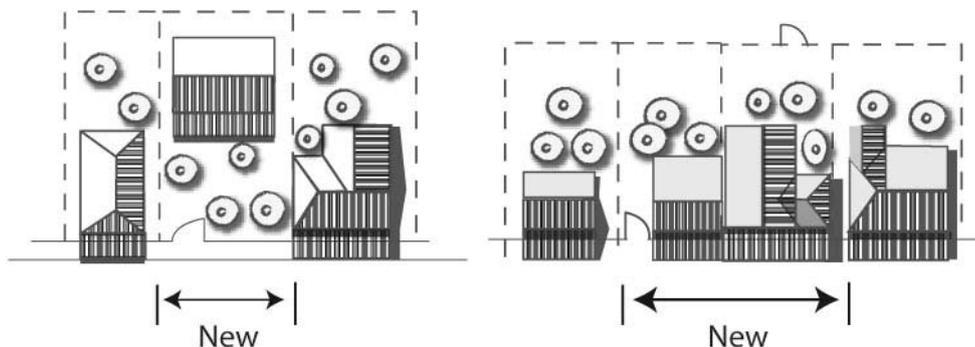


Building construction should be limited to a palette of sympathetic materials such as weatherboard, red/orange bricks and/or rendered finished masonry, and steel custom orb shooting.

If a dwelling is to be constructed within the Heritage Area, it should be compatible and complementary in style, form, scale, materials and location on the site with existing dwellings in the immediate locality. The construction of suburban style project homes or kit homes within the Heritage Area is not appropriate, and will not be approved.

SETBACKS

Generally, new commercial buildings shall be located on the front property boundary, unless the function of the building demands that some part of it be set back. Residential buildings may be set back from the front boundary.



New residential buildings may be set back from the front property line (left) as has traditionally occurred in Warren Road. However, new commercial buildings shall generally be located on the front property line (right), as this has also traditionally been the norm.

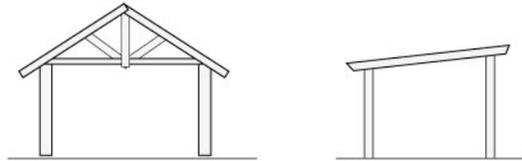
~~Applicants should be aware that Council will need to be strongly convinced of any need to set a commercial building or part of a commercial building back from the front property line.~~

~~It is accepted that access to the rear of developments may need to be provided at the side of buildings, but side setbacks should ideally be kept to a minimum to facilitate continuity of frontages in the northern part of the Heritage Area.~~

~~All garages or carports are to be situated at the rear of commercial buildings with access from the rear of the property unless otherwise approved by Council.~~

~~Any garage or carport associated with a residential property shall be set back to the side of, or behind, the dwelling it serves, and in any event shall be set back a minimum of five metres from the front property line, and where located at the side of the dwelling shall face the main street. The front fence must contain an enclosing gate on the front property line where vehicular access is gained from the street, and the gate must be compatible in style, scale and materials with the rest of the front fence. (See "Fences & Garden Walls")~~

~~A garage or carport shall be designed in a manner consistent with the style of the existing dwelling or commercial building with which it is associated, except where this would be detrimental to achieving the desired streetscape.~~



~~OPEN SPACE & LANDSCAPING~~

~~As has been stated previously, it is strongly recommended that commercial buildings be located on the front boundary. Therefore the scope for planting at the front of the building, (other than on the footpath within the public domain) will be limited or impossible. Therefore, in order to maintain the town's rural character, the planting of taller growing trees to the side and rear of buildings will be encouraged. This will help provide the buildings with a setting and a backdrop when seen from the street, in keeping with the existing character of the Heritage Area.~~

~~Existing street trees should be protected and retained in the course of any new development. Opportunities for new street tree plantings should be actively pursued. It is preferable to locate new street trees on the extended alignment of side boundaries, so shops and their advertising will not be unduly obscured by the tree canopies.~~

~~MATERIALS & DETAILS~~

~~The most common original building material for walls within the Heritage Area is weatherboard. Red/orange bricks, and/or rendered finished masonry are also widespread. Some stone has been used, mostly associated with fencing. Custom orb ("corrugated iron" or zincalume) is a traditional material that is used widely for roofing, and for some walls.~~

~~Modern decorative bricks, pale coloured bricks or tumble finished bricks should be avoided, as should fibre cement planks and sheeting, and steel sheeting other than custom orb profile.~~

~~A broad representation of "Development Character⁸⁰" is illustrated in an Appendix to this Policy. It gives examples of appropriate colours for Nannup, and suggested approaches to material selection.~~

~~VERANDAHS & AWNINGS~~

~~Verandahs and awnings provide shade and protection from the weather for footpaths and ground level shopfronts. Their provision on new buildings where the intended use of the proposed building makes it feasible will be strongly encouraged, especially where continuity with adjacent verandahs or awnings will result.~~

~~Roll-down blinds attached to the front edge of verandahs or awnings are useful for sun protection, and can double as advertising spaces. (See "Outdoor Advertising & Signage")~~

~~Both commercial and residential buildings in the Heritage Area have traditionally been built with verandahs or awnings. Those of commercial buildings have nearly all been located over the public footpath, with simple square profile "4x4" posts. Rustic "bush poles" for supports are not acceptable. If the posts are unprotected from vehicles they should be non-structural. If they can be adequately protected then they can be structural elements.~~

~~The addition of a verandah or awning to an existing building is acceptable, provided either that the building originally had a verandah or awning, or that one can be added without prejudicing the building's original character and details.~~

~~Where appropriate, additions and new buildings should follow precedent and adopt a veranda or awning style in keeping with local examples within the Heritage Area. Overly "bullnose" style and concave verandahs and awnings are not a part of the Nannup streetscape and should be avoided.~~



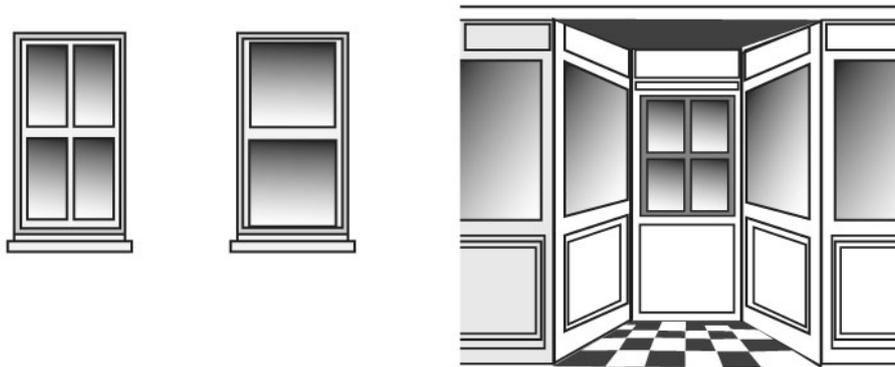
Appropriate awning styles.

~~WINDOWS & DOORS~~

~~Traditionally, most windows and doors of Nannup's heritage buildings are rectangular with a vertical emphasis. The shopfront windows may be multi-paned or square. Large "picture windows" and floor-to-ceiling sliding glass doors should be avoided. Most windows have sills, and frames are made of timber or copper.~~

~~Door and window frames of new buildings which are visible from the street may be of timber, or commercial quality box aluminium framed, or copper, or timber to match existing, or of a material and form to match the period of the building being restored.~~

~~Door openings should have a vertical emphasis. Timber doors with a plain flush panel or vertical boards are preferred, as are timber door frames.~~



Typical windows and recessed front doorway.

OUTDOOR ADVERTISING & SIGNAGE

~~The type and form of advertising and other signage on buildings should be respectful in scale, form and style to the character of the building itself, and the Heritage Area as a whole. Town identification should be paramount in the wording of signs.~~

~~Advertising signage should ideally be confined to those areas of buildings illustrated below. While it is not necessary to adopt an “olde worlde” approach to signage, signs which at least respect the scale and form of traditional signs are preferred. In particular, the use of under verandah signs and “shingles” is encouraged.~~

~~If necessary, signs can be externally illuminated. Internally illuminated, flashing and “chasing” style signs are inappropriate in the Heritage Area, and will not be permitted.~~



Appropriate locations for advertising signs.

~~Large hoarding style signs on the flank walls of buildings are potentially inappropriate and intrusive and should be avoided. Roof mounted signs are not permitted. Signs painted directly onto roofs, verandahs or awnings may be permitted.~~

~~Advertising signs on roll down blinds on verandahs or awnings may also be permitted, but only where the blinds obscure signage on the windows, and any signage must only be of a type and size of those on the window(s) being obscured.~~

~~Bunting and permanent banners are not permitted.~~

~~All signage is to comply with the provisions of the Shire of Nannup's Local Planning Policy LPP.018 Sign Policy.~~

~~A frame signs (sandwich boards) may be permitted, provided they do not have a surface area (each of two faces) of more than 0.5 sq.m, and in any event a maximum width of 600mm and a maximum height of 900mm measured from the ground.~~

~~Each business is restricted to one A frame sign. The sign must be placed immediately adjacent to the korb, or to the front wall of the business, and must not be placed in close proximity to other items (tables, chairs, rubbish bins, etc.), so as to create a "pinch point" on the footpath, thereby restricting free pedestrian movement.~~

~~THE USE OF COLOUR~~

~~As well as protecting and enhancing a building, its colour scheme can have a dramatic effect on the streetscape. A poor colour scheme can undermine architectural features and streetscape quality. This is particularly important in a small, visually cohesive town like Nannup. Buildings should therefore be painted to create a harmonious streetscape, while allowing for some individual expression.~~

~~The Shire of Nannup wants to encourage the application of a co-ordinated "palette" of colours to public buildings, privately owned existing and new commercial buildings, and street furniture within the Main Street Heritage Area. These colours should be appropriate to the rural character and acknowledged heritage values of the town.~~

~~The use of natural colours appropriate to the Nannup locality is encouraged. These colours should reflect the hues of the local soils, rocks and vegetation.~~

~~However, where paint scrapings can determine original colours on older buildings, then these colours should be reinstated, or closely followed.~~

~~Previously unpainted brickwork on heritage buildings should not be painted over.~~

~~The preferred colours for roofing iron include zincalume in its natural state, or traditional red.~~

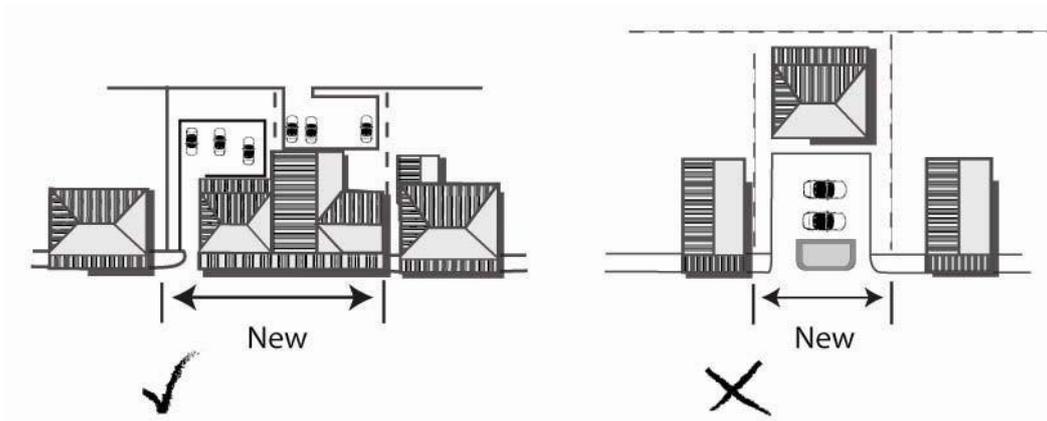
~~Appropriate colours for decorative elements (where they occur) such as cornices or moldings will be those which will provide either a darker or lighter contrast to the main colour of the building, either weatherboard, brick or render. Doors, windows, fascias and other trim can be contrasted in colours appropriate to the region's natural environment.~~

~~The Shire may seek professional advice on colour schemes appropriate to Nannup.~~

~~A "Character Sheet" is available at the Shire offices which gives examples of appropriate colours for Nannup, and suggested approaches to material and colour selection.~~

~~PARKING PROVISIONS & VEHICLE ACCESS (Including Service Vehicle Access)~~

~~Generally, private vehicle provision should be at the rear of buildings, or may be at the side. Open car parks at the front of buildings will not be permitted.~~

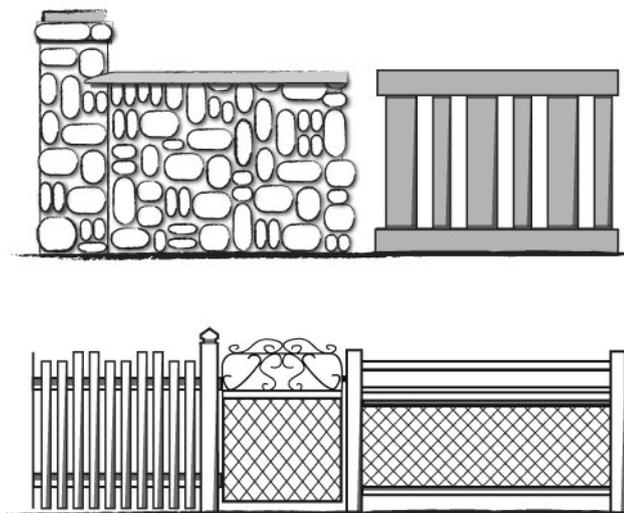


~~Where access to a rear car park is unavailable from the rear, access should be provided at the side of the building.~~

~~Service access shall preferably be provided to the side or rear of a commercial building. Service vehicle access shall be constructed so that vehicles using it may return to the street in a forward direction.~~

FENCES & GARDEN WALLS

~~It is important that the character of Nannup is not compromised or lost by the intrusion of fence types and heights that would transform its country town tenor into that of a suburban subdivision.~~



1930s wall, fences and gate, appropriate for the Heritage Area.

~~Where commercial buildings are built up to or close to the front boundary, fences have generally not been provided. They are usually provided on residential lots, or on the front boundary of that part of a commercial lot which does not contain a building (e.g., to contain an outdoor eating area adjacent to a café).~~

~~Where front fencing has been provided it is low (0.8 to 1.2m) and built of a consistent palette of timber post and rail, simple timber pickets, and/or stone and rendered masonry. Front hedges of a similar height may also be acceptable. Gates should match the style and scale of the fence.~~

~~High fences, “super six” fibre cement, “timber lap” and treated pine fencing are all inappropriate for~~

~~front fencing.~~

~~Different fences suit different property types. Generally the smaller (narrower) the lot, the more sophisticated the fence. Side fences beyond the front building line and rear fences can stop up to approximately 1.8m. "Super six" style fibro cement sheeting may be used as a fencing material for rear yards if its visual impact from the street(s) will be limited.~~

~~VACANT LAND~~

~~Vacant sites within the Heritage Area should be maintained in good order. They should not be used to store materials, parked cars, or allowed to deteriorate or become a fire risk.~~

~~It is highly desirable for vacant sites to be fenced along the front boundary, in order to maintain a continuous "street wall" which helps to reinforce the visual impression that the town is healthy and prosperous. Even a basic picket fence can help to attract the attention of the passer by, and distract him/her from the uninteresting view behind it.~~

~~ALFRESCO DINING~~

~~"Alfresco" is an Italian word meaning "in the open air". Nannup's climate makes dining outdoors a pleasant pastime for much of the year, and the town's food outlets are increasingly providing tables and chairs outside on road reserves for their patrons' enjoyment.~~

~~Alfresco dining facilities can add colour and vitality to the main street, but it is important that they do not obstruct pedestrian or vehicular movement, or interfere with activities carried on in adjoining premises. The establishment of appropriate alfresco dining areas is encouraged by the Shire of Nannup.~~

~~Alfresco dining areas can be established in association with most cafes, restaurants, hotels, bakeries or take away food outlets, provided that:~~

- ~~● they are located directly adjacent to the business;~~
- ~~● they do not obstruct pedestrian movement or obscure or restrict access to adjacent properties. A minimum of 1.5 metres of footpath width must be kept clear for pedestrians in all areas; and~~
- ~~● alfresco dining furniture, alfresco plastic blinds and A frame signs must not obstruct the visibility of vehicles or pedestrians either at road junctions or at driveways.~~

~~Street furniture offers the opportunity to provide colour and interest, and to enhance the image of the business. While the versatility and low cost of plastic furniture is recognised, other materials such as wood, steel and cast metals are more appropriate to the character of Nannup, and are also encouraged as they are less susceptible to discolouration and marking, and are available in a wide variety of styles.~~

~~All furniture and other structures are to be free standing, and umbrellas must be provided with a secure base.~~

~~The business which establishes and carries on the alfresco dining establishment is responsible for cleaning the dining area at the close of business each day.~~



~~Structures which are part of the street furniture may bear commercial advertising, although the advertising can only relate to the establishment, or the goods sold within it.~~

~~FRANCHISES/CORPORATE IMAGES~~

~~Any local, regional, state, national or international corporate body proposing a development in Nannup (including a petrol station, real estate agent, hardware store, supermarket, fast food store, chemist or similar retail/commercial enterprise) should be aware that every application for planning approval shall be assessed against this Policy. In particular, colour schemes and advertising will be critically assessed, and developments will not be permitted to adversely affect the town's established character, or subdue its rural image.~~

~~While an applicant's requirement to exhibit their company's standard logo is recognised and will be accommodated where possible, it is expected that restraint will be shown in the application of corporate colours, decoration and advertising.~~

~~In particular, the Shire will not allow the Policy objectives regarding building form to be compromised by the introduction of inappropriate suburban "drive-through" architecture.~~



An example of corporate signage which does not respect the character or proportions of the building.

~~9.1 DEFINITIONS~~

~~**Building Form** means the overall shape and volume of a building and the arrangement of its parts.~~

~~**Character** is essentially the combination of the public and private domains. Every property, public place or piece of infrastructure makes a contribution, whether large or small. It is the cumulative impact of all these contributions that establishes local character. The physical qualities of character in Nannup are diverse and include:~~

- ~~the era of the majority of development;~~
- ~~the subdivision pattern;~~
- ~~the siting and orientation of development/built form on the lots;~~
- ~~the form and distribution of open space;~~
- ~~building height, scale and proportion; and~~
- ~~distinctive building styles, particular design elements, materials and finishes.~~

~~**Compatible/Complementary/Sympathetic Development** means a design outcome that shares the characteristics of the context, and while it will not be the same as historic neighbours, will not look out of place amongst them.~~

~~**Contemporary Design** means design styles that are of their time and that do not use the design elements of another time, such as historicism.~~

~~**Cultural Heritage Significance** has the same meaning given to the term in the “Heritage of Western Australia Act 1990”, and means the aesthetic, historic, social and scientific values of a place for past, present or future generations.~~

~~**Development** has the same meaning given to the term in the “Town Planning Act”.~~

~~**Facade** means the exposed face(s) of a building towards roads or open space, or the frontal outward appearance of a building.~~

~~**Heritage Areas** are precincts in which the relationship between the various built elements creates a special sense of place which is worth conserving. A Heritage Area may be a group of places that together form a precinct which is of cultural heritage significance notwithstanding that each place within the precinct does not itself have cultural heritage significance and which, in the opinion of Council, require special planning controls to conserve and enhance the cultural heritage significance of the Area under the provisions of the Shire’s LPS3.~~

~~**Historic Character** means the combination of particular characteristics or special qualities of a place related to its period or style of construction.~~

~~**Historicism** means an excessive regard for past styles and may include copying them, as opposed to contemporary design.~~

~~**Infill Development** means a new building in an established and valued historic context. Good infill is sympathetic to its surroundings and context, and creates a new structure that enhances and complements the existing character. Infill should be distinguishable from the existing context but should look like a “well-mannered neighbour”.~~

~~**Municipal Inventory** means a list of places and structures which, in the opinion of Council, are, or may become, of cultural heritage significance. Local Governments are required under the “Heritage of Western Australia Act 1990” to prepare such a list. It is recognition of the heritage importance of the places and structures to the local community.~~

~~**Townscape** means the total visual impression gained from any one location within a street including the natural and man-made elements, and is made up of the appearance of, and the relationships between, buildings in terms of design, scale, materials, colours, finishes, signs, external furniture, paving materials for roads, footpaths and landscaping.~~



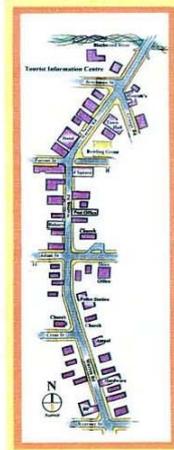
Nannup Mainstreet Heritage Precinct

The Garden Village in a Working Timber Town



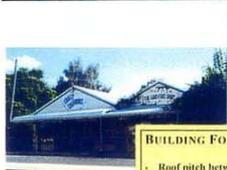
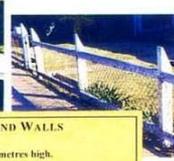
WINDOWS AND DOORS

- Vertical, rectangular windows.
- Doors set in an alcove off the footpath.
- Copper or timber frames.



FENCES AND WALLS

- 0.8 to 1.2 metres high.
- Timber or stone.
- Gates matching the fence style.



BUILDING FORM

- Roof pitch between 25° and 30°
- Verandahs over footpaths.
- Buildings set right to the front of the street.
- Buildings vertical proportions rather than low horizontal forms.
- Gable to the street, above the verandah.



ADVERTISING

- Painted signs.
- Appropriate for the scale and character of the building.
- Corporate signage respectful of Nannup's character.
- Use your product in your signage.



MATERIALS AND DETAILS

- Corrugated iron, (custom orb), zincalume and Colorbond.
- Weathered, oiled or painted timber.
- Local stone.
- Copper or timber window frames.
- Orange clay bricks.



COLOUR

- Research and repaint original colours on buildings where appropriate.
- Use colours drawn from Nannup's unique setting.
- Save strong contrasting colours for features.
- Consider neighbouring buildings when choosing colours.



DEVELOPMENT CHARACTER

This illustrative character study is intended to be used with the Nannup Mainstreet Heritage Precinct Development Guidelines.

For Assistance and further information, please contact the Shire of Nannup on; (08) 9756 1018



APPENDIX – “Development Character”

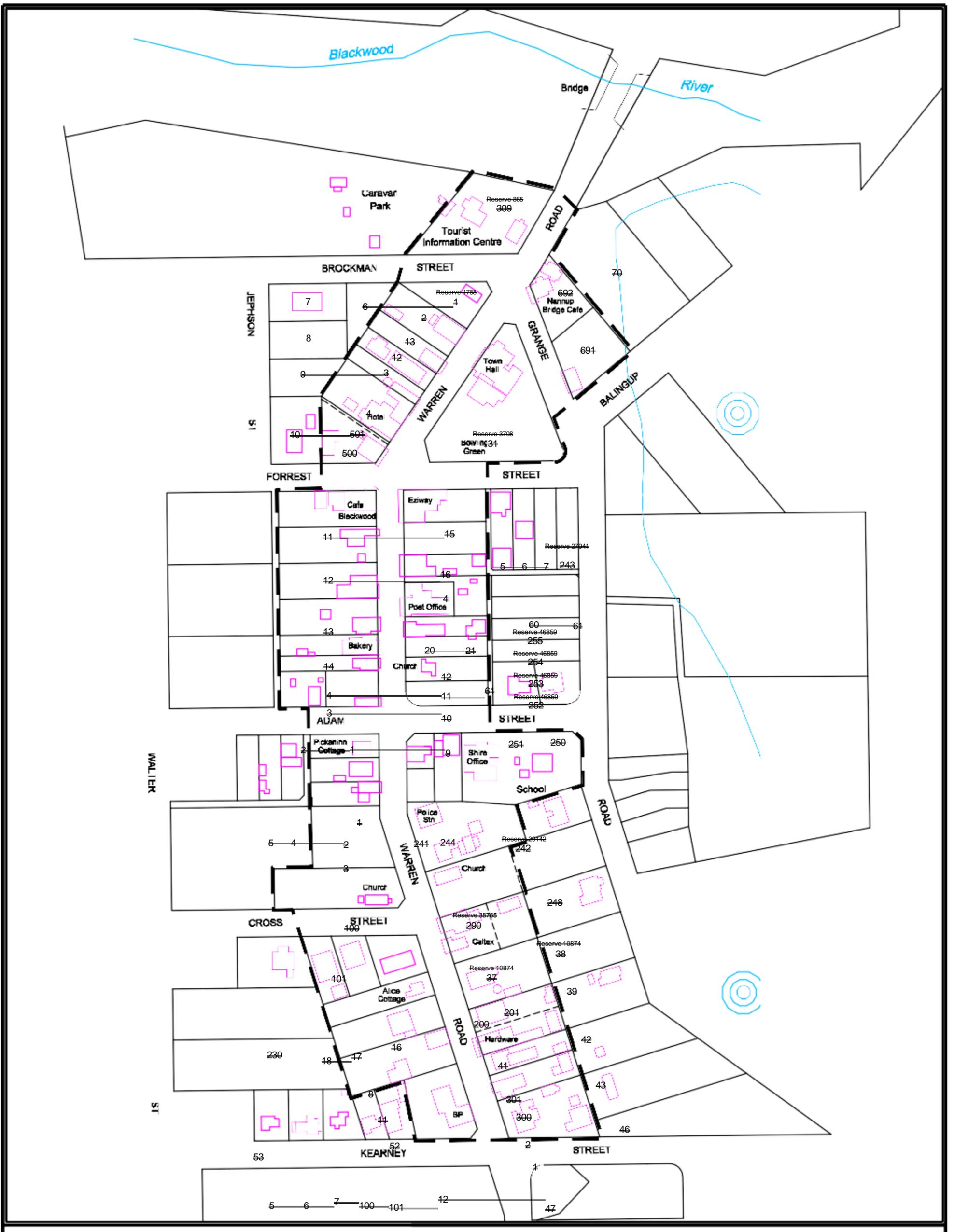


FIGURE 1 NANNUP MAIN STREET HERITAGE AREA - SHIRE OF NANNUP

| | |
|-----------------------|---|
| Policy Number: | LPP 0118 |
| Policy Type: | Local Planning Policy |
| Policy Name: | Development in Flood Prone Land Risk Areas |
| Policy Owner: | Chief Executive Officer |

AUTHORITY: Shire of Nannup Local Planning Scheme No. 34

POLICY BASIS

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and the *Shire of Nannup Local Planning Scheme No. 4 (LPS4)*.

OBJECTIVES

1. To restrict the subdivision of land within flood prone areas.
2. To limit more intensive development within flood prone areas.

DEFINITIONS

“**Flood Prone Risk Areas**” relates to that land as identified by the Department of Water and Environmental Regulation (DWER) as being within the ‘1 in 25 Average Recurrence Interval (ARI) Floodplain’ (4% Annual Exceedance Probability (AEP) flood level) and the ‘1 in 100 ARI Floodplain’ (1% Annual Exceedance Probability (AEP) flood level) as set out in the *Blackwood River Flood Study* or other flood prone risk land as advised by the Department of Water DWER.

APPLICATION OF THE POLICY

This Policy applies to land use and development on flood prone land within the district and within Special Control Area 3 (SCA3) in LPS4.

The provisions of this Local Planning Policy apply to all development and/or use of premises in the Local Planning Policy Area where indicated as permitted or discretionary land uses under the Zoning Table of LPS4.

Subject to LPS4, development and use of land shall be in accordance with the standards and requirements of this Policy.

LINKS TO LOCAL PLANNING SCHEME AND OTHER DOCUMENTS

This Policy relates to various requirements set out in LPS4, *State Planning Policy 3.7 Planning in Bushfire Prone Areas*, *State Planning Policy 7.0 Design of the Built Environment*, *State Planning Policy 7.3 Residential Design Codes – Volume 1 (R Codes)*, *State Planning Policy 7.3 Residential Design Codes – Volume 2 – Apartments*, the *Building Code of Australia* and various Local Planning Policies. Where there is an inconsistency between this Policy and LPS4, then LPS4 prevails to the extent of such inconsistency.

POLICY PROVISIONS

~~This policy applies to individual flood risk land within the district.~~

The local government will take a precautionary approach to flood risk.

The local government recognises there is a significant difference in allowing a house and an

outbuilding (shed) on a historically created lot, which is completely in flood risk areas, compared to now creating additional new lots in the flood risk areas.

The local government does not support subdivision that will create further flood risk lots unless a suitable sized building envelope/suitable building area are located outside of the 1 in 100 ARI floodplain.

The local government seeks to ensure that new lots are both suitable and capable for the intended purpose.

The local government requires that applicants suitably demonstrate a site's suitability and capability for subdivision and associated development which includes addressing flood risk. For development within (SCA3) this includes addressing matters set out in ~~clause 6.2.4~~ Part 5 Table 11 of LPS4, ~~of the Scheme.~~

The local government will have regard to ~~the Scheme~~ LPS4, relevant State Planning Policies, the *Blackwood River Flood Study*, information provided by the applicant and as appropriate advice from ~~the Department of Water~~ DWER to determine applications.

| | |
|-----------------------------------|--|
| Related Policies: | |
| Related Procedures/ Documents: | |
| Delegation Level: | Chief Executive Officer or their Delegated Officer, Building Surveyor, Development Services Officer |
| Adopted: | OM 09 June 1994 |
| Reviewed: | OM 27 July 2023 |

| | |
|-----------------------|---|
| Policy Number: | LPP 0129 |
| Policy Type: | Local Planning Policy |
| Policy Name: | Tourist Accommodation in Rural Areas Tourism Land Uses and Short-Term Accommodation |
| Policy Owner: | Chief Executive Officer |

AUTHORITY: Shire of Nannup Local Planning Scheme No. 4

POLICY BASIS

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and the *Shire of Nannup Local Planning Scheme No. 4 (LPS4)*.

OBJECTIVE

The objectives of this policy are to:

1. Support short-term accommodation based on the district's natural and cultural assets.
2. Ensure that relevant planning considerations are suitably addressed.
3. Ensure that short-term accommodation is located and managed so as to prevent inappropriate impacts upon the amenity of surrounding areas.
4. Ensure short-term accommodation is sited, sized and designed to be consistent with the character of the surrounding area.
5. Retain or enhance the visual amenity of the locality.
6. Encourage short-term accommodation in non-urban areas whilst conserving the rural character and protecting primary production.
7. Achieve a high standard of short-term accommodation.
8. Ensure short-term accommodation is appropriately managed so as not to cause nuisance or annoyance to the owners of adjoining or nearby properties.
9. Provide increased certainty for applicants, the community and others and to assist in providing greater consistency in decision making by the local government.
10. ~~To approve high quality tourist accommodation in the non-urban areas whilst conserving the rural character and primary production values of the District.~~

DEFINITIONS

For the purposes of this policy, the following definitions apply:

"Rural" means land zoned Rural, Rural Smallholdings, Environmental Conservation or Priority Agriculture in LPS4.

~~Nil~~ **"Short-term accommodation"** is defined in LPS4 and means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totaling more than 3 months in any 12 month period. It includes bed and breakfast, camping ground, caravan park, holiday accommodation, holiday house, hotel, motel and nature based park. It also includes 'tourist development' and will as relevant, guide the assessment of non-accommodation forms of tourist development.

APPLICATION OF THE POLICY

This Policy applies to the development of short-term accommodation throughout the municipality (the district).

POLICY PROVISIONS

1. General Introduction

As set out in LPS3 LPS4, in particular in the Zoning Table or in the Schedules for certain land, various types of tourist short-term accommodation can be considered in most zones.

~~The local government. With regard to the broad objectives of this Policy the following specific objectives for the approval of tourist accommodation are:~~

- Supports short-term accommodation on appropriately zoned land subject to the applicant addressing relevant planning considerations. This includes appropriately addressing environmental, landscape/visual impact, land use compatibility, risks including bushfire and flooding, access, servicing, design and effective on-going management;
- Supports the provision of a range of short-term accommodation which is appropriate for the site's context and which showcases and complements the attributes of the district;
- To encourage links between tourist short-term accommodation and established rural pursuits so as to diversify economic base and retain development at a low key nature.
- Adopts a precautionary approach to minimizing bushfire risk;
- Will generally require that short-term accommodation on rural land is ancillary to rural and/or conservation uses. Unless appropriately justified, larger scale developments should be in a Tourism or related zone.

All short-term accommodation requires the submission of a Development Application to the local government.

Based on *State Planning Policy 3.7 Planning in Bushfire Prone Areas and Guidelines for Planning in Bushfire Prone Areas*, the Development Application may need to be accompanied by a Bushfire Management Plan (BMP) and should be accompanied by a Bushfire Emergency Evacuation Plan (BEEP). Further details are outlined in section 7.

While the Policy focuses on short-term accommodation, relevant components of the Policy will be used in assessing Development Applications for non-accommodation forms of tourist development (especially outside of the Nannup townsite). This includes galleries, microbreweries, wineries, restaurants/ cafes and leisure/recreation-private uses.

The 'onus of proof' rests with the applicant to justify their application and variations to this Policy.

2. Application Site Requirements

Development for short-term accommodation should generally address the following site requirements:

- Provide appropriate setbacks/buffers to adjoining uses to be a 'good neighbour';
- Development should be suitably located to avoid potential conflict with normal farming operations on adjoining properties;
- The site shall, in the opinion of the local government, contain suitable tree cover and/or have other screening adequate to provide visual screening and privacy. The local government may require, as a condition of Development Approval, additional planting and/or other screening measures in order to provide increased screening of the proposed development from State and regional roads, key tourist routes or from surrounding properties;
- Site conditions including topography and soil type to ensure adequate sewerage disposal, building construction and drainage;
- Public road access shall, in the opinion of the local government, be appropriate for the proposed short-term accommodation; and
- Address other matters set out in this Policy.

Minimum boundary setbacks for short-term accommodation are set out in Schedule 1 of LPS4 or are as per the R Codes for land subject to the R Codes.

Where applicable, short-term accommodation should be located within the approved building envelope for the site or outside of building exclusion areas.

3. Amenity

The local government seeks that short-term accommodation appropriately addresses the amenity of adjoining/nearby properties through addressing the siting and scale of development, access, servicing, building bulk (size and height), design, and on-going management.

The local government will have regard for potential impacts on the amenity of the surrounding area and will consider matters including:

- Existing land uses and the zoning of adjoining/nearby properties;
- The proximity of the site to any potential source of nuisance;
- The siting and location of the building/s to be used for short-term accommodation;
- The number of patrons to be accommodated on the site;
- The location of any on site activity areas and potential for noise; and
- Anticipated traffic generation.

The local government will generally require the applicant to prepare a Management Plan which is submitted with the Development Application. The Management Plan is to address a range of matters including being a 'good neighbour' along with practical on-going management considerations.

The Shire prefers on-site (hosted) management. Where management is 'off site', there should be a manager or a contactable employee that permanently resides no greater than a 45 minute drive from the application site.

Decks and balconies should be located away from the bedrooms of neighbouring dwellings and, if located close to living and dining areas of neighbouring dwellings, suitable screening is to be provided.

4. Visual Amenity and Visual Impact

The local government:

- Requires short-term accommodation to retain or enhance the visual amenity of the locality including through retaining existing vegetation, undertaking replanting, appropriate building siting and addressing building bulk (size and height), building design and colours;
- Seeks that the design of short-term accommodation should be sympathetic to the landscape, retains significant vegetation (subject to also addressing bushfire risks) and minimises visual impacts, especially when viewed from State and regional roads and key tourist routes;
- Encourages the use of natural materials and colours which architecturally blend into and/or complement the surrounding environment; and
- Supports the planting of native vegetation that is endemic to the district and/or the planting of suitable fire-suppression non-native/exotic vegetation.

The local government will consider the visual impact of short-term accommodation in general. In particular, the local government seeks to carefully consider Development Applications for short-term accommodation:

- Within Special Control Areas SCA2 Nannup Townsite Character Area, SCA6 Heritage Area and SCA7 General Landscape Values Area; and

- Which adjoins State and regional roads and key tourist routes. The local government's assessment of visual impact is primarily concerned when viewed from State and regional roads and tourist routes. The purpose of the assessment is not in relation to views from other properties, although the local government will separately consider amenity and land use compatibility.

Applicants proposing short-term accommodation in highly valued landscapes are encouraged to submit a landscape assessment from a suitably qualified consultant with the Development Application. The landscape assessment should have regard to the *Visual Landscape Planning Manual (Western Australian Planning Commission 2008)* or any updates).

5. Traffic and Access

The local government:

- Requires short-term accommodation to have suitable and safe vehicular access;
- Needs to be satisfied that the anticipated traffic generated by the tourist accommodation will not negatively impact on amenity, and that the traffic can be accommodated by the existing road network;
- Will require access from a suitably dedicated and constructed public road or from other forms of legal vehicular access;
- May require the applicant to submit a traffic report, for larger scale short-term accommodation developments, in support of the Development Application;
- May require road upgrading by the developer, at their cost, if the existing road network is inadequate to cater for anticipated traffic generated by the development;
- Will not support short-term accommodation where there is the potential for traffic generation to cause undesirable nuisance, safety or capacity issues; and
- Access to Main Roads controlled roads will need to be approved by Main Roads WA and applicants should liaise with Main Roads regarding location and access design requirements.

The local government will have regard to relevant local planning policies including LPP10 Car Parking and Vehicular Access and LPP14 Developer and Subdivider Contributions.

6. Car Parking

On-site car parking is required for tourists/visitors, management and staff.

A minimum of one car parking bay is required per guest room and/or unit. There is also a need to provide one car parking bay per staff member.

Subject to the proposed type of short-term accommodation and scale of development, there may be a requirement to provide more than one car parking bay per unit and/or provide space for boats, trailers and other vehicles.

Car parking should be constructed to a suitable standard as required by LPS4 or in Local Planning Policy LPP10 Car Parking and Vehicular Access.

Landscaping/revegetation should be provided between carparks and the front boundary of the lot or to a public place.

7. Bushfire Management

The local government will have regard to State Planning Policy 3.7 and other Western Australian Planning Commission publications.

Short-term accommodation proposed in areas with a Bushfire Attack Level Assessment rated at

BAL-40 or BAL-FZ are unlikely to be granted development approval unless appropriately justified by a Level 2 or a Level 3 bushfire practitioner via addressing the Performance Principles.

8. Water Supply

The applicant is to ensure that an appropriate potable water supply is provided (reticulated scheme water or from on-site supplies) and that there is sufficient water supply for firefighting (if required) prior to occupation of the short-term accommodation.

Where a reticulated scheme water supply is not available and/or feasible to connect, the following guidance is provided for on-site water supplies:

- Water storage tanks of a suitable size are required subject to the size and estimated occupancy of the tourist accommodation unit and to address a changing climate. The tank size to be a minimum of:
 - 45,000 litres for a 2 person unit/room;
 - 90,000 litres for a 4 person unit; and
 - 135,000 litres for a unit accommodating 5 or more people.
- The above is separate to water required for the provision of firefighting for areas not serviced by reticulated water.
- The sharing of water between units may be permitted through a common system.
- As an alternative to the supply of water from roof catchment, the local government may consider a supply from groundwater or from natural soaks. This is subject to supporting evidence of chemical and microbiological analysis to show that the water complies with the *Australian Drinking Water Guidelines*.
- Prior to occupation of the short-term accommodation, evidence of water supply suitability must be provided. In most cases supporting evidence of chemical and microbiological sample analysis, conducted by a NATA (National Association of Testing Authorities) approved laboratory will be required to show compliance with current Australian drinking water guidelines. Further routine sampling may be required by the local government to ensure compliance with the *Public Health Act 2016* and *Health (Miscellaneous Provisions) Act 1911*.
- As set out in the Council's annual Schedule of Fees and Charges, a charge for testing of water supply may be imposed by the local government.

9. Building and Environmental Health Requirements

In addition to planning requirements, there is also a need to address building and environmental health requirements. Subject to the nature of the short-term accommodation, this may include:

- The provision of cooking, toilet, ablution or laundry facilities;
- Disability access and mobility - applicants are encouraged to design and construct short-term accommodation units having regard to universal access and mobility. Subject to the scale and nature of the development, some matters will be mandatory;
- A dry chemical powder type fire extinguisher and fire blankets;
- Smoke alarms must be installed as per the Building Code of Australia on or near the ceiling. In some cases, a system of lighting must also be installed to assist evacuation of occupants in the event of a fire;
- Sewerage disposal – the local government will have regard to the Government Sewerage Policy;
- Existing or proposed on site sewerage disposal systems are to be sized according to the intended number of guests, or the number of guests reduced accordingly; and
- Water supply (also refer to section 8).

10. Maximum Length of Occupancy

Except with written approval from the local government, a person shall not stay for an aggregate period of more than three months in any consecutive twelve month period in a development approved for short-term accommodation. Subject to the zoning, proposal context and other relevant planning considerations, a development approval could be for an additional use e.g. holiday home and single house.

11. Signs

Other than directional signs, any proposed advertising sign must be located within the property boundaries and comply with Local Planning Policy LPP18 Signs and Advertisements.

12. Rating

If the development of short-term accommodation changes the use of a property which is rated using the Gross Rental Value (GRV) as the basis for calculations, the local government may change the rating of such a lot from GRV-General to GRV-Short Term.

If the development of short-term accommodation changes the predominant use of a lot from a rural agricultural base to a non-agricultural base, the local government may change the rating of such a lot from Unimproved Value (UV) to GRV-Short Term.

ADMINISTRATION

1. Matters to be Addressed Prior to Formally Lodging the Development Application

Proponents are encouraged to discuss proposals that seek to vary Policy requirements with the Shire administration early in the planning/design process and prior to lodging a Development Application.

2. Application Requirements

Development Applications should include the following:

- Filling in the Form of Application for Development Approval;
- Payment of the local government Development Application fee;
- A written submission/report addressing this Policy and the site context;
- A site plan (including highlighting existing buildings) and proposed vehicular access, car parking and landscaping/revegetation;
- Floor plan/s and elevations including the external materials and colours to be used;
- Details of intended use/s of the short-term accommodation; and
- A management plan.

Subject to the proposed location and the scale of the proposed short-term accommodation, the local government may also require the applicant to provide:

- A Bushfire Management Plan and Emergency Evacuation Plan;
- A landscape assessment;
- A traffic report;
- Written information setting out why Policy requirements should be varied; and
- Any other plan or information that the local government may reasonably require to enable the application to be determined.

Should Development Approval be issued, it will also be necessary for the proponent to submit a Building Permit application (which gains necessary approvals) prior to undertaking any construction work. Subject to the type, scale and servicing of the short-term accommodation, other approvals may also be required prior to occupation.

3. Consultation with Landowners and Stakeholders

The local government will consult with adjoining/nearby landowners and other stakeholders as required by LPS4, the Regulations and as determined by the local government. The local government will also consult where an application does not comply with this Policy.

4. Assessing the Development Application

In determining an application, the local government will consider matters set out in Clause 67 of the Deemed Provisions, Clause 52 of LPS4 along with Scheme provisions relating to the zone, the *Shire of Nannup Local Planning Strategy* and this Policy.

Depending on the site, key matters include:

- traffic safety and impact;
- access from a suitably dedicated and constructed public road;
- servicing;
- environmental impacts;
- fire management and impacts;
- visual impacts;
- appropriate setbacks and buffers to other uses;
- capability of the land for agriculture and rural pursuits;
- capability of the land to accept the use, by reason of soil type and stability; and
- density and scale of the proposed development.

Should an application for short-term accommodation not comply with requirements of this Policy, the application may be referred to Council for determination.

Where objections are received and the objections are not able to be adequately dealt with through conditions of approval, the Development Application will be referred to Council for determination.

The local government may refuse a Development Application where it is inconsistent with this Policy, LPS4, based on the information provided by the applicant, or based on information set out in any submission.

~~13. Guidelines for the Assessment and Approval of Tourist Accommodation~~

~~In determining an application, the local government will consider matters set out in clause 10.2 of the Scheme along with Scheme provisions relating to the zone. Depending on the site, key matters include:~~

- ~~• traffic safety and impact;~~
- ~~• access from a suitably dedicated and constructed public road;~~
- ~~• servicing;~~
- ~~• environmental impacts;~~
- ~~• fire management and impacts;~~
- ~~• visual impacts;~~
- ~~• appropriate setbacks and buffers to other uses;~~
- ~~• capability of the land for agriculture and rural pursuits;~~
- ~~• capability of the land to accept the use, by reason of soil type and stability; and~~
- ~~• density and scale of the proposed development.~~

14. Standard conditions

~~Standard conditions which will be imposed on Development Approvals for tourist accommodation are generally:~~

- ~~a. The preparation of plans to comply with the Building Code of Australia and the issuing of a Building Permit. Demonstration that satisfactory arrangement can be made for effluent disposal.~~
- ~~b. The design and materials of the tourist accommodation is to generally blend into the landscape of the area.~~
- ~~c. The position of access to the development on to the public road to be located in a position and of a standard satisfactory to the local government. This may require the dedication and upgrading of the public road to the satisfaction of the local government at the cost of the applicant.~~
- ~~d. Provision being made for fire protection to the satisfaction of the local government.~~
- ~~e. Tourist accommodation must be provided with a source of potable water for drinking and cooking purposes. Development applications should include preliminary details regarding the water source, storage and distribution conditions or treatment methods proposed.~~

15. Notes

~~Prior to occupation of the tourist accommodation, evidence of water supply suitability must be provided. In most cases supporting evidence of chemical and microbiological sample analysis, conducted by a NATA (National Association of Testing Authorities) approved laboratory will be required to show compliance with current Australian drinking water guidelines. Further routine sampling may be required by the local government to ensure compliance with the *Health (Miscellaneous Provisions) Act 1911*.~~

~~These are standard conditions and it is to be noted that additional conditions may be imposed on a development approval if there is a need to address a particular circumstance.~~

16. Rating

~~If the development of tourist accommodation changes the predominant use of a lot from a rural agricultural base to a non-agricultural base the local government may change the rating of such a lot from Un-Improved Value to Gross-Rental Value.~~

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| Related Policies: | LPP 004 Bed and Breakfast HLT 5 Bed & Breakfast LPP 10 Car Parking and Vehicular Access LPP 12 Signs and Advertisements LPP 020 14 Developer and Subdivider Contributions LPP 021 Bush Fire Management |
| Related Procedures/ Documents | State Planning Policy 3.7 Planning in Bushfire Prone Areas Guidelines for Planning in Bushfire Prone Areas Australian Drinking Water Guidelines Visual Landscape Planning Manual (Western Australian Planning Commission 2008) |
| Delegation Level: | Chief Executive Officer or their Delegated Officer, Development Services Officer |
| Adopted: | OM 24 September 1992 |
| Reviewed: | OM 27 July 2023 |

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|----------------|---|
| Policy Number: | LPP 043 10 |
| Policy Type: | Local Planning Policy |
| Policy Name: | Car Parking and Vehicular Access |
| Policy Owner: | Chief Executive Officer |

AUTHORITY Shire of Nannup Local Planning Scheme No.4

POLICY BASIS

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and the *Shire of Nannup Local Planning Scheme No. 4 (LPS4)*.

OBJECTIVES

The objectives of this Policy are to:

1. Complement the car parking and vehicular access provisions of the *Shire of Nannup Local Planning Scheme No. ~~3-4~~ (LPS3/LPS4)*;
2. Establish guidelines that will achieve the construction of well-designed car parking areas including providing appropriate access, circulation and manoeuvrability conditions, providing an appropriate number and adequate size of car parking bays to meet the needs of new development, and ensuring vehicular and pedestrian safety;
3. Set out the requirements and standards for the development of vehicle parking areas associated with developments and land uses;
4. Set out design and general construction standards for car parking spaces and manoeuvring aisles appropriate to differing situations;
5. Provide for the management and convenience of vehicle parking for all developments and land uses at a scale and to a standard consistent with the amenity of a progressive town and district;
6. Clarify when sealed crossovers are required for new subdivision and development;
7. Improve the level of amenity and visual appearance of residential, commercial, industrial and other areas of the municipality through site development requirements;
8. Outline the opportunities and limitations for variations to car parking and access requirements; and
9. Set out the circumstances where landscaping for parking areas will be a requirement of ~~development~~ planning approval.

DEFINITIONS

In this Policy, the following definitions apply:

“~~Agriculture Rural Zone~~” includes the **Environmental Conservation, Priority Agriculture, Agriculture Rural and Agricultural Priority 1 – Scott Coastal Plain, Agriculture Priority 2, Cluster Farming Rural Smallholdings and Coastal Landscape** zones.

“AS 2890” means Australian Standard *AS/NZS 2890.1.2004 Parking Facilities Part 1: Off-Street Car Parking* published by Standards Australia in 2004 and reissued incorporating Amendment No 1 in August 2005 (and any associated updates).

“Car Parking” means the provision of off-street parking spaces for cars in accordance with ~~LPS3~~ **LPS4** and this Policy.

“Crossover” means a constructed traffic way connecting a public road to the private property boundary that connects with the internal site circulation driveway, parking manoeuvring aisle or domestic driveway and which may carry one or two-way traffic.

“**Gross Floor Area**” in relation to a building means the aggregate of the total floor area of each level of the building including the thickness of external walls but excluding the space set aside for car parking or access thereto.

“**Kerbed**” means parking areas or spaces around which a barrier kerb is constructed to provide support for the surface of the car park and/or to separate parking areas from footpaths, landscaped areas or other spaces not designed to carry vehicles.

“**Lined Out**” means the marking out of each car parking space by painted lines and/or contrasting paving inserts or other means to identify each bay or the corners thereof to guide users as to manner in which the car park is intended to be used and to show the limits of each bay. The term also applies to the provision of directional arrows on the sealed surface denoting the direction of traffic movement within the car park.

“**Manoeuvring Aisle**” means the area at the rear of each car parking space used to manoeuvre vehicles into and out of such spaces all of which combined comprise an access driveway providing access to the individual bays.

“**Off-Site Parking**” means the provision of car parking accommodation on a different lot to that on which the new development that gives rise to the need for the parking accommodation is to occur.

“**R Codes**” means *State Planning Policy SPP7.3* the Residential Design Codes - *Volumes 1 and 2* adopted by the Western Australian Planning Commission including any updates.

“**Reciprocal Parking**” means where parking facilities serve separate uses or a mixed use development and the parking demand generated by the various uses do not coincide.

“**Sealed**” means the use of impenetrable surfaces such as sprayed bitumen (two coat seal), bituminous concrete (hot-mix or asphalt), in-situ concrete, paving bricks or blocks, or pea gravel seal on a compacted gravel base.

APPLICATION OF THE POLICY

This Policy applies throughout the municipality and will be applied to ~~Planning~~ **Development** Applications and Subdivision Applications.

This Policy applies to all developments including new development, alterations or extensions to existing development, new site uses, additional uses, extension of uses or change of uses as considered appropriate by the local government.

LINKS TO LOCAL PLANNING SCHEME AND OTHER DOCUMENTS

This Policy relates to various requirements set out in ~~LPS3~~ **LPS4**, the Shire of Nannup Local Planning Strategy, the R Codes and relevant Australian Standards.

The provision of onsite parking is a requirement of ~~LPS3~~ **LPS4** for new development and for various changes in land use (especially if the proposed use is expected to increase the demand for car parking spaces and/or lead to increased traffic impacts). The number of car parking spaces to be provided in relation to a range of different land use types is set out in Schedule 44 ~~2~~ of ~~LPS3~~ **LPS4**.

POLICY PROVISIONS

1. General

No development shall be occupied or a use commenced on a lot unless and until the on-site vehicle parking areas, associated access driveways and the crossover/s, as set out in the ~~Planning~~ **Development** Approval, have been constructed and completed, and the parking bays clearly defined

or marked out to the specification and satisfaction of the local government. The local government will support performance bonds to assist in enabling earlier occupation for the development and/or use.

There is a presumption in this Policy in favour of parking areas and crossovers being sealed and suitably drained. Unless otherwise set out in this Policy or approved by the local government, car parking spaces, vehicular manoeuvring areas and access ways are to be sealed for new development within the Nannup townsite and in urban zones e.g. the ~~Town Centre~~ **Commercial**, ~~Mixed Use, Industry~~ **General Industry**, Residential, and ~~Future Development~~ **Tourism** zones and for the Special Use Zone (within and adjoining the Nannup townsite).

There is a presumption in this Policy for crossovers to be sealed onto sealed roads in the Nannup townsite and for land zoned ~~Residential Tourism and Special Residential~~ outside the Nannup townsite. **Unless otherwise set out in this Policy or approved by the local government, a person shall not develop or use any land or building within any urban zone (including the Commercial and General Industry zones), unless it is provided with a sealed access way (crossover) for vehicles accessing between the property and the street.**

Except for a single house and certain group dwelling proposals, all car parking spaces should be designed so vehicles can enter and leave the site in a forward direction. Additionally, car parking should be designed so that both ingress and egress from each space can be achieved in one movement.

Tandem car parking is not supported for commercial or industrial development. Although generally discouraged, the local government may permit tandem parking in some forms of residential development.

An existing building extended, with or without a change of land use, may be required to comply, wholly or partly, with the provisions of this Policy. The local government shall determine the extent of car parking required in each case, having regard to the degree of extensions and the nature of the altered land use.

Where redevelopment of an existing approved building is proposed, then the gross floor area of the existing building will be deleted from the gross floor area of the new building for determining additional car parking requirements (i.e. provided that existing parking bay numbers are retained, additional parking is only required for new floor space established). This provision is therefore not intended as a control or means to achieve retrospective provision of car parking to service an existing development, provided the land use remains the same (there is no intensification of car parking and traffic).

An applicant shall have regard, as appropriate, for the on-site provision of parking for owners/operators, staff, customers, people with disabilities, in addition to loading spaces and special purpose bays.

The local government may through issuing ~~planning~~ **development** approvals or making recommendations on subdivision applications, require applicants to provide reciprocal rights of access to facilitate parking and access arrangements with adjoining owners.

Where a ~~Planning~~ **Development** Application proposes access to a road under the control of Main Roads Western Australia (which means the State Government's lead agency that is responsible for managing highways and the primary road network should it be renamed), the location and standard of access are to be to the satisfaction of the local government and Main Roads Western Australia.

Stormwater from impervious surfaces is to be designed and managed in accordance with the *Decision process ~~for~~ stormwater management in Western Australia* (~~D_oW~~ **DWER** 2009 ~~2017~~) using systems as outlined in the *Stormwater management manual ~~for~~ of Western Australia* (~~D_oW~~ **DWER** 2007-2009).

2. Location and Availability

In most situations, car parking will be provided on-site. On-site car parking should be situated in locations readily accessible to staff, clients, residents and visitors, as the case may be to the satisfaction of the local government.

The number of on-site car parking spaces required to be provided for a particular development/use is set out in Schedule 44 2 of ~~LPS3~~ LPS4 or in the R Codes. The local government reserves the right to define a car parking requirement for uses not detailed according to the merits of the particular development proposed.

Unless otherwise set out in ~~LPS3~~ LPS4, premises and/or proposals with more than one use will be determined on the basis of the floor area for the use.

Unless otherwise set out in ~~LPS3~~ LPS4, the car parking standard to be applied by the local government is gross floor area.

3. Residential Development

The R Codes, adopted into ~~LPS3~~ LPS4, specify parking and access requirements for residential development together with the requirement to provide landscaping for parking areas where the number of parking bays is 6 or more. The local government will require compliance with the 'deemed-to-comply' provisions or will provide a discretionary decision based on the 'design principles' of the R Codes.

The R Codes stipulate that provision be made on-site for vehicles to be able to leave a residential site without reversing onto the street where the driveway serves five or more dwellings.

For land subject to the R Codes, garages and carports are to be sited in accordance with the 'deemed-to-comply' provisions or the local government will provide a discretionary decision based on the 'design principles' of the R Codes.

All parking for residential development, whether free-standing or as a component of retail/commercial development, shall be provided on-site.

4. Non-Residential Development

~~LPS3~~ LPS4 sets out the provision to be made for parking for various non-residential land uses. Except as otherwise provided in ~~LPS3~~ LPS4 and this Policy, the local government will expect compliance with these standards.

In the ~~Town Centre and Mixed Use~~ Commercial Zones, except for resident car spaces and staff car spaces expressly agreed to by the local government, all car parking areas must be freely available to the general public. Closure of car parks, at certain times, for reasons of security or other agreed reasons may be approved by the local government.

In the Nannup town centre, preference is given to creating a continuous commercial facade fronting the street (usually with a nil/zero setback from the front property boundary) making the use of the rear part of the site, behind the building, suitable for parking. Where rear service lanes are available, this arrangement is particularly convenient. Unless constrained by existing development, the local government expects that car parking will be located at the rear of commercial lots where a lot adjoins a service lane.

In the ~~Town Centre and Mixed Use~~ Commercial Zones, the local government will require the loading and unloading areas for new development to be designed to ensure that loading/unloading occurs on-site (not on the street) and vehicles are able to exit and re-enter the street both in a forward gear.

In the ~~Industry~~ **General Industry** Zone, where front setbacks are normally applied, parking areas combined with site landscaping can be provided close to the street for the convenience of visitors, customers and employees.

In the cases of uses not included in Schedule ~~44~~ **2** of ~~LPS3~~ **LPS4** or where requested by the applicant, the local government will determine the number of parking spaces to be provided in each case having regard to:

- the nature of the proposed use;
- the number of employers and employees likely to be employed or engaged with the proposed use of the land;
- the likely demand for visitor parking;
- the orderly, proper and sustainable planning of the area in which the development is to occur;
- the times of peak usage and opportunities to share parking; and
- any other matter considered relevant by the local government.

5. Loading and Unloading ~~Spaces~~ **Bays**

In addition to the provision of car parking spaces, the local government may also require loading and unloading to be provided on the subject land, where goods need to be dispatched from or delivered to the premises by truck. The local government may require the provision of these spaces to be marked exclusively for the use of delivery and services vehicles.

Loading bays should be situated such that commercial vehicles can be positioned wholly within the bay when loading and that loading activities can occur without undue disruption to, or access to, other car parking spaces.

Loading & unloading bays shall be located either inside of buildings or to the side and/or rear of the premises, and separate from any public access areas.

Parking dimensions for trucks and buses should be determined by using the swept path templates as appropriate.

The minimum dimensions to be provided for a sealed loading and unloading area should be at least 7 metres long and 3.5 metres wide with a minimum height clearance of 3.5 metres. Depending on the anticipated length of heavy haulage vehicles, the dimensions may need to be greater to ensure usability.

6. Special Purpose Bays

In addition to the provision of car parking spaces, the local government may where relevant require the provision of:

- areas for parking of vehicles for people with disabilities;
- parking bays marked exclusively for the use of motor cycles, delivery and services vehicles, taxis, buses, coaches, courier services and for other relevant forms of motorised transport; and
- bicycle racks to promote sustainable transport.

All disabled parking bays are to be designed and constructed in accordance with ~~AS2890.4~~ ~~4093~~ **6.2002 Parking facilities Part 6: Off-street parking for people with disabilities** ~~Car parking~~ ~~Appendix C~~ ~~Guidelines for the Provision of Parking Spaces for People with Disabilities~~ (or any updates).

The local government will determine the number of special purpose bays to be allocated for vehicles

listed above and bicycles racks depending on the nature of the development.

7. Off-Site Parking

Where parking cannot be provided on the lot the subject of the ~~Planning~~ **Development** Application, but where an opportunity exists to provide the required parking on adjoining or nearby land, the local government will consider whether or not to approve such an arrangement.

The prerequisite to any such arrangement is that the proponent of the development that gives rise to the need to provide parking:

- has control over the land (which is not the subject of the ~~Planning~~ **Development** Application);
- can set in place legally binding provisions that will ensure that the land will continue to be available for parking while the development operates and/or in perpetuity; and
- will enter into a legal agreement with the Shire to maintain the land for parking purposes and not to sell, lease or otherwise dispose of the land unless other equivalent provision is made elsewhere to the satisfaction of the local government.

The local government may be prepared to accept car parking on adjoining or nearby land in the same ownership, provided that the adjoining or nearby land is:

- appropriately zoned; and
- amalgamated with lands the subject of the proposed development; or
- subject of appropriate title restrictions to ensure its continued availability for the car parking use.

Specific local government approval is required for any such arrangement. Applicants are required to provide relevant information for ~~planning~~ **development** approval under ~~LPS3~~ **LPS4** setting out the full details of the way in which the above requirements will be met. The costs of preparing and adopting legal agreements under this provision will be borne by the applicant.

8. Cash-in-lieu of Car Parking

Clause ~~5.5~~ **34** of ~~LPS3~~ **LPS4** sets out the method of calculation of cash-in-lieu payments for car parking and vehicular manoeuvring. In summary, the payments relate to what it would have cost in terms of the land value along with sealing and draining the car parking spaces and vehicular manoeuvring areas.

The local government may accept a cash-in-lieu payment, in lieu of the provision of that required number of parking spaces and vehicular manoeuvring within any zone. Realistically, it is only expected that a cash-in-lieu payment would apply in the ~~Town Centre Zone or the Mixed Use~~ **Commercial** Zone. The local government will consider cash-in-lieu of parking spaces on the lot as set in clause ~~5.5~~ **34** of ~~LPS3~~ **LPS4**. Additionally, the applicant should demonstrate to the satisfaction of the local government that:

- the minimum vehicle parking requirements cannot reasonably be provided on the site, or
- in the interests of the town centre development, it would be better served by providing a portion or all of the vehicle parking requirement off site; and
- the surrounding parking facilities can accommodate the parking demand generated by the development to the satisfaction of the local government. This may require the preparation of a traffic/car parking management study by a suitably qualified professional.

Should the local government accept a cash-in-lieu payment, the following applies:

- the payment is not less than the estimated cost of constructing (sealing) and draining the car parking spaces and vehicle manoeuvring areas required by ~~LPS3~~ **LPS4**, R Codes or as

determined by the local government, plus the value of the land which would have been occupied by the area required for parking and vehicular manoeuvring areas. Land values are determined through valuations provided by Landgate or by a licensed valuer at the developer's cost;

- the local government having purchased land for a car park, or having provided a public car park in close proximity, or have a firm commitment to do so; and
- payments made under this clause being paid into a special fund to be used for the provision of public car parking facilities and the local government using these funds to provide public car parks, including on- street and off-street, in the vicinity of the land in respect of which the parking requirement arose (typically in the Nannup town centre).

~~The local government can set cost per car parking bay is set out in the local government's annual review of land value in its adopted Fees & Charges Manual (although this generally will not include vehicular manoeuvring areas).~~

Where desirable to facilitate the conservation of a heritage place, or to enhance or preserve heritage values of a place included on the Municipal Heritage List or within a Heritage Precinct Area, a cash-in-lieu payment may be provided up to a maximum of 100% of the car parking and vehicular manoeuvring costs.

The local government will consider options from the proponent to offset costs and partially meet off site car parking requirements, such as the proponent constructing the bays itself on local government land and/or reserves subject to the location and the detailed design being approved by the local government.

9. Reciprocal Parking

The local government may consider reciprocal parking arrangements in accordance with Clause 33 of LPS4 where it is convinced that the demand for parking by the uses proposed will not coincide. This is where the applicant can suitably demonstrate that various uses, within a single property, or where justified in adjoining or nearby properties, operate at different times of the day/evening or different days of the week, such that the same parking areas can be used by more than one land use. Any such relaxation will be dependent upon the local government being satisfied that the arrangement will prevail for the duration of the uses concerned.

Where reciprocal parking is proposed, the local government must be satisfied that:

- the parking facilities serving the proposed uses will be located on the one lot, or that parking arrangements are permanent (e.g. legal agreement, easement, registering appropriate caveats on title or any other formal arrangement that the local government may require); and
- parking demand in the immediate and long term can be satisfied; and
- no conflict will occur in the operation of the land uses for which the joint use of parking facilities is proposed; and
- the uses being served by the parking arrangements are compatible (i.e. no overlap demand for parking facilities).

If land uses change, such that the parking area is in demand at the same time, then the local government may require revised parking arrangements to meet the changed circumstances to the satisfaction of the local government.

10. Modifying Development Standards and Requirements for Parking

Where, in the opinion of the local government, conditions are such as to render full compliance with the provisions of this Policy impractical, the local government may permit such departures as are considered to be warranted in the circumstances of the case.

Clause 5.670 of LPS3 LPS4 allows the local government to ~~modify~~ vary the requirements of LPS3 LPS4, including car parking standards, but may only do so where it is fully satisfied that:

- approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality; and
- the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.

In order for the local government to consider whether to modify a car parking requirement, it must determine that the above matters are met. It is also incumbent upon the local government to ensure that it acts in fairness and equity between land owners and does not set an unreasonable precedent for similar applications from others.

Given the above, the local government will require the proponent to appropriately justify modifications to development standards and requirements for car parking provision.

The local government considers that the availability of adjoining and/or nearby on-street parking does not in itself constitute a reason to vary the Policy given circumstances and demands will change over time.

11. Dimensions for Parking Spaces, Manoeuvring Aisles and Access Driveways

The dimensions for parking bays and manoeuvring aisles in differing locations are set out in AS 2890 and Austroads ~~Guide to Traffic Management~~ Part 11: ~~Parking Management Techniques~~ (February 2008 April 2020) and any associated updates. To provide general guidance to prospective developers and applicants, a table and diagram of parking spaces and manoeuvring areas are found in Attachments 1 and 2 to this Policy.

For more specific information, proponents of new development proposing a small number of car parking bays (usually less than 10) should contact the Shire to determine the dimensions that should be used for the parking and access in their particular instances to ensure compliance. For larger car parking areas, proponents are encouraged to seek professional design services.

The dimensions detailed in this Policy are generally minimum requirements. Individual circumstances may require the use of dimensions different from those specified in order to provide satisfactory access, manoeuvrability conditions e.g. topography or the provision of special purpose bays.

12. Construction Standards for Parking Areas

There is a presumption in this Policy in favour of all parking areas being sealed, drained and lined-marked to the satisfaction of the local government. With the exceptions set out below, all car parking areas, access driveways and crossovers will be required to be sealed, drained and as appropriate lined-marked or suitably defined to the satisfaction of the local government. The exceptions are parking for:

- development in ~~Agricultural~~ ~~Rural, Rural Residential and Rural Smallholdings~~ zones, ~~the Special Residential Zone, the Special Rural Zone~~ and other non-urban zones (although there is a requirement to seal crossovers that access sealed public roads);
- areas used for parking, circulation and manoeuvring of vehicles on ~~General~~ Industry zoned land other than those areas required for customer parking, associated access ways and crossovers; and
- a single dwelling in the Residential Zone or areas classified as "Residential" in the ~~Special Use or Special Use Tourism Zones~~.

Car parking situated in yard areas or generally behind the front building line within the ~~Industry~~ **General Industry** Zone may be constructed to a suitable non-sealed standard e.g. gravel, subject to dust and drainage being effectively controlled. All car parking bays within front setbacks and/or associated with public use and/or showroom/front office use should be sealed and drained to the local government's satisfaction.

All car parking, vehicle access ways, loading and unloading bays and turning and manoeuvring areas in the ~~Town Centre Zone and the Mixed Use~~ **Commercial** Zone shall be sealed and drained to the specification and satisfaction of the local government.

Sealed car parking and vehicular access are required for home businesses and commercial uses in the Residential Zone or areas classified as "Residential" in the ~~Special Use or Special Use~~ **Tourism** Zone.

Draining car parks may involve the provision of a sump connected to the local government's main drainage system or other arrangements to the satisfaction of the local government. The drainage design should seek to treat and detain water on-site so that as much water as possible will soak into the ground, with any surplus water being piped or directed off-site. The drainage shall not be connected to the local government's main drainage without the written authorisation of the local government and shall be constructed to the local government's satisfaction and standards.

Staff, resident and visitor car parking should be appropriately marked and/or signposted to the satisfaction of the local government.

For more detailed requirements on the construction of parking areas and width and construction of crossovers, these are set out in the ~~adopted~~ **Local Government Guidelines for Subdivisional Development** prepared by the Institute of Public Works Engineering Australia (2017).

13. Pedestrian Movement between Parking Areas and Buildings

The local government will seek to ensure there are safe and convenient routes for pedestrians, including disabled persons, between car parks and buildings on each development site.

14. Vehicular Access/Crossovers

The local government requires that points of entry to and exit from properties/car parking areas onto the street suitably address the safety of all road users, road geometry, sight lines and visibility. The respective positions of street furniture such as poles, street lamps and street trees will also be taken into account.

The width of any such access ways/crossovers will be determined by matters including the numbers of vehicles proposed within the car park and the frequency of movements into and from the land in accordance with AS2890.

Generally, crossovers will be required to accommodate simultaneous traffic movements into and out of the land.

Unless appropriately justified by the applicant and agreed to by the local government, parking areas should generally be designed to enable a vehicle to manoeuvre within the site. An exception is where no more than two vehicle bays are provided and where there are safe sight distances in both directions.

The local government will require crossovers to be suitably located (to maximise sight distances and safety), constructed and drained. Any gates and fencing are to be suitably located and designed to ensure there are sufficient areas to enable vehicles to park in the crossover and/or on the property without impeding traffic or compromising safety onto the adjoining road.

Where new development is proposed, the local government will require sealed crossovers onto existing sealed roads:

- within the Nannup townsite;
- for land zoned ~~Residential~~ **Tourism** and ~~Special Residential~~ outside the Nannup townsite; or
- for major development, in the opinion of the local government, and for commercial development outside of the Nannup townsite.

The above applies unless the proponent demonstrates exceptional circumstances to the satisfaction of the local government.

Where new development and subdivision is proposed, the local government may require sealed crossovers onto sealed roads. This includes for outbuildings that have a commercial component (for non-farming purposes), a sea container used for commercial purposes, family day care and industrial development.

The local government will not require crossovers to be sealed onto sealed roads for the following development or uses:

- for low-key development such as single house, ancillary accommodation, sea containers (for domestic or non-business use), home occupations, home business, bed and breakfast, holiday home, industry-cottage and non-commercial stables;
- domestic or non-business sheds in urban, rural living and rural areas;
- outbuildings for rural purposes where members of the public usually do not visit; and
- telecommunications infrastructure.

The requirement to seal the crossover applies unless the proponent demonstrates exceptional circumstances to the satisfaction of the local government.

The local government will not require crossovers to be sealed for minor development from sealed roads in the ~~Special Rural~~ **Residential** Zone and for areas outside the Nannup townsite, although there is a requirement for the crossover to be suitably located, constructed, drained and maintained.

If the road is gravel, the local government will allow an unsealed crossover which will need to be constructed and drained to the local government's satisfaction.

A vehicular driveway (ingress and/or egress) should:

- be located such that any vehicle turning from the street into the driveway or into the street from the driveway can be readily seen by the driver of an approaching vehicle and be clear of all obstructions which may prevent drivers from having a timely view of pedestrians/cyclists;
- have separate entry/exit if it is likely that it will be used simultaneously by vehicles both entering and leaving the site and obstruction to traffic in the street could occur;
- be located to the street with the lowest traffic volume; and
- be at least 6 metres from an intersection.

Road safety and turning radii will be taken into account in deciding the position of a crossover.

Dual crossovers should be provided, wherever possible and practical.

Crossovers/access to main roads are required to be located, designed and constructed to the specifications and satisfaction of Main Roads Western Australia.

The access way should be not less than 4 metres in width, but if the size or shape of the lot makes the provision of any access way of that width impractical or unreasonable, the local government may

permit a narrower access way but in no case less than 3 metres in width.

Where laneway access is provided to the rear of a site in the ~~Town Centre or Mixed Use~~ **Commercial** Zone which is not sealed, this is to be generally upgraded through new development and subdivision to provide an effective servicing function. This should be read in conjunction with *Local Planning Policy No. 14 Developer and Subdivider Contributions*.

Where there is conflict between a proposed crossover and public utilities services, such as drainage pits and structures, services inspection pits, power or light poles, traffic medians and street trees, the local government may set the position of the crossover access onto the road, require its construction and/or repair and maintain the crossover as provided for under Schedule 9.1 (7.2) of the *Local Government Act 1995*.

Any alterations for the removal/relocation of the conflicting public utilities will be at the owner's cost and subject to the approval of the service authority concerned.

Owners/designers are advised to take into account local government services, public utility services and street trees.

The Council will contribute (or subsidise) half the cost of a standard crossover up to a maximum of \$800 (one crossover to a property) or as set by the Council's adopted Fees and Charges. This is subject to the crossover being deemed by the local government to conform to the local government specifications. This is subject to the following:

- the subsidy applies to only one crossover per lot;
- proponents must make application for their crossover in writing to the local government and gain necessary approval/s for the location and design prior to any works being undertaken;
- the subsidy is claimed within 6 months of completion of the crossover;
- the local government will not meet the cost of culverts, alteration to services or tree removal;
- reconstruction of an existing crossover to a property will not attract a subsidy;
- applicants/landowners who received **development** ~~planning~~ approval incorporating a condition relating to constructing or upgrading a crossover are not eligible for a subsidy; and
- subdividers are not eligible for a subsidy for freehold (green title) or strata title lots.

As required, the crossover subsidy rates will be set annually by the local government through its adopted fees and charges.

The landowner is responsible for the maintenance of crossovers to the satisfaction of the local government.

The local government will request, where considered appropriate, that the Western Australian Planning Commission impose a condition requiring the subdivider to construct crossovers prior to the clearance of titles. In particular, the local government will require that crossovers are sealed where the crossover accesses a sealed road, and/or suitably constructs/upgrades a crossover where access is from an unsealed road. The local government will seek to ensure crossovers are appropriately located and constructed by subdividers.

15. New public roads created through subdivisions

Where a subdivider proposes to create a new public road, the local government will require the road to be suitably designed by a professional engineer and then suitably constructed and drained to the satisfaction of the local government. The road is to be consistent with the **Local Government Guidelines for Subdivisional Development** prepared by the Institute of Public Works Engineering Australia **(2017)** and/or *Liveable Neighbourhoods*.

Where the proposed lots are 3.99 hectares or less, the road/s need to be suitably sealed and drained

by the subdivider to the satisfaction of the local government.

For lots that are between 4 and 9.99 hectares, the local government will require that a sealed road is provided where more than 5 lots are created. For lots that are between 4 and 9.99 hectares, where 4 or less lots are created or have the potential to be created from the road, the local government will consider unsealed roads unless there is steeper topography or other ground conditions that create safety issues and/or higher levels of on-going maintenance.

For lots that are 10 hectares or more, the local government will accept unsealed roads.

16. Battleaxe access legs

The local government will require sealed battleaxe access legs for lots in the ~~Town Centre and Mixed Use Commercial~~ zone and generally in the ~~Urban Development, Industry General Industry, Residential, and Special Use and Future Development Tourism~~ zones and for the ~~Special Use Zone~~ (within and adjoining the Nannup townsite) unless suitably justified by the applicant to the satisfaction of the local government.

The local government supports unsealed battleaxe access legs in other zones provided they are designed and constructed to enable year round access by two-wheel drive vehicles.

17. Landscaping Parking Areas

Car parking areas, particularly large parking lots, can be unattractive. The provision of landscaping can assist to reduce visual impacts. The use of shade trees and landscaping strips can assist provide visual relief from extensive areas of bitumen, or other forms of sealing or construction agreed to by the local government.

The local government will require that car park design and construction include adequate provision for suitable landscaping. This could include screen, feature and shade trees and shrubs as appropriate to the satisfaction of the local government.

In residential areas, the R Codes require landscaping proposals to be implemented where parking areas accommodate six or more vehicles.

For commercial and industrial developments in the ~~Industry~~ **General Industry** Zone, the local government will require at least 5% of the site area to be landscaped. The purposes of this landscaping are to:

- soften the impact of development;
- screen parking and other visually unattractive areas from view from the street; and
- improve the streetscape.

The local government will normally require the landscaping to be provided along the street frontage (as a minimum) to act as a screen for parking areas where they are located within the front setback. Where an individual open car park contains 10 or more parking bays for a non-residential use, one parking bay in 10 shall be set aside and planted with trees and/or shrubs to provide shade and visual relief.

18. Implementation

The local government may require the lodgement of performance guarantees/bonds against the satisfactory construction, completion and establishment of car parking areas, vehicular access, crossovers and associated landscaping. To achieve effective implementation of planning conditions, the performance guarantee/bonds are to be paid prior to the issue of a Building Permit for new/expanded buildings or prior to occupation for a change of use.

The amount of the bond will be determined by the local government and can be set in its annual fees and charges.

Crossover construction or reconstruction may be required as a condition of subdivision, development and/or as a condition of issue of Building Permit where it is deemed by the local government that the work is necessary.

The local government may construct the crossover, if not constructed by the owner/agent within 6 months of practical completion or occupation of the building, for which payment of a crossover bond has been made. Where the local government carries out the construction, the owner may not claim a subsidy.

ADMINISTRATION

Application Requirements

Applications for ~~Planning~~ **Development** Approval for new development should provide, in addition to the details of the proposed development, a plan/s at a suitable scale with dimensions shown, which sets out for the entire lot the subject of the application, the following:

- the area to be or already covered by buildings or other structures;
- details of land to be allocated to car parking and other parking;
- details of the position of all access driveways and access crossovers;
- details of pedestrian movement systems between the car park and the building/s; and
- areas to be provided for landscaping and shade trees.

In giving consideration to a ~~Planning~~ **Development** Application, the local government will require the applicant to:

- clearly indicate on the application form the type of land use that will operate from the land;
- the number of persons to be employed / involved in the operation of the land use; and
- other matters set out in this Policy.

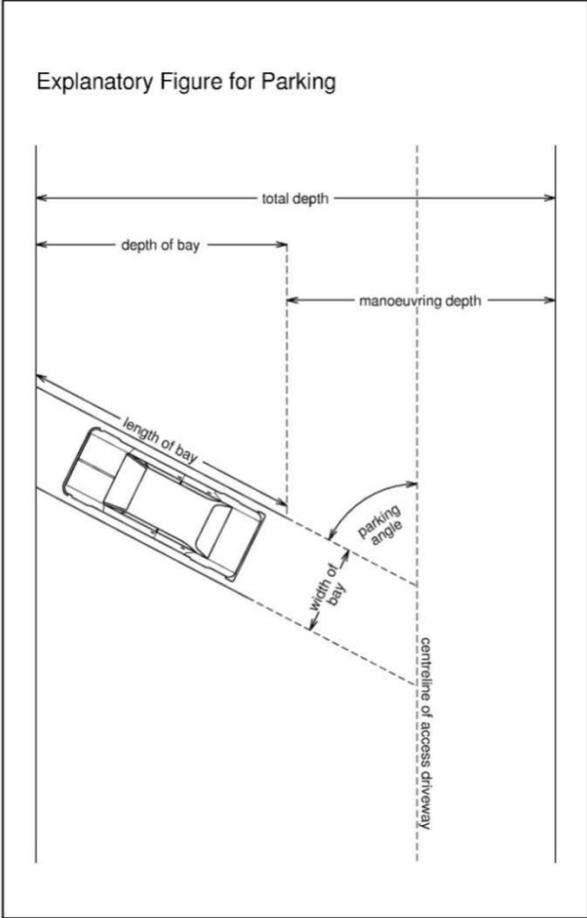
Based on the above information, the local government as part of its development assessment will set out or estimate the expected parking needs of the proposed land use/development.

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|----------------------------------|--|
| Related Policies: | LPP #20 14 Developer and Subdivider Contributions WRK 7 Crossovers |
| Related Procedures/ Documents | |
| Delegation Level: | Chief Executive Officer or their Delegated Officer , Manager Infrastructure, Building Surveyor, Development Services Officer |
| Adopted: | |
| Reviewed: | OM 27 July 2023 |

Attachment 1 - Parking dimensions

| Parking Angle | Width of Bay (m) | Length of Bay (m) | Depth of Bay (m) | Minimum Manoeuvring Depth (m) | Minimum Total Depth (m) |
|---------------------------|------------------|-------------------|------------------|-------------------------------|-------------------------|
| (a) One-Way Access | | | | | |
| 90° | 2.6 | 5.5 | 5.5 | 5.9 | 11.4 |
| 75° | 2.6 | 5.5 | 6.0 | 5.3 | 11.3 |
| 60° | 2.6 | 5.5 | 6.1 | 5.0 | 11.1 |
| 45° | 2.6 | 5.5 | 6.1 | 3.6 | 9.7 |
| 30° | 2.6 | 5.5 | 4.8 | 3.3 | 8.1 |
| 00° (parallel parking) | 3.0 | 6.7 | 3.0 | 3.0 | 6.0 |
| (b) Two-Way Access | | | | | |
| 90° | 2.6 | 5.5 | 5.5 | 6.0 | 11.5 |
| 75° | 2.6 | 5.5 | 6.0 | 6.0 | 12.0 |
| 60° | 2.6 | 5.5 | 6.1 | 6.0 | 12.1 |
| 45° | 2.6 | 5.5 | 6.1 | 6.0 | 12.1 |
| 30° | 2.6 | 5.5 | 4.4 | 6.0 | 10.4 |
| 00° (parallel parking) | 3.0 | 6.7 | 3.0 | 6.0 | 9.0 |

Attachment 2 - Explanatory figure for parking



| | |
|-----------------------|----------------------------------|
| Policy Number: | LPP 01511 |
| Policy Type: | Local Planning Policy |
| Policy Name: | Dedication of Road Access |
| Policy Owner: | Chief Executive Officer |

AUTHORITY: *Local Government Act 1995*
Land Administration Act 1997
 Shire of Nannup Local Planning Scheme No. 4

POLICY BASIS

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and the *Shire of Nannup Local Planning Scheme No. 4 (LPS4)*.

OBJECTIVES

1. To outline the criteria to guide the local government when considering applications from members of the public, government agencies or elected members to dedicate road access to privately owned land;
2. To determine the road safety standard required for any proposed dedicated road to be constructed or upgraded to achieve;
3. To clearly define the local government's responsibility and obligations in regard to any proposed road dedication in respect to future road construction/upgrade timeframes and subsequent maintenance frequency; and
4. To determine whether any costs associated with future construction/upgrading are to be met by the landowner/s, other bodies or by the local government (or a combination of some or all), and the extent of any such contribution.

BACKGROUND

The Shire of Nannup has numerous un-dedicated tracks that have been used to gain access to private property through areas of State Forest or other Crown reserves. These tracks are little more than narrow tracks that have not been properly designed or constructed to contemporary road construction standards and often have been used as firebreaks or fire access tracks by the Department of ~~Parks and Wildlife~~ **Biodiversity, Conservation and Attractions (DPAW/DBCA)** in the past.

There are also situations within the Shire of Nannup where road access has been provided to privately owned land by way of a "right of carriageway" easement through Crown Land negotiated between the private landowner and (usually) the Executive Director ~~DPAW~~ **DBCA** (previously the Conservator of Forests, Forests Department or the Executive Director Department of Conservation and Land Management).

These "rights of carriageway" or "private roads" entitled landholders access through areas of State Forest or Crown land under the control of ~~DPAW~~ **DBCA**. A "right of carriageway" does not always constitute a public road therefore access is technically restricted to the landowner named in the easement.

There are also instances within the Shire of Nannup where historically created lots are "land-locked" and do not have direct access to a public gazetted road and other historically created lots do not have access to a constructed public road.

POLICY STATEMENT PROVISIONS

1. Local Government Involvement in the Dedication Process

The local government will not generally become involved with any request for the dedication of an access track other than when associated with realignment, closure or extension to an existing dedicated road reserve.

The local government will only give consideration to an application for the dedication of a track/access as a “road” when the following conditions have been met:

- a. The proponent/s provides written agreement to the proposal from all affected landowners/land managers (including DPaW DBCA). DPaW DBCA generally will not consider supporting a proposal which results in the loss of land it manages, so there is usually the requirement for a land swap.
- b. All landowners that the proposed dedicated road will benefit, have agreed to pay all costs incurred during the dedication process including:
 - i. costs incurred to have prepared a Risk Assessment Report of the proposed road dedication to determine the required design required to ensure that the road will be safe for the public to use if dedicated;
 - ii. costs associated with the subdivision/amalgamation of private land ceded to create the road reserve;
 - iii. costs associated with compensation for land ceded; and
 - iv. costs associated with undertaking the survey and lodgement of survey documents with the Department of **Planning, Lands and Heritage** ~~Lands~~ for registering the new dedicated road.
- c. All landowners provide the local government with a written agreement that all upgrading/construction costs required to meet the safety requirements identified as a result of the Risk Assessment Report will be met by the landowners in full.

2. Landholder Responsibility

Where a property is not serviced by a dedicated road access, all costs incurred to maintain access remains the responsibility of the respective landowner and the local government will not provide any assistance for maintenance or upgrading unless the landowner engages the services of the local government under a “Private Works” contractor basis and pays the full cost of any such work. Where the access track traverses DPaW DBCA lands any maintenance works undertaken by the local government will be in accordance with the ~~local government~~ **Shire of Nannup** Policy WRK 8 Maintenance of DPaW Access Tracks.

3. “Public Good” Road Dedications

The local government will only progress an application for dedicated road access when the local government is of the opinion that is a “public good” in the following circumstances:

- a. When the proposal is in accordance with *Shire of Nannup Local Planning Scheme No. 4* and the Local Planning Strategy; and
- b. The proposal will result in the improvement of the local government’s road infrastructure; and
- c. The proposal will be of benefit to the wider community and meet community requirements under the Scheme or Strategy.

| | |
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| Related Policies: | WRK 8 Maintenance of DPaW Access Tracks LPP #20 Developer and Subdivider Contributions |
| Related Procedures/ Documents | |
| Delegation Level: | Chief Executive Officer or their Delegated Officer |
| Adopted: | OM 28 October 2010 # 8483 |
| Reviewed: | OM 27 July 2023 |

| | |
|----------------|---------------------------------|
| Policy Number: | LPP 01812 |
| Policy Type: | Local Planning Policy |
| Policy Name: | Signs and Advertisements |
| Policy Owner: | Chief Executive Officer |

AUTHORITY: Shire of Nannup Local Planning Scheme No. 4

POLICY BASIS

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and the *Shire of Nannup Local Planning Scheme No. 4 (LPS4)*.

OBJECTIVES

The objectives of this Policy are to:

1. Ensure that existing and future signage is maintained at a level which produces a positive image of the Shire of Nannup;
2. Encourage advertising which complements the natural and urban environment whilst minimising any negative impacts;
3. Promote a high standard of design and presentation;
4. Minimise clutter of advertising signs;
5. Control the erection of signs (size, type, location and quality) so as to minimise the proliferation of signs, prevent visual pollution and not detract from the amenity of an area;
6. Prohibit advertising which is superfluous or unnecessary by virtue of their colours, height, prominence, visual impact, size, relevance to the premises on which they are located, number and content;
7. Ensure that the visual quality and character of localities and transport corridors are not eroded;
8. Minimise the total area and impact of outdoor advertising commensurate with the realistic needs of commerce for such advertising;
9. Provide further interpretation of ~~LPS3~~ LPS4 in the assessment of applications for signs;
10. Set out guidelines that will assist in the regulation and control of signage;
11. Provide increased certainty for advertisers, landowners, the community and others and to assist in providing greater consistency in decision making by the Council; and
12. Facilitate the effective and timely processing of sign applications where in accordance with this Policy.

DEFINITIONS

In this Policy, the following definitions apply:

“Advertisement” means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display or advertisements. The term includes any airborne device anchored to any land or building any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising.

“Advertiser” means any person or any group comprised of the landowner, occupier, licensee or other person having an interest in, or drawing benefit from, the display of an advertisement concerned. In this Policy, “advertiser”, “applicant” and “proponent” have the same meaning.

"Heritage-Protected Place" has the same meaning given in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

"Third Party Properties" means properties which are not owned by the advertiser and/or from sites where the business or service is not operating.

In this Policy, **"Main Roads"** and **"Key Tourist Routes"** means the Vasse Highway, Brockman Highway and ~~Nannup-Balingup~~ **Balingup-Nannup** Road.

In this Policy, **"Signs"**, **"Advertisements"** and **"Advertising Signs"** have the same meaning. **"Sign"** can also mean "signs".

In this Policy, **"Agriculture Rural Zone"** also means ~~"Agriculture Priority 1 – Scott Coastal Plain Priority Agriculture"~~, ~~"Agriculture Priority 2 Environmental Conservation"~~, ~~"Cluster Farming"~~ and ~~"Coastal Landscape"~~ zones.

POLICY

This Policy sets out Council's position relating to signs and advertisements.

It is Council's policy to achieve a balance between the provision of legitimate and appropriate signage and to minimise the adverse impacts that signs may have on the amenity, appearance and character of an area and/or on the municipality.

BACKGROUND ~~and Issues~~

It is a requirement of the Shire of Nannup Local Planning Scheme No. ~~3-4~~ (~~LPS3~~ **LPS4**) for various signs to gain ~~development~~ **planning** approval prior to erection, placement or display.

APPLICATION OF THE POLICY

This Policy applies to any advertising device proposed to be erected within the municipality unless it is an "exempted advertisement" as set out in Attachment 1 of this Policy (Schedule ~~5~~ **3** of ~~LPS3~~ **LPS4**).

LINKS TO LOCAL PLANNING SCHEME AND OTHER DOCUMENTS

This Policy relates to various requirements set out in ~~LPS3~~ **LPS4** including Clause ~~58~~ **58** ~~requiring which requires~~ advertisers to submit a ~~Planning~~ **Development** Application to the Shire.

POLICY PROVISIONS

1. Exemptions from the Requirement to Obtain ~~Planning~~ **Development** Approval

~~Planning~~ **Development** approval is not required from the Council in respect of those advertisements listed in ~~Attachment 1~~ **Schedule 3 of LPS4** which are referred to as "exempted advertisements". The exemptions listed in ~~Attachment 1~~ **Schedule 3** do not apply to land, buildings, objects, structures and places ~~included on the~~ **which are:**

- ~~● Council's Heritage List;~~
- ~~● National Trust list;~~
- ~~● National Estate register;~~
- ~~within a Heritage Area~~ **located within a heritage-protected area;** or
- ~~within a Landscape Values Area~~ **Special Control Area 7 (SCA7) General Landscape Values Area.**

For all other signs not set out in Attachment 4 Schedule 3, the advertiser is required to submit a Planning Development Application and gain approval from the Council prior to the sign/s being erected.

2. General

In assessing a Planning Development Application for a sign, the Council will have regard to matters including the following:

- size, shape, materials, colours, finish, wording, general appearance, quality and location of the sign;
- whether it is illuminated and the presence or rate of flashing lights;
- existing number of signs on the site and as relevant in the locality (especially adjoining main roads and key tourist routes);
- pedestrian, cyclist and motorist safety;
- the objectives of LPS3 LPS4;
- provisions and requirements of LPS3 LPS4;
- the character and amenity of the locality within which it is to be displayed, including its historic and/or landscape significance;
- whether the application will create or exacerbate a clutter of advertising signs;
- whether the sign will create a detrimental visual impact on the area and/or transport corridor;
- whether the advertising is superfluous or unnecessary by virtue of their colours, height, prominence, visual impact, size, relevance to the premises on which they are located, number and content;
- zoning of the lot;
- the amenity of adjacent areas which may be affected and the effect on the streetscape;
- whether the sign is proposed to be temporary or permanent;
- written comments from affected landowners and other stakeholders;
- adopted Nannup main street heritage area guidelines, other adopted design guidelines or adopted building and landscaping guidelines;
- for signs proposed in or near the Nannup townsite, taking account of the historic and garden village theme of Nannup; and
- any other circumstance and factor affecting the application in the opinion of the Council.

Generally, signs should be located on land or buildings on which ~~is conducting the~~ a business or profession to which the sign relates is being conducted. The Council may, following appropriate justification from an applicant, consider signs on “third party” freehold properties. Generally, this will be:

- for a temporary period (typically 6 – 12 months) following which the signs are to be removed;
- for a recently established local business or a local business (based in the Shire of Nannup) which will shortly commence operating; and
- limited to one sign for the business which is no greater than 4m² in area.

The Council will not support commercial advertising signs (including pylon, hoarding, tethered, and product display signs) for products and services of a multi-national, national or State wide business/entity which is located on third party land. The only exception is where the sign is located on a building, where it will be assessed on its merits against this Policy and LPS3 LPS4.

The Council will consider signs, no greater than 4m² in area, which advertise community development or road safety on third party freehold land. Signs will generally be granted approval for a temporary period which is typically no greater than 12 months. After this, the sign is to be removed.

The Council will not support applications for advertisements that, in the opinion of Council, detract from the aesthetic qualities of an area by virtue of inappropriate size, colour, illumination and location. Additional to this, the Council will consider the existing number of signs placed in an area and/or on the building to ensure visual cluttering does not occur.

Generally, the Council does not support signs located on a light pole or power pole unless associated with a community event. Additionally, for roads managed by Main Roads Western Australia, the agency does not allow a sign or advertising device to be attached to existing signs, structures and roadside items including a light/power pole.

The use of vehicles, trailers, and trucks for display or exhibiting of signage will not be permitted except for special events as approved by Council.

The “onus of proof” rests with the advertiser to justify their ~~Development Planning~~ Application and variations to this Policy.

3. Prohibited Signs

A person shall not erect, maintain or display a sign that:

- will obstruct the view of traffic on a street or public place;
- prevents the safe and effective use of a footpath and/or dual use path;
- is located in a median strip or roundabout;
- can obstruct access to or from a door, fire escape or window, other than a window designed for the display of goods;
- is likely to be confused with, or mistaken for, an official traffic sign;
- emits a flashing, intermittent or sequential light;
- is situated on a tower, mast, chimneystack, spire, dome or similar architectural feature or on a superstructure over the main roof of a building;
- is situated on a building or structure where the stability of the building or structure is likely to be affected by the sign;
- is free standing sign above a roof;
- is on a tree that is living; and
- that contains offensive language or content.

4. ~~Town Centre~~ Commercial Zone and Heritage Area

In the ~~Town Centre~~ Commercial Zone and/or the ~~Heritage Area~~ Special Control Area 6 (SCA6) ~~Heritage Area~~ (subject to the Nannup Main Street Heritage Guidelines set out in *Local Planning Policy No. 97*), the following will apply:

- consistency with the “garden village” character and “~~working~~ timber town” identity;
- be compatible with existing development and the Heritage Area including being respectful of the scale, form and style;
- the use of under verandah signs and “shingles” is encouraged;
- signage is contained to the building walls and parapets. No additional structures will be permitted for roof mounted, signs over roofs or above parapets;
- signs are allowed on verandah fronts provided they are no higher than half of the parapet behind;
- stand-alone pylon signs, such as petrol station signs, may be acceptable where they are on, or close to, the front boundary and do not exceed the height of ~~the~~ the proposed building;
- external illuminated signs are supported, however flashing illuminated or reflective signs are not supported; and
- advertising for franchises/corporate images are not supported where they affect the town’s

established character or subdue its rural image.

5. Home Business Signs

Permanent signs for home businesses in the Residential, ~~Special Residential, Special Rural~~ **Rural Smallholdings, Residential, and Tourism and** Special Use Zones (for ~~Special Use Zones~~ within the Nannup townsite) are to be:

- associated with the occupation of persons living on the property;
- a maximum of 1m²;
- constructed of materials and in colours which are complementary to area; and
- restricted to the approved business name and not advertise any commercial product.

6. Signs in Other Zones

Unless appropriately justified by the advertiser, the Council will not approve the erection of signs within the ~~Industry~~ **General Industry** Zone, **Tourism and** Special Use Zone (outside the Nannup townsite) and in agriculture zones for an advertising device for a service or commodity which is not produced, offered or sold on the lot where the advertising device is erected.

Unless appropriately justified by the advertiser, the maximum size of a permanent sign is:

- ~~Industrial~~ **General Industry** Zone: 15m²;
- **Tourism and** Special Use Zone (outside the Nannup townsite): 9m²; and
- ~~Agricultural~~ **Rural** Zones: 9m².

7. Signs within Road Reserves and on Shire Managed Land

Generally, the Council does not support signs being located in road reserves and on Shire managed land. Exceptions to this are moveable signs (section 11 of this Policy), real estate signs outside of townsites and adjacent to various zones (section 12) and directional signs (section 14).

Public open space and reserves within the municipality on land managed by the Shire, shall not be used for the erection of signage except for purposes as approved by Council.

The Council does not support the erection of signage on trees with the road reserve.

The Council will consider signs supporting the sale of locally produced rural produce, adjacent to ~~agricultural~~ **rural** zones, within a road reserve managed by the Shire. The Council will support the erection of a seasonal signage, to bona fide rural producers, who provide for the sale of produce on an incidental basis subject to meeting other requirements of this Policy including safety considerations.

8. Siting Restrictions Near Main Roads and Key Tourist Routes

The Council will generally not permit the siting of advertising signs on or in the vicinity of main roads and key tourist routes (for this Policy these are Vasse Highway, Brockman Highway, and ~~Nannup-Balingup~~ **Balingup-Nannup** Road) when they provide vistas for the surrounding landscape. The protection of these vistas is important from a tourism and amenity viewpoint.

The Council may consider the erection of suitable advertising signs near main roads and key tourist routes where the signs are:

- on freehold land; and

- located on land or buildings ~~on~~ to which the business or profession relates; or
- for new business and limited to a temporary period (as outlined in section 2); or
- for community development or advertising road safety (as outlined in section 2).

The Council will require that signs are sited to minimise the impact upon surrounding vistas and to minimise impacts on the area's amenity.

If an advertising sign is deemed to be in conflict with its surrounding environment and will detrimentally reduce the amenity of the area, then the Council will not support the proposed sign.

9. Signs Within Places of Heritage Value

The Council will have regard to the placement of signage on or within places of heritage value and buildings ~~set out in the Council's Heritage List, National Trust list, National Estate register or within a Heritage Area~~ located within a heritage-protected place. Further, the Council will consider:

- the historic appropriateness of the materials;
- style design and lettering of the sign; and
- whether it is affixed in such a way that it causes no damage to the building and may be removed without leaving evidence of it having been affixed.

10. Temporary Signs for Events and Traffic Management

There is no requirement to submit a ~~Planning~~ Development Application for signs associated with traffic management for events. This is subject to signage and the event being undertaken in accordance with the *Traffic Management for Events Code of Practice* (or any updates).

There is no requirement to submit a ~~Planning~~ Development Application for signs to publicise a forthcoming event subject to the following:

- temporary signs are not to be placed on the road reserve, unless it is a directional sign;
- the temporary sign must be removed after the forthcoming event has passed and must not be displayed longer than 8 weeks;
- located to promote the safety of motorists, pedestrians and cyclists;
- if the Council considers the temporary signs are inappropriate or unsuitable they will be removed.

While noting the above, Main Roads Western Australia requires approval for any signage in, or in the vicinity of the road reserve of a declared highway or main road. A written application is required.

There is no requirement to submit a ~~Planning~~ Development Application for signs associated with traffic management for works on roads. This is subject to signage and works being undertaken in accordance with the *Traffic Management for Works on Roads Code of Practice* (or any updates).

11. Moveable Signs

Movable signs are not supported where, in the Council's opinion, the sign would obstruct pedestrian, cyclist or vehicle movements or sightlines or obstruct access or views from any other premises.

Moveable signs may be supported by the Council where relevant safety and other planning considerations are suitably met. This is subject to:

- any moveable sign should typically be located as close as possible to the premises to which it relates, unless the Council is satisfied that there are circumstances which make this difficult and that an alternative location has been identified, which is to the satisfaction of

Council;

- the advertiser/operator is required to maintain an appropriate Public Liability Insurance covering the placement of the moveable sign on the footpath within the Nannup town centre that indemnifies Council to the satisfaction of Council;
- moveable signs shall only remain in public places while the shop or business is open for trading; and
- moveable signs within road reserves are to be removed at the close of trading each trading day.

12. Real Estate Signs

No ~~Planning~~ **Development** Application is required for advertising signs for property transactions including sale and leasing where the sign complies with ~~Attachment 1~~ **Schedule 3 of LPS4** and where the property is not ~~on the Council's Heritage List, on the National Trust list or on National Estate register~~ **located within a heritage-protected place**. This is subject to the sign being:

- located to promote the safety of motorists, pedestrians and cyclists;
- located on freehold land which is subject to the property transaction; and
- removed within 4 weeks of the completion of the property transaction.

No real estate advertising signs will be permitted on road reserves or on Shire controlled land in the Nannup townsite and on land adjacent to sites zoned **Rural Residential, Residential, Special Use, Future Development and Special Rural** ~~Tourism or Urban Development~~ outside the Nannup townsite. Real estate advertising signs are to be located on freehold land which is zoned **Rural Residential, Special Use, Tourism or Urban Development** ~~Residential, Special Use, Future Development and Special Rural~~ outside the Nannup townsite.

The Council will determine the merits of real estate signs in road reserves adjacent to agricultural zones where they cannot be located on freehold land and they are appropriately located which promote the safety of motorists. Real estate agents will be responsible for "Dig Before You Dig" and avoiding services/infrastructure, with any costs payable to rectify services met by the real estate agency.

The Shire may remove real estate signs located within road reserves or on Shire controlled land throughout the municipality without necessary approvals and/or for signs which may create safety concerns.

13. Subdivision/Development Marketing Signs

Subject to other requirements of this Policy being suitably met, including safety considerations, the Council will support one sign per street frontage up to 3m² on the development site. For large development or redevelopment projects, in the opinion of the Council, the Council may consider approving one sign per street frontage up to 10m² on the development site.

Any subdivision/development marketing sign will be approved for a temporary period as determined by the Council.

14. Directional Signs

The Council will assess, on its merits, the use of standard directional signs on roads to direct traffic to emergency services, community groups, businesses or other entities. Main Roads Western Australia has authority over directional signs (service and tourist signs) on the State road network. Where the local government is asked to comment, the Council will recommend that a limit of one fingerboard sign for the entity is provided at the junction of a highway or main road indicating the most direct route to the facility.

Generally, the Council will limit the number of directional signs at any intersection or other location to three (3). Priority for directional signs is given to emergency services, then community groups and last to businesses.

Generally, the Council will issue approval for directional signs for a maximum of 5 years. Following this, a separate application (and approval) is required or the sign may be removed. The Shire may remove the directional sign where the entity is no longer operating or if the entity has relocated their premises.

The advertiser is responsible for meeting the costs of directional signage, with costs set out in the Council's fees and charges.

The Council will generally support the use of composite/generic signs to remove the need for separate signs.

Where more than one direction sign is required for a particular street junction, then they may be required to be incorporated into a stack sign structure which will be funded by the various sign owners. Should there be a request for multiple signs, the Council may require the installation of a "generic" sign e.g. directing to the industrial estate.

Directional signs should not resemble an official traffic sign.

All lettering shall be white on a blue background for services or white on brown for tourist attractions.

Tourist signs may be installed for tourist establishments endorsed by the Department of Planning, Lands and Heritage or Tourism WA (or the agency responsible for tourism planning).

15. Main Roads Western Australia

The erection of signs near a highway or main road under the control of Main Roads Western Australia (MRWA) requires the approval of both the Council and MRWA.

MRWA require approval for any signage in, or in the vicinity of the road reserve of a declared highway or main road. A written application is required.

The Council does not generally support signs within road reserves managed by MRWA for reasons including visual impact and detrimentally impacting the amenity of the area. The Council will consider, on its merits, signs within road reserves managed on MRWA as set out in this Policy. Additionally, the Council will consider, on its merits, signs on adjoining freehold land as set out in this Policy.

16. Existing Signs

There is no presumption that any existing sign has an approval from the Council. All signs will be treated according to this Policy unless the owner of the sign is able to demonstrate that Council has previously issued approval for that sign.

17. Derelict or Poorly Maintained Signs

Where, in the opinion of the Council, an approved sign has been permitted to deteriorate to a point where it conflicts with the objectives of ~~LPS3~~ LPS4 or it ceases to be effective for the purpose for which it was erected or displayed, the Council may by notice (~~consistent with clauses 5.8.17.7 and 5.8.14.8 of LPS3~~) in writing require the advertiser to:

- repair, repaint or otherwise restore the advertisement to a standard specified by Council in the notice; or
- remove the advertisement.

18. Non-Compliance

Should any sign (other than exempt signs which are consistent with this Policy) be erected without gaining **Planning Development** Approval, the Council may, without incurring any liability, remove and dispose of the sign. The sign may be removed, may incur a retrieval fee and may be detained for a period of 3 weeks where this occurs for the first "offence". Any sign not claimed within 3 weeks may be disposed of for the first offence. For the second and possible multiple offences, any non-compliant sign may be disposed of immediately.

Should any sign that has gained **Planning Development** Approval not comply with the conditions of the **Planning Development** Approval, the Council may serve a notice on the advertiser. ~~(consistent with clauses 5.8.17.7 and 5.8.14.8 of LPS3).~~

Where an exempt sign seriously conflicts with the provisions of clause 5.8.14 of ~~LPS3~~ **LPS4**, the Council may serve a notice on the advertiser. ~~consistent with clauses 5.8.17.7 and 5.8.14.8 of LPS3.~~

In addition, the Council may require any sign to be removed if it is of the opinion that it is offensive or unsightly. ~~consistent with clauses 5.8.14.6 and 5.8.14.8 of LPS3.~~

ADMINISTRATION

1. Matters to be Addressed Prior to Formally Lodging the Application

Proponents are encouraged to discuss proposals that seek to vary Policy requirements with the Shire administration early on in the planning process and prior to the formal lodgement of any **Planning Development** Application.

2. Application Requirements

~~Planning Development~~ Applications are to include the following:

- **A completed Form of Application for Development Approval and Additional Information for Development Approval for Advertisements Form;**
- **A site plan showing the location of all existing and proposed structures;**
- ~~the requirements set out in clause 5.8.14.2 and Schedule 7 of LPS3 which includes a clear photograph/diagram of the sign (incorporating colours, dimensions, materials); and a clear site plan (including highlighting existing signs);~~ **Colour mock-ups of the final design of the proposed signs;**
- **Photographs or elevations of the building with proposed signs superimposed on the building and shown to scale;**
- **Details of any existing signs to be removed; and**
- ~~filling in the Form of Application for Planning Approval and the Additional Information for Advertisement Form; and~~
- ~~payment of the Shire Planning Application fee~~ **Payment of the local government Development Application fee.**

Preferably, the **Planning Development** Application is also accompanied by written correspondence which sets out reasons justifying the proposal.

Should a **Planning Development** Approval be issued, it may be necessary for the proponent to submit a Building ~~License~~ **Permit** Application (which gains necessary approval) prior to erecting the sign.

3. Consultation with Landowners and Stakeholders

The Shire administration may seek comments on any ~~Planning~~ **Development** Application as considered appropriate.

Where a proposed sign is considered to have the potential to adversely impact on adjoining and/or nearby landowners, in the opinion of the Shire administration, the Shire will write to affected landowners/stakeholders regarding the application and invite them to submit comments to the Shire.

Where a ~~Planning~~ **Development** Application for a sign is made that does not comply with the requirements set out in this Policy, a copy of the application may be referred to adjoining/nearby landowners, relevant government agencies and stakeholders for comment.

Where a sign adjoins a road managed by MRWA, unless on a building and in conformity with this Policy, it will be referred to MRWA for comment.

4. Assessing the ~~Planning~~ **Development** Application

~~Planning~~ **Development** Applications will be assessed on a case by case basis subject to this Policy, ~~LPS3~~ **LPS4**, information provided by the applicant and any submissions received.

In granting ~~planning~~ **development** approval for the erection or display of an advertising sign, the approval may include conditions concerning matters such as the location, position, size, shape, colour, number of existing signs, degree of illumination and length of approval.

Should an application for a sign not comply with requirements of this Policy, the application may be referred to Council for consideration.

Where objections are received and the objections are not able to be adequately dealt with through conditions of approval, the application will be referred to Council for determination.

The Council may refuse a ~~Planning~~ **Development** Application where the application is inconsistent with this Policy and/or ~~LPS3~~ **LPS4**, or based on information set out in any submission received.

| | |
|-------------------------------|---|
| Related Policies: | |
| Related Procedures/Documents: | Attach 1: Schedule 5 of LPS3 |
| Delegation Level: | Chief Executive Officer or their Delegated Officer |
| Adopted: | 26 July 2012 |
| Reviewed: | OM 27 July 2023 |

| | |
|-----------------------|------------------------------|
| Policy Number: | LPP 01913 |
| Policy Type: | Local Planning Policy |
| Policy Name: | Heritage Conservation |
| Policy Owner: | Chief Executive Officer |

AUTHORITY: *Planning and Development (Local Planning Schemes) Regulations 2015*
Heritage Act 2018
Shire of Nannup Local Planning Scheme No. 4 (LPS No. 4)
~~*Heritage of Western Australia Act 1990*~~

POLICY BASIS

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and the *Shire of Nannup Local Planning Scheme No. 4 (LPS4)*.

BACKGROUND

~~The Shire of Nannup Local Government Inventory, also commonly known as a “municipal heritage inventory”, identifies places within the district that have cultural heritage significance. The compilation of a Local Government Inventory is a requirement of Clause 45 of the *Heritage of Western Australia Act 1990*.~~

~~Heritage places on the Shire of Nannup Local Government Inventory have been classified with a Management Category either as ‘A’, ‘B’, ‘C’ or ‘D’. Those places with the greatest heritage significance have also been identified for inclusion on the Heritage List pursuant to the *Shire of Nannup Local Planning Scheme No. 3* (“the Scheme”). Heritage places with Management Categories ‘A’, ‘B’ and ‘C’ are included on the Heritage List, while places with a Management Category of ‘D’ are not included on the Heritage List.~~

~~Places that are considered to be of significant heritage value and worthy of conservation are identified on the Heritage List set out in Attachment 1 of this Policy. Modifications to the Heritage List are to address clauses 7.1.3 and of the Scheme.~~

~~Aboriginal heritage is protected by the *Aboriginal Heritage Act 1972*. This Policy does not apply to the conservation of Aboriginal heritage except where Aboriginal heritage is included within the Heritage List or is within a designated Heritage Area.~~

~~The Scheme establishes a Heritage Area over a portion of the Nannup town centre. Clause 7.2 of the Scheme also enables additional Heritage Areas to be established.~~

OBJECTIVES

The objectives of this Policy are:

1. To ensure that works, including conservation, restoration, alterations, additions, changes of use and new development, respect the cultural heritage significance associated with places listed on the Heritage List and for development within a Heritage Area.
2. To encourage opportunities for interpretation where it can enhance understanding and enjoyment of heritage places and strengthen the relationships between the community and its heritage.
3. To conserve and protect places and areas of heritage significance within the district.

4. To provide information that assists property owners and/or managers to understand and appreciate the cultural heritage significance of heritage properties and areas.
5. To provide guidance on significant trees.

DEFINITIONS

“Adaptation” means the modification of a place to suit proposed compatible use or uses.

“Archival Record” means a document containing drawings, photographs and written information prepared in order to record the state of a place at a given time, usually prior to demolition or major change. The Heritage Council of Western Australia has prepared standards for archival recording.

“Conservation” means all the processes of looking after a place so as to retain its cultural heritage significance. It includes maintenance and may, according to circumstances, include preservation, restoration, reconstruction and adaptation. Conservation will commonly involve a combination of more than one of these.

“Conservation Plan” means a document that details how to identify and look after the significant cultural values of a place. Its preparation involves a systematic way of considering, recording and monitoring actions and decisions relating to all aspects of managing a place. The Heritage Council of WA provides guidelines for the preparation of conservation plans to ensure that all important matters are considered.

“Cultural Heritage Significance” means the aesthetic, historic, social and scientific values of a place for past, present or future generations.

“Heritage Area” means an area designated as a heritage area under Clause 9 of the Deemed Provisions.

“Heritage Agreement” means a contract under section 90 of the *Heritage Act 2018* which is undertaken on a voluntary basis by the owners of a heritage place. The agreement binds current and successive owners to a set of conservation conditions and may provide compensating benefits in some circumstances. The purpose of a Heritage Agreement is to secure the long-term conservation of a heritage place. A Heritage Agreement attaches to the land and is confirmed through a Memorial placed on the land title.

“Heritage Impact Statement” means a report that evaluates the likely impact of proposed development on the significance of a heritage place and its setting, or on the heritage area within which it is situated. The report may also outline measures as to how any detrimental impact may be minimised. The Heritage Impact Statement should address:

- How will the proposed works affect the cultural heritage significance of the place?
- What alternatives have been considered to ameliorate any adverse impacts?
- Will the proposal result in any heritage conservation benefits that may offset any adverse impacts?

Note: The Heritage Council of WA has produced a guide and form for the preparation of Heritage Impact Statements. This information is available on the Heritage Council's website.

“Heritage List” means a list of places that has established under Clause 8(1) of the Deemed Provisions (outlined in Attachment 1 of this Policy).

“Heritage Place” means a building, structure, site, area of land or other physical element valued for its cultural (or historic) heritage significance, together with associated contents and surrounds.

“Interpretation” means all the ways of presenting the significance of a heritage place. Interpretation can include the use of colour, lighting, furnishings, historic material or signage or a combination of

these to tell the story of the building or place.

“Interpretation Plan” is a document that explains the ways in which a place could be interpreted. Interpretation Plans should aim to increase both our understanding and our enjoyment of heritage places.

“Local Heritage Contract” means a contract between the owners of a heritage place and the local government undertaken on a voluntary basis by the owners in return for planning concessions or a rate rebate agreed to by the local government. The agreement binds the current owner to a set of conservation conditions in return for identified and agreed compensating benefits.

“Significant Fabric” means all the physical material of the place including components, fixtures, contents, and objects that contribute to the heritage significance of the place.

“Significant Trees” means trees that have been identified in the Heritage List for their heritage significance, which includes characteristics such as outstanding aesthetic significance, horticultural value, historic value, and/or unique location and context.

“Structural Condition Assessment” means a report prepared by a qualified structural engineer that assesses the structural state of a building or element.

POLICY

The purpose of this Policy is to:

1. Set out development control principles for places on the Heritage List established pursuant to the Scheme Regulations, for other places on the Shire of Nannup Local Government Inventory Heritage Survey and for development within a Heritage Area.
2. Provide further direction on the development control principles contained within *State Planning Policy 3.5 Historic Heritage Conservation*.
3. Provide increased certainty to landowners and the community about the development control principles for heritage conservation and protection.

BACKGROUND

The Shire of Nannup Local Heritage Survey, also commonly known as a “municipal heritage inventory”, identifies places within the district that have cultural heritage significance. The compilation of a Local Heritage Survey is a requirement under Clause 103(1) of the *Heritage Act 2018*.

Heritage places on the Shire of Nannup Local Heritage Survey have been classified with a Management Category either as ‘A’, ‘B’, ‘C’ or ‘D’. Those places with the greatest heritage significance have also been identified for inclusion on the Heritage List pursuant to the *Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations)*. Heritage places with Management Categories ‘A’, ‘B’ and ‘C’ are included on the Heritage List, while places with a Management Category of ‘D’ are not included on the Heritage List.

Places that are considered to be of significant heritage value and worthy of conservation are identified on the Heritage List set out in Attachment 1 of this Policy. Modifications to the Heritage List are to address Schedule 2 Part 3 Clauses 8(3) & 8(4) of the Deemed Provisions.

Aboriginal heritage is protected by the *Aboriginal Heritage Act 1972*. This Policy does not apply to the conservation of Aboriginal heritage except where Aboriginal heritage is included within the Heritage List or is within a designated Heritage Area.

The Scheme establishes a Heritage Area over a portion of the Nannup town centre (Special Control

Area 6 (SCA6) Heritage Area). Schedule 2 Part 3 Clause 9 of the Deemed Provisions also enables additional Heritage Areas to be established.

APPLICATION

This Policy applies to places entered on the Heritage List, pursuant to the ~~Scheme~~ Regulations, which are outlined in Attachment 1 along with development within a Heritage Area. General guidance is also provided to heritage places with a Management Category D in Attachment 2. Attachment 2 sets out additional policy provisions for places with Management Categories 'A', 'B', 'C' and 'D' with a particular focus for places on the Heritage List.

DEFINITIONS

~~**Adaptation** means the modification of a place to suit proposed compatible use or uses.~~

~~**Archival Record** means a document containing drawings, photographs and written information prepared in order to record the state of a place at a given time, usually prior to demolition or major change. The Heritage Council of Western Australia has prepared standards for archival recording.~~

~~**Conservation** means all the processes of looking after a place so as to retain its cultural heritage significance. It includes maintenance and may, according to circumstances, include preservation, restoration, reconstruction and adaptation. Conservation will commonly involve a combination of more than one of these.~~

~~**Conservation Plan** means a document that details how to identify and look after the significant cultural values of a place. Its preparation involves a systematic way of considering, recording and monitoring actions and decisions relating to all aspects of managing a place. The Heritage Council of WA provides guidelines for the preparation of conservation plans to ensure that all important matters are considered.~~

~~**Cultural Heritage Significance** means the aesthetic, historic, social and scientific values of a place for past, present or future generations.~~

~~**Heritage Area** means an area of land that has identified cultural heritage significance and character which is desirable to conserve.~~

~~**Heritage Agreement** means a contract under section 29 of the *Heritage of Western Australia Act 1990* which is undertaken on a voluntary basis by the owners of a heritage place. The agreement binds current and successive owners to a set of conservation conditions and may provide compensating benefits in some circumstances. The purpose of a Heritage Agreement is to secure the long term conservation of a heritage place. A Heritage Agreement attaches to the land and is confirmed through a Memorial placed on the land title.~~

~~**Heritage Impact Statement** means a report that evaluates the likely impact of proposed development on the significance of a heritage place and its setting, or on the heritage area within which it is situated. The report may also outline measures as to how any detrimental impact may be minimised. The Heritage Impact Statement should address:~~

- ~~● How will the proposed works affect the cultural heritage significance of the place?~~
- ~~● What alternatives have been considered to ameliorate any adverse impacts?~~
- ~~● Will the proposal result in any heritage conservation benefits that may offset any adverse impacts?~~

~~**Note:** The Heritage Council of WA has produced a guide and form for the preparation of Heritage Impact Statements. This information is available on the Heritage Council's website.~~

~~**Heritage List** means a list of places that has been adopted under the Local Planning Scheme~~

~~(outlined in Attachment 1 of this Policy).~~

~~**Heritage Place** means a building, structure, site, area of land or other physical element valued for its cultural (or historic) heritage significance, together with associated contents and surrounds.~~

~~**Interpretation** means all the ways of presenting the significance of a heritage place. Interpretation can include the use of colour, lighting, furnishings, historic material or signage or a combination of these to tell the story of the building or place.~~

~~**Interpretation Plan** is a document that explains the ways in which a place could be interpreted. Interpretation Plans should aim to increase both our understanding and our enjoyment of heritage places.~~

~~**Local Heritage Contract** means a contract between the owners of a heritage place and the local government undertaken on a voluntary basis by the owners in return for planning concessions or a rate rebate agreed to by the local government. The agreement binds the current owner to a set of conservation conditions in return for identified and agreed compensating benefits.~~

~~**Significant Fabric** means all the physical material of the place including components, fixtures, contents, and objects that contribute to the heritage significance of the place.~~

~~**Significant Trees** means trees that have been identified in the Heritage List for their heritage significance, which includes characteristics such as outstanding aesthetic significance, horticultural value, historic value, and/or unique location and context.~~

~~**Structural Condition Assessment** means a report prepared by a qualified structural engineer that assesses the structural state of a building or element.~~

POLICY PROVISIONS

1. Assessing Applications

When considering applications for ~~planning~~ **development** approval for places entered in the Heritage List and for development within a Heritage Area, the local government will have due regard to the following:

- a. the conservation and protection of any place or area;
- b. whether proposed development or demolition will adversely affect the heritage value of a place or area including adverse effects resulting from the location, bulk, form or appearance (including design, materials, construction) of the proposed development;
- c. the level of heritage significance as outlined in Attachment 2 and the cultural heritage significance of the place or area;
- d. measures proposed to conserve or enhance the heritage significance of the place and its setting;
- e. the structural condition of the place (including associated structural condition assessment) and associated safety issues in relation to conservation;
- f. possible adaptation to a new use which will allow for its retention and conservation;
- g. Scheme aims, objectives and relevant clauses;
- h. *State Planning Policy 3.5 Historic Heritage Conservation*; and
- i. any Conservation Plan and associated provisions relating to the property.

2. Variations to Scheme provisions for a Heritage Place and Heritage Area

Clause 12 of the Deemed Provisions ~~Clause 7.5 of the Scheme~~ provides the local government with the ability to vary any site or development requirement specified in the Scheme or the *Residential Design Codes* to facilitate the conservation of a place listed in the Heritage List, within a Heritage Area or for places entered on the Heritage Council of WA's Register of Heritage Places.

The local government will consider the flexible application of the Scheme and the *Residential Design Codes* requirements in relation to places on the Heritage List, within a Heritage Area or for places entered on the Heritage Council of WA's Register of Heritage Places. The local government will consider variations to certain development standards including, but not limited to, the following:

- a. minimum lot sizes;
- b. average lot sizes;
- c. plot ratio;
- d. setbacks;
- e. variations to car parking and landscaping; and
- f. other development standards.

The local government will:

- a. consider applications for variations of development standards on their merits;
- b. consider the effect of any variation of development standards on the amenity of adjoining lots;
- c. ensure that the proposed variation is consistent with the general and specific objectives of the Scheme and the objectives of the zone;
- d. only support variations where there is a beneficial conservation outcome for the heritage place or Heritage Area; and
- e. require applicants to provide sufficient justification to enable consideration of any variations.

3. Heritage Agreements

Clause 10 of the Deemed Provisions ~~Clause 7.3 of the Scheme~~ allows the local government to enter into a Heritage Agreement with an owner or occupier of land or building, pertaining to a heritage place. Heritage Agreements may be required in certain circumstances such as where:

- a. a Conservation Plan has been prepared or is required to be prepared as a condition of **development** ~~development planning~~ approval;
- b. there is a high degree of uncertainty or risk regarding the future care of the place; or
- c. an owner has been granted a significant bonus or benefit such as outlined in section 2 of this Policy.

The State Heritage Office is able to assist in the preparation of a heritage agreement.

Where a Heritage Agreement is required, it is usually required to be supported by a caveat to be placed on the title to the satisfaction of the local government. Where a caveat is proposed, it shall be prepared by the local government's solicitors at no cost to the local government. The agreement is usually binding to successors in Title.

4. Structural Condition Assessment in the Case of Demolition

If structural failure is cited as a justification for the demolition of a place on the Heritage List or within a Heritage Area, evidence is required be provided from a registered structural engineer that the structural integrity of the building has failed, to the point where it cannot be rectified without removal of a majority of its significant fabric and/or that there are prohibitive costs.

5. Significant Trees

Clause 47 of LPS4 allows the local government to establish and maintain a Significant Tree Register to identify trees within the Scheme area that are worthy of preservation. **enter into a Heritage Agreement with an owner or occupier of land or building, pertaining to a heritage place.**

Development Planning approval is required prior to the removal or destruction of and/or interference with any tree(s) included on the **Heritage Significant Tree Register** List and as such the following policy provisions apply **except where that tree(s):**

~~Trees identified on the Heritage List may be pruned as part of routine maintenance in accordance with the International Society of Arboriculture standards, provided the pruning does not alter the trees general appearance, increase the tree's susceptibility to insects or disease, or otherwise increase its risk of mortality.~~

~~a. Proposals for substantial pruning to a significant tree may require the submission of an arborist report demonstrating that the pruning is acceptable.~~

a. **Presents an immediate risk of personal injury or damage to property.** ~~The removal of significant trees will only be supported where it is necessary to protect public safety or private or public property from imminent danger. The onus is on the applicant to demonstrate that this is the case. This may require the submission of a report prepared by a suitably qualified arborist~~ **at the full cost of the applicant.**

b. Must be cleared where necessary and only to the extend necessary:

i. **for the purposes of fire prevention or for access to public services or utilities; or**

ii. **for the commencement or carrying out of development in accordance with a development approval; or**

iii. **for the carrying out of any condition of subdivision approval for approval has been granted; or**

iv. **where expressly required by the terms of a written law.**

6. Structure Plans and Subdivision Applications

a. Structure Plans and subdivision applications that relate to heritage places should be designed to retain an appropriate setting for the heritage place. This includes, for example, the retention of the original gardens, landscaping features or other features that are considered essential to the setting of the heritage place or its heritage significance.

b. Subdivision proposals that indicate the required demolition, partial demolition or modification to a place on the Heritage List or State Register of Heritage Places will generally not be supported without a Heritage Impact Statement accompanying the subdivision proposal. This is to be prepared in accordance with the Heritage Council of WA guidelines.

c. Where a structure plan is proposed for land that includes a heritage place(s) the structure plan should demonstrate how matters of heritage significance will be addressed.

The local government may require the preparation of an overall heritage strategy to be included with the structure plan report which demonstrates how heritage issues will be addressed, outlining principles to be addressed in later planning stages and including recommendations for interpretation.

d. Consideration should also be given as to how future development of the subdivided land is likely to affect the identified significance of the heritage place, particularly its setting.

7. Applications for **Planning Development** Approval for Places on the Heritage List and within Heritage Areas

In addition to the information required by the Scheme, the following provides a guide for accompanying material and information that may be required to be submitted with **development** ~~planning~~ applications for places on the Heritage List and for development within a

Heritage Area:

- a. For larger and more complex development proposals, a Heritage Impact Statement should be submitted that identifies how the cultural heritage significance of the place will be affected by the proposed works or future use. The statement should be prepared by a heritage professional, and should be consistent with the Heritage Council of WA's guidelines.
- b. If a proposal affects a place that is entered on the State Register of Heritage Places the local government will generally require the applicant to arrange for the preparation of a Conservation Plan, which is to be prepared by a qualified heritage professional in accordance with the Heritage Council of WA's guidelines.
- c. Where proposed changes involve modifications to landscape elements of a place that form part of its heritage significance or are important to its setting a landscaping plan may be required which demonstrates how the impact will be managed and this should be included in the Heritage Impact Statement where relevant.
- d. Where a Conservation Plan exists for a Heritage Place, the ~~planning~~ **Development Application** should include information regarding how the conservation policies and any urgent works identified in the Conservation Plan will be addressed. Where a Conservation Plan does not exist, there is no requirement to prepare a Conservation Plan and submit with the ~~Planning~~ **Development** Application (unless the place is on the State Register of Heritage Places or the proposal is subject to a Heritage Agreement).

8. Interpretation and Interpretation Plans

Interpretation can enhance understanding and enjoyment of heritage places and it can strengthen and sustain the relationships between the community and its heritage. Interpretation can be an integral part of the experience of a heritage place, particularly where the cultural significance of the place is not readily apparent. Opportunities for the interpretation, commemoration and celebration of significant associations between people and a place should be investigated and implemented wherever possible. In particular, the local government may require the preparation of interpretative material as a condition of ~~development~~ **planning** approval for the following proposals:

- a. major redevelopment that involves substantial modifications to a heritage place, or modifications that will substantially impact on the heritage significance of the place;
- b. changes of use for a heritage place, particularly where the original use will no longer be readily apparent;
- c. proposals where there is the opportunity for the re-use of hardware or artefacts that are associated with the former use in interpretive material; or
- d. demolition (full or partial) of a heritage place.

9. Incentives for Heritage Conservation

Incentives for not-for-profit clubs, groups, organisations, individuals and businesses that have ownership/management of places included on the Heritage List may be eligible for various incentives from the Heritage Council of WA, National Trust of Australia (WA), other bodies or the local government.

The local government will waive or refund ~~Planning~~ **Development** Application fees charged by the local government for places on the Heritage List where the applicant/owner proposes development that will enhance or maintain the heritage aspects of the place in the opinion of the local government.

The local government may provide a rate's rebate for places on the Heritage List as determined through Council's adopted budget. Should a rate rebate be agreed by Council, it will usually require a Local Heritage Contract to be entered into.

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| Related Policies: | LPP0087 Nannup Main Street Heritage Precinct LPP01812 Signs and Advertisements |
| Related Procedures/ Documents | Local Planning Scheme No. 3 State Planning Policy No. 3.5 Shire of Nannup Municipal Heritage Inventory Local Heritage Survey Attach 1: Heritage List Attach 2: Development Control Principles |
| Delegation Level: | Chief Executive Officer or their Delegated Officer Building Surveyor |
| Adopted: | 26 March 2015 |
| Reviewed: | OM 27 July 2023 |

Attachment 1 - Heritage List
(made under ~~Clause 7.4 of Local Planning Scheme No-~~
~~348(1) of the Deemed Provisions~~)

| Place No. | Name | Address | Management Category | Reason for entry |
|-----------|---|---|---------------------|---|
| 3 | Barrabup Strongroom & Townsite | Cnr Mowen & Barrabup Pool Rds, Nannup | A | Has historic and social value, and is representative of the development of the timber industry in the South West (SW). |
| 4 | Biddelia Homestead | Lot 3 Vasse Hwy, Biddelia | A | Has historic value, and is representative of early settlement in the SW. |
| 5 | Black Point Reserve | Black Point Rd, Lake Jasper | A | Has aesthetic and scientific value. |
| 14 | Darradup House | Nelson Loc. 278, Longbottom Rd, Darradup | A | Has historic value, and is representative of early settlement in the SW. |
| 17 | Donnelly River Mill | Cnr Andrew & Sears Rd, Wheatley | A | Has historic, scientific and social value, and is representative of the early timber industry in the SW. |
| 18 | Donnelly River Townsite | Cnr Andrew & Sears Rd, Wheatley | A | Heritage Area. Has aesthetic, historic and social value, and is representative of the development of the timber industry in the SW. |
| 22 | Ellis Creek Timber Mill Site | Cnr Glacier & Ellis Creek Rds, Nannup | A | Has historic and social value, and is representative of the development of the timber industry in the SW. |
| 51 | Nannup Cemetery | RES9313 Vasse Hwy, Nannup | A | Has historic and social value. |
| 54 | Nannup Hotel | Warren Rd, Nannup | A | Has aesthetic, historic and social value, and is representative of early country hotels in the SW. |
| 59 | Nannup Road Board Office | Warren Rd, Nannup | A | Has aesthetic and historic value. |
| 62 | Nannup Town Centre Precinct | Warren Rd between Brockman & Kearney St, Nannup | A | Heritage Area. Has historic and social value, and is representative of early settlement in the SW. |
| 63 | Nannup Town Hall & Supper Room | Warren Rd, Nannup | A | Has historic and social value. |
| 81 | Tathra Cottage | Nelson Loc. 780 Balingup Rd, Nannup | A | Has historic value, and is representative of early settlement in the SW. |
| 82 | Templemore | Lot 2 Warren Rd, Nannup | A | Has historic value. |
| 1 | All Saints Anglican Church | Warren Rd, Nannup | B | Has aesthetic, historic and social value. |
| 2 | Ammon's Store (Ray White) | Lot 12(39) Warren Rd, Nannup | B | Has historic value. |
| 13 | Cundinup House | Nelson Loc. 8000, Cundinup-Kirup Rd, Cundinup | B | Has historic value, and is representative of early settlement in the SW. |
| 15 | Darradup School | Cnr Longbottom Rd & Brockman Hwy, Darradup | B | Has historic and social value. |
| 35 | Grocer's Shop 1905 (CRC) | Lot 13 Warren Rd, Nannup | B | Has historic value. |
| 41 | Jalbarragup Bridge Site | Jalbarragup Rd, Jalbarragup | B | Has historic value, and is representative of early settlement in the SW. |
| 42 | Jalbarragup House | Lot 1 Jalbarragup Rd, Jalbarragup | B | Has historic value, and is representative of early settlement in the SW. |
| 45 | Linden | Lot 84 East Nannup Rd, Nannup | B | Has historic and scientific value, and is rare. It is representative of early settlement in the SW. |
| 46 | Marinko Thomas Memorial | Warren Rd, Nannup | B | Has aesthetic, historic and social value. |
| 47 | Masonic Lodge | Lot 188 Dunnet Rd, Nannup | B | Has historic and social value. |
| 55 | Nannup Police Station (Caravan Park Office) | Brockman St, Nannup | B | Has historic and social value. |
| 58 | Nannup Pre-Primary Centre | Cnr Adam St & Grange Rd, Nannup | B | Has historic and social value, and is representative of early rural schools in the SW. |

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| 60 | Nannup Shire Office | Adam St, Nannup | B | Has historic and social value. |
| 61 | Nannup Timber Mill Precinct | Vasse Hwy, Nannup | B | Has historic, scientific and social value, and is representative of the early timber industry in the SW. |
| 64 | Nannup Uniting Church | Warren Rd, Nannup | B | Has aesthetic, historic and social value. |
| 65 | Nannup War Memorial | Cnr Warren Rd & Adam St, Nannup | B | Has historic and social value. |
| 69 | Police Quarters (Op Shop) | Cnr Warren Rd & Brockman St, Nannup | B | Has historic and social value. |
| 71 | Railway Bridge | Brockman St, Nannup | B | Has historic value. |
| 72 | Revelly Bridge | Agg Rd, Nannup | B | Has historic value. |
| 77 | St Thomas More RC Church | Cnr Warren Rd & Cross St, Nannup | B | Has aesthetic, historic and social value. |
| 78 | Suda's Shops (Taste of Nannup & Pickle 'n' O) | Lot 500 Warren Rd, Nannup | B | Has historic value. |
| 83 | Westpac Building (Magic Movies, Blackwood Cafe & Store) | 24 Warren Rd, Nannup | B | Has historic and social value. |
| 8 | Bull's House | 101 Warren Rd, Nannup | C | Has historic value. |
| 12 | Clarke's House | Lot 31 Forrest St, Nannup | C | Has historic value. |
| 19 | Dudinalup | Nelson Loc. 6, Cundinup-Dudinyillup Rd, Nannup | C | Has historic value, and is representative of the earliest settlement in the SW. |
| 20 | Dunnet Road Precinct | 13-35 Dunnet Rd, Nannup | C | Has historic value, and is representative of the development of the timber industry in the SW. |
| 21 | Eileen Higgins' House & Swamp | Cnr Higgins St & Warren Rd, Nannup | C | Has historic value. |
| 23 | Forestry Cottage 629 | 22 Dunnet Rd, Nannup | C | Has historic value. |
| 24 | Forestry Cottage 649 | 25 Dunnet Rd, Nannup | C | Has historic value. |
| 25 | Forestry Cottage L847 | 27 Dunnet Rd, Nannup | C | Has historic value. |
| 30 | Forestry Cottage 2301 | 29 Dunnet Rd, Nannup | C | Has historic value. |
| 31 | Forestry Cottage L2309 | 31 Dunnet Rd, Nannup | C | Has historic value. |
| 32 | Forestry Cottage 2315 | 15 Dunnet Rd, Nannup | C | Has historic value. |
| 33 | Forestry Cottage 2387 | 35 Dunnet Rd, Nannup | C | Has historic value. |
| 39 | House, 44 Dunnet Rd | 44 Dunnet Rd, Nannup | C | Has historic value. |
| 40 | Inkster's House | Lot 5 Forrest St, Nannup | C | Has historic value. |
| 44 | Killerby's Building (Post Office) | Lot 20(37) Warren Rd, Nannup | C | Has historic and social value. |
| 48 | McMahon's Cottage | Lot 701 Gold Gully Rd, East Nannup | C | Has historic value. |
| 50 | Milyeannup Stock Waterwell | RES10242 Milyeannup Coast Rd, Scott River | C | Has historic value. |
| 53 | Nannup Hospital | Carey St, Nannup | C | Has historic and social value. |
| 66 | Newsagent, Barber & Billiard Room | Cnr Warren Rd & Adam St, Nannup | C | Has historic and social value. |
| 67 | Old Bakehouse | Lot 160 Warren Rd, Nannup | C | Has historic value. |
| 68 | Old Higgins Homestead | 18 North St, Nannup | C | Has historic value. |
| 70 | Quannup House | Nelson Loc. 147, Woodaburrup Rd, Lake Jasper | C | Has historic value, and is representative of early settlement in the SW. |
| 73 | RSL Hall | Cross St, Nannup | C | Has historic and social value. |
| 74 | Sexton's House | Lot 92 Wilson St, Nannup | C | Has historic value. |

Attachment 2 – Development Control Principles

| | Management Category “A” , Management Category “B” and Management Category “C” places included on the Heritage List | Management Category “C” (not included on Heritage List) and Management Category “D” |
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| External Alterations and Additions | <p><u>General Provisions</u></p> <p>Alterations and additions to a heritage place should not detract from the heritage significance and should be compatible with the siting, scale, architectural style and form, materials, colours and external finishes of the place.</p> <p>Alterations and additions should involve the least possible change to the significant fabric.</p> <p>Alterations and additions should sit well within the original fabric rather than simply copying it, and new work that mimics the original should be avoided.</p> <p>New work should be easily distinguishable from the original fabric, except where the proposal constitutes restoration work of original fabric.</p> <p>Alterations and additions should respect the original roof pitch and roof form.</p> <p>Alterations and additions should not obscure or alter elements that contribute to the heritage significance of the place.</p> <p>Walls and fences in the front setback should be complementary to the heritage place in terms of materials, finishes, textures and colours and appropriate to its architectural style.</p> <p>Where there is a Conservation Plan for a heritage place all proposed development should address the policies contained within the Conservation Plan.</p> <p>Substantial modifications to the place may require an archival record (as a condition of development approval), to be prepared in accordance with the Heritage Council of WA guidelines.</p> <p><u>Upper Storey Additions and Modifications</u></p> <p>Upper storey additions should generally be sited and massed so they are visually recessive from the place’s main frontage to ensure that the scale of the heritage place is the dominant element in the streetscape. On</p> | <p>The local government will encourage proponents to sensitively undertake external alterations and additions.</p> <p>The local government will encourage proponents to arrange an archival record should substantial modifications to the place be proposed.</p> |

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| | <p>corner sites, the visibility and impact of additions will be assessed from both streets.</p> <p>Upper storey additions or modifications should be designed to minimise the impact on the original roofline, and to retain an appreciation for the original form of the building</p> <p><u>Openings and Doors</u></p> <p>New openings in the principal elevation (addressing the primary street) that will be visible from the street should be avoided. If openings are proposed they should be proportional in size relative to original openings of the heritage place and consistent in terms of materials, finishes, textures and colours (appropriate to its architectural style).</p> <p><u>Landscaping Elements</u></p> <p>Where landscape elements such as plantings or hard landscape treatments form part of the heritage significance of a place, or are important to its setting, all proposed extensions should be designed and sited to minimise the impact on these elements.</p> <p>All new landscaping should be well considered and respectful to the heritage significance of the place.</p> | |
| <p>Internal Alterations</p> | <p>No planning development application is required for internal alterations to a locally listed place unless the Heritage List identifies the place has a significant interior.</p> <p>Alterations to the interior of a heritage place to suit a current and compatible future use will be supported where the proposal does not compromise the heritage significance of the place.</p> <p>Ideally the original internal layout should be retained, however where original internal walls or features are proposed to be removed or modified these changes should be managed to allow evidence of the original layout to be read (for example by retention of wall “nibs” as evidence of the location of a former wall), to retain a sense of the original use of the space(s).</p> <p>Where new internal finishes are proposed there should be careful consideration given to retaining evidence of original materials and finishes.</p> <p>Internal alterations that are reversible without compromising the heritage significance of the place will generally be acceptable, and the onus is on the applicant to demonstrate this.</p> | <p>The local government will encourage proponents to sensitively undertake internal alterations.</p> |
| <p>Change of use</p> | <p>Adaptive reuse of heritage places may be supported provided:</p> | <p>The local government will encourage proponents to</p> |

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| | <ul style="list-style-type: none"> • the proposed use(s) will not impact negatively on the amenity of the surrounding area; • any required modifications do not substantially detract from the heritage significance of the place and are consistent with the provisions of this Policy; and • the use is consistent with the Scheme and other relevant Council Local Planning Policies. <p>Where there is a Conservation Plan for a heritage place, any proposed new use(s) will be assessed on the basis of the recommendations contained within the Conservation Plan.</p> <p>Where possible, evidence of the original use of a building should be retained, and in some circumstances interpretation may be appropriate to help understand the former use where it is not readily apparent.</p> | undertake sensitive reuse. |
| New Buildings and Structures | <p>New buildings, structures and other features that are located within the curtilage of a heritage place have the potential to impact on the heritage significance. Accordingly the following provisions are applicable.</p> <p>Any proposed buildings, structures or hard standing (including car parking) should not detract from the setting of the heritage place.</p> <p>Where new buildings or structures are proposed and they are visible from the street and/or other public places, they should take into account the character of the existing streetscape by having regard to the rhythm, orientation, setbacks, height, and proportions of existing buildings.</p> <p>Where possible existing views of a heritage building(s) from the street should be preserved to acknowledge the contribution heritage places make to the streetscape.</p> <p>New buildings or structures should be designed and located in a way that does not overwhelm or dominate the heritage building(s) which should remain the dominant building(s) on the site, and they should be understated relative to the existing heritage building(s).</p> <p>Wherever possible, new buildings, structures or hard standing areas (including car parking) should be designed and sited to avoid having a negative impact on original mature landscaping, garden areas, driveways and other landscaping features where they are considered to form part of the setting of the heritage place, and/or contribute to the heritage significance.</p> <p>New buildings should not directly copy the style and design of the heritage buildings, and should not attempt to look like old buildings. Rather they should complement the original fabric and design characteristics of the heritage building(s) in terms of its bulk, style, materials, colour scheme and form, which could include contrasting, contemporary building(s).</p> | The local government will encourage proponents to sensitively undertake new development with nearby new buildings and structures. |

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| | Where there is a Conservation Plan for a heritage place any proposals for new buildings, structures or hard standing areas (including car parking) should address the policies contained within the Conservation Plan. | |
| Demolition | <p>Demolition of a whole building on the Heritage List will generally not be supported.</p> <p>Consideration of a demolition proposal for a place on the Heritage List will be based on the following:</p> <ul style="list-style-type: none"> • the significance of the place; • the feasibility of restoring or adapting it, or incorporating it into new development; and • the extent to which the community would benefit from the proposed redevelopment. <p>Where structural failure is cited as justification for demolition, the onus rests with the applicant to provide a clear justification for demolition, and evidence should be provided from a registered structural engineer that the structural integrity of the building has failed to the point where it cannot be rectified without the removal of a majority of its significant fabric and/or prohibitive costs.</p> <p>Partial demolition of a building on the Heritage List may be supported provided that:</p> <ul style="list-style-type: none"> • the part(s) to be demolished do not contribute to the cultural heritage significance of the place; • the proposed demolition will not have a negative impact on the significant fabric of the place; and • sufficient fabric is retained to ensure structural integrity during and after development works. <p>If demolition of a heritage place is considered appropriate an archival record will be required as a condition of development approval, to be prepared in accordance with the Heritage Council of WA guidelines.</p> <p>Demolition of ancillary buildings or structures that do not relate to the heritage significance of the place will generally be acceptable.</p> <p>Where full or partial demolition is supported, this may be subject to appropriate interpretation to acknowledge the cultural heritage significance of the heritage place.</p> | <p>The local government will encourage proponents to retain heritage places.</p> <p>The local government will encourage proponents to arrange an archival record should demolition be proposed.</p> <p>Proposed demolition is subject to obtaining a demolition permit.</p> |
| Relocation of Buildings and Structures | <p>In the majority of cases the physical location of a place is an important part of its cultural heritage significance, therefore the relocation of a building or other component of a place on the Heritage List is generally unacceptable except in the following circumstances:</p> <ul style="list-style-type: none"> • this is the sole practical means of ensuring its survival; • it can be demonstrated that these components of the place already have a history of relocation, or were designed to be readily relocated; and | <p>The local government will encourage proponents to retain heritage places in their original location.</p> |

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| | <ul style="list-style-type: none"> its relocation forms part of a proposal for a new use or development on the site, and is fundamental to retention of the place on the same site. | |
| Minor Works, Repairs and Restoration | <p>Subject to the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> proposed external development affecting a place on the Heritage List requires development approval which includes minor works such as replacement of roofing as set by the Scheme. This is to ensure that these works do not have a negative impact on the heritage significance of the place, and accordingly the following policy provisions apply.</p> <p>Where there is a Conservation Plan for a heritage place, all restoration works will be guided by the Conservation Plan.</p> <p>Where proposals include the replacement of materials it should be “like for like”, matching the original as closely as possible with regard to the materials, colours, and textures.</p> <p>External repainting should match the original paint colours wherever possible, or should reflect a complementary palette of colours from the same era.</p> <p>Replacement of materials should take into consideration the original method of fixing.</p> <p>Where restoration is being carried out, works should be based on historic photographs, plans or other material that shows the former state of the building or place.</p> <p>Routine maintenance does not require development approval. This includes the following:</p> <ul style="list-style-type: none"> cleaning gutters and downpipes (as opposed to replacing deteriorated gutters and downpipes); repainting previously painted surfaces in the same colour scheme; and re-fixing existing loose roof sheeting using a “like for like” method of fixing (as opposed to installing new or different roof sheeting), with the exception of emergency repairs that are temporary in nature. | <p>The local government supports landowners undertaking minor works, repairs and restoration.</p> |
| General approach to Conservation Plans | <p>As outlined in section 7 of the Policy, where a Conservation Plan does not exist, there is no requirement to prepare a Conservation Plan and submit with the Planning Development Application (unless the place is on the State Register of Heritage Places or the proposal is subject to a Heritage Agreement). If a proposal affects a place that is entered on the State Register of Heritage Places or a proposal subject to a Heritage Agreement, the local government will generally require the applicant in conjunction with the State Heritage Office to prepare a Conservation Plan, which is to be prepared in accordance with the Heritage Council of WA’s guidelines.</p> | <p>Not applicable</p> |

| | |
|----------------|---|
| Policy Number: | LPP 02014 |
| Policy Type: | Local Planning Policy |
| Policy Name: | Developer and Subdivider Contributions |
| Policy Owner: | Chief Executive Officer |

AUTHORITY: *Shire of Nannup Local Planning Scheme No.4 (LPS No. 4)*

POLICY BASIS

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and the *Shire of Nannup Local Planning Scheme No. 4 (LPS4)*.

OBJECTIVES

The objectives of this Policy are to:

1. Enable Council to obtain contributions in the form of land, infrastructure works, monetary payment, or agreed in-kind contributions from developers/subdividers for the provision, extension or improvement of infrastructure, services or facilities. The contributions are required based on the expected impacts/demands of the development/subdivision, or are required in anticipation of the likely demands of the development/subdivision, or which will assist to facilitate such development/subdivision;
2. Assist, in part, to protect Council's assets and assist in achieving financial sustainability for the Council;
3. Assist, in part, the safety of drivers, pedestrians and cyclists to ensure they are not compromised as a result of proposals being implemented;
4. Assist, in part, the Council to maintain or where possible improve services, infrastructure and facilities as a consequence of the proposed development/subdivision and ensure that the local community and/or the Council are not burdened as a consequence of the development/subdivision;
5. Highlight the need for developers/subdividers to meet the costs of off- site impacts/demands that will be created as a result of their development/subdivision;
6. Consider the impacts and associated demands of the proposed development/subdivision on infrastructure, services and facilities (especially those managed by the Council) for all proposals;
7. Set out the criteria to be used in determining the amount a developer/subdivider must contribute to satisfy conditions of the development approval, subdivision approval or as a consequence of the scheme amendment or structure plan;
8. Seek an equitable outcome between proponents, other nearby/adjoining landowners, the community and the Council;
9. Provide increased certainty for developers/subdividers as to where contributions will be required, while recognising the need to provide an effective balance between certainty and flexibility, given the need for the policy to address a wide number of variables (including site location and features, scale and intensity of the proposal, intended use, existing standard of infrastructure, services and facilities etc);
10. Promote a transparent process; and
11. Outline how monies that are collected will be held and the approach to expenditure by Council.

DEFINITIONS

Throughout this Policy, references to "**developer/subdivider**", "**development/subdivision**" also relates to "scheme amendment, structure plan and development guide plan" requests where considered appropriate by Council, the term "**developer**" or "**subdivider**" can also imply "applicant", "**proposal**" implies "development application", "subdivision application" or "scheme amendment request".

“Road” shall have the definition applied to it under the *Road Traffic Act 1974* which includes any highway, road or street open to, or used by, the public and includes every carriageway, footway, reservation, median strip and traffic island thereon.

~~POLICY~~

APPLICATION OF THE POLICY

This Policy applies to the whole of the municipality where Council considers the development application, subdivision application or scheme amendment or structure plan request will create impacts on or demands for infrastructure, services or facilities.

LINKS TO LOCAL PLANNING SCHEME AND OTHER DOCUMENTS

This Policy relates to various requirements set out in the *Planning and Development Act 2005*, the *Shire of Nannup Local Planning Scheme No. 34*, *State Planning Policy 3.6 Infrastructure Development Contributions for Infrastructure*, various WAPC policies and other Council policies.

POLICY PROVISIONS

1. General

Other than for minor proposals or as otherwise determined by the Council, the Council will require developers/subdividers to meet, **mitigate** or contribute to off-site infrastructure, services and facilities as a result of impacts and/or demands arising from their proposal. The Council may include a condition/s of a development approval, request a condition/s for a subdivision approval or negotiate an agreement (or similar) through a scheme amendment or structure plan request, a requirement for the provision of:

- land to be dedicated to the Council;
- infrastructure works;
- monetary payment (either a cash payment or other means acceptable to Council e.g. bank guarantee).

Unless otherwise stated, this Policy focuses on off-site contributions.

Unless otherwise agreed to by Council, all on-site works and costs associated with implementing the development/subdivision are to be met by the proponent including the provision and/or upgrading of infrastructure/services and where relevant facilities. This includes meeting the requirements of the Council, the WAPC and the relevant servicing authority to provide necessary infrastructure, services and facilities. Standard on-site works and requirements include, relevant to the proposal (such as intensity of development, proposed number of lots, intended use, site location, site features etc.), the following:

- internal roads, pathways, stormwater management etc;
- connection to reticulated water;
- connection to reticulated sewerage;
- connection to a suitable power supply;
- provision of public open space (for urban and rural living subdivisions) or associated cash-in-lieu payments;
- car parking (including cash-in-lieu arrangements) – this is addressed in the Council’s Local Planning Scheme, other Council policies, and the *Residential Design Codes of Western Australia*; and

- landscaping – this is addressed in the Council’s Local Planning Scheme, other Council Local Planning Policies, and the *Residential Design Codes of Western Australia*.

The responsibilities of a developer/subdivider to meet on-site requirements does not negate their obligations towards meeting off-site contributions as outlined in this policy, other Council policies, and/or in accordance with WAPC policies.

In assessing proposals and possible contributions (such as road upgrading), the Council will consider natural environmental assets and associated impacts.

2. Assessment Considerations

The Council will determine whether a contribution is required and if it is, the contribution type and amount by considering matters including:

- the provisions of the *Planning and Development Act 2005*, Council’s Local Planning Scheme, other Local Planning Policies, and WAPC policies;
- the objectives of this Policy;
- the proposed use, size and intensity of the development/subdivision;
- the nature of the development/subdivision and the effect of the development/subdivision on the surroundings;
- the site’s location;
- the availability and standard of existing infrastructure, services and facilities in the area;
- the expected impact and/or demands created by the proposed development/subdivision including implications of the proposal on the local community and the Council;
- whether the existing infrastructure, services or facilities have appropriate capacity to handle the additional impacts created by the proposal and whether the proposal will create safety and/or maintenance concerns;
- the extent to which the contributions provide for infrastructure, services and facilities, which are reasonably required to meet the needs of the development/subdivision. This includes whether the contribution will address, in full or in part, the impacts/demands of the development/subdivision;
- the “nexus” between the proposed development/subdivision and the associated off-site impacts and demands;
- whether there is realistic scope for cost-sharing, in the opinion of Council, with adjoining/nearby landowners within a time period that relates to the need to address the impacts/demands of the proposal. To assess the potential for possible cost-sharing, the Council will consider development/subdivision potential outlined in its endorsed Local Planning Strategy and/or gazetted Local Planning Scheme. Should Council support a cost-sharing approach, the costs may be apportioned based on the anticipated impact (such as traffic generated from each site), lot yield, proportion of the catchment area, or other agreed approach;
- the likelihood that the Council will upgrade the existing infrastructure, services and facilities within the foreseeable future irrespective of the development/subdivision occurring;
- whether the contribution will benefit the broader local community and to what degree;
- estimating the proportional cost of the required works/meeting the necessary standard, compared to existing standards and levels of impacts/demands and, where relevant, determining the realistic potential for new development/subdivision in the area/catchment as determined by Council and its associated impacts/demands;
- the classification of the infrastructure, service or facility in the Council’s Strategic Plan, other adopted plans/strategies or asset hierarchy;
- the extent to which there are additional abnormal costs associated with the development/subdivision as determined by Council;
- the scale of the contributions, including where appropriate, economic viability of the

- development/subdivision in the opinion of Council;
- other relevant Council and WAPC policies; and
- written justification put forward by the proponent and/or the proponent's consultant/s.

3. Proposals Typically Requiring Contributions

Contributions will be typically sought by Council for development applications, including those that propose:

- retail, commercial, office and industrial development;
- leisure and/or recreational development;
- educational/training establishments;
- tourist developments and/or holiday accommodation;
- home occupation, home business cottage industry;
- industry - extractive and/or mining;
- industry - rural;
- timber plantations;
- group dwellings, second dwellings and aged care developments; and
- other applications determined by Council to create off-site impacts and/or demands for infrastructure, services and facilities.

The Council will seek the support of the WAPC to impose appropriate contribution conditions on subdivision approvals that:

- create additional traffic generation onto unsealed roads managed by Council;
- create significant additional traffic generation onto sealed roads where safety and/or capacity issues are anticipated;
- propose access from an unconstructed road;
- propose or have the ability to access a constructed or unconstructed laneway/right-of-way which is managed by Council;
- create the need for footpaths/dual use paths based on considerations including safety and convenience;
- cannot dispose/retain stormwater on the subdivision site;
- create the need for public open space; and
- create the need for community purpose sites and other public facilities.

The Council will typically require contributions for scheme amendment or structure plan requests that propose tourist development outside town sites, residential developments that involve "leapfrogging" development (in the opinion of Council), special rural/rural residential, rural small holding, and rural living proposals.

4. Proposals typically not requiring Contributions

Unless otherwise outlined in this Policy, the Council will not seek a contribution for development applications that propose:

- internal changes that do not add to floor space and/or increase the intensity of the use;
- a single house;
- additions to a single house;
- ancillary accommodation where the applicant can demonstrate that traffic volumes for the proposed development will not increase above the existing level of development for the development site;
- non-commercial and non-industrial sheds/outbuildings;

- aquaculture (for non-tourist developments); and
- telecommunication~~s~~ and infrastructure benefiting the public in the opinion of the Council.

The Council will generally not seek a contribution for applications to amalgamate land or where a boundary adjustment is proposed (where no additional lots are proposed). The exceptional circumstances to this are outlined in this Policy e.g. addressing land-locked blocks.

Unless provided for in Council's Local Planning Scheme or an endorsed structure plan, or appropriately justified under exceptional circumstances, the Council will not impose planning conditions requiring off-site contributions for the benefit of "third parties" (including State Government agencies and servicing authorities).

5. Types of Contributions

Standard off-site contributions, where relevant to the proposal, include:

- road upgrading (includes widening and reinstatement);
- laneway/right of way upgrading;
- sealing crossovers (subject to other Council policies on car parking/access);
- footpaths/dual use paths; and
- drainage.

For development/subdivision that has more substantive off-site effects, in the opinion of the Council, contributions may include:

- road construction;
- vehicle slip/turning lanes;
- intersection upgrading;
- bush fire protection;
- community purpose sites and other public facilities; and
- other infrastructure, services or facilities required in the opinion of the Council.

~~6. Development Contribution Plans~~

~~The Council will develop, as appropriate, Development Contribution Plans for relevant infrastructure, services or facilities subject to inclusion in Council's Local Planning Scheme and in accordance with WAPC policy. The Development Contribution Plans will establish principles and/or costs for designated areas/catchments where cost sharing applies to a number of developers/subdividers. The Development Contribution Plans may set a standard rate with costs to be reviewed based on the Consumer Price Index, a review of actual costs and estimates of anticipated costs.~~

7. Roads

Overview on Roads

Developments/subdivisions are required to be served by appropriate legal and practical vehicular access which meets the Council's standards. The Council seeks to ensure that the standard and safety of Council managed roads are appropriate to meet the impacts and demands of the proposed development/subdivision.

For the purposes of this Policy, the approach to developer/subdivider contributions relating to roads also includes laneways and ~~right-of-ways~~ rights-of-way managed by the Council.

The Council will require a developer/subdivider to make an appropriate contribution, in the opinion

of Council, where a development, subdivision, or scheme amendment or structure plan request is considered to cause or contribute to the requirement for the road/s to be upgraded/constructed whether immediately or in the foreseeable future.

The roads considered for contributions are those onto which a development/subdivision fronts (has practical and legal vehicular access) and other public roads impacted by the development/subdivision as determined by the Council. The contribution may be for design, gaining necessary third- party approvals, clearing and removing vegetation, upgrading, widening, reinstatement, kerbing, draining, sealing, constructing and lighting a road.

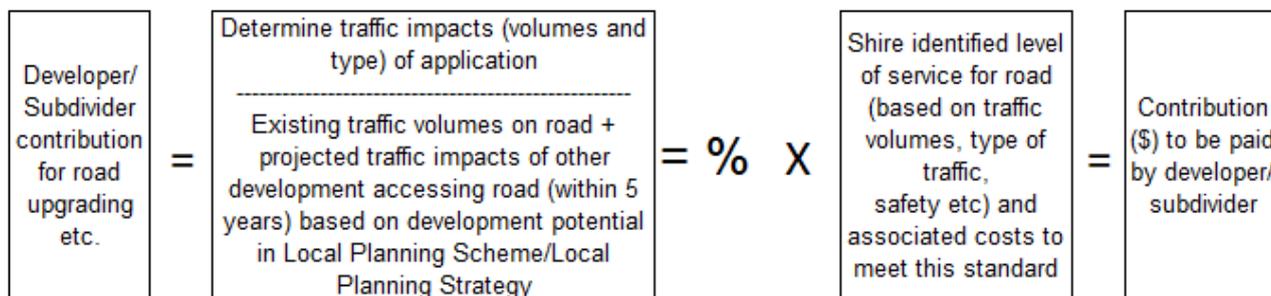
On-site works are the landowner/proponent's responsibility. This includes that internal subdivision roads are to be constructed, at the cost of the subdivider, to the satisfaction of the Council and the WAPC.

Specific Assessment Considerations for Roads

Council will determine the need for developers/subdividers to contribute to upgrading and/or constructing existing Council managed roads (both sealed and unsealed) through considering the following:

- the objectives of this policy;
- the assessment considerations set out in this policy;
- sections of this policy relating to which proposals typically require or do not require contributions;
- whether the existing road is either substandard or inadequate to accommodate the additional traffic generated and impact from the proposed development/subdivision;
- an evaluation of the existing standard of the road (along with determining average vehicle numbers per day), compared to the expected impacts of the proposed development/subdivision and implications for the road;
- an assessment of the total development/subdivision potential for the area/catchment as outlined in the Council's endorsed Local Planning Strategy and/or gazetted Local Planning Scheme and implications for the relevant road/s;
- the classification of the road in the road hierarchy;
- the cost of the required work and the amount of contribution monies collected from developer/subdivider contributions;
- budget provision from Council or other sources;
- consistency with the Council's road maintenance/construction programme; and
- the need and timing to gain environmental and other approvals.

In particular, the Council will apply the following formulae:



The Council will not seek a contribution for applications to amalgamate land or where a boundary adjustment is proposed (and no additional lots are proposed) unless access to the lot/s are reliant on an unconstructed road or the lot does not have access to a public gazetted road.

Upgrading Existing Roads

Existing roads shall be required to be reconstructed and/or upgraded as a condition of development/subdivision, where the Council considers that the development/subdivision should not proceed unless the reconstruction or upgrading occurs.

The Council may impose a condition requiring the developer to enter into satisfactory arrangements with the Shire for the reconstruction/upgrading of the relevant road/s. The responsibility for the design and construction of the works is generally the responsibility of the developer.

The developer must undertake either of the following to allow the development/subdivision to proceed:

- carry out the works to the satisfaction of the Council; or
- contribute to the cost of the works by either cash payment or other means acceptable to the Council (e.g. bank guarantee).

Truncations

In order to ensure that sight distances at street junctions are adequate, the Council may request the WAPC impose a condition requiring that a suitable truncation be ceded free of cost from corner blocks. Such truncations refer to a line joining the points equidistant from the intersection of the street reserve boundaries.

Road Widening

The Council, in determining road widening requirements (including truncations) for development applications, may impose a condition requiring land for road widening to be ceded free of cost to the Council where:

- the development will result in additional traffic movements, including those by vehicles that may require special access considerations that give rise to the need to widen the road; and/or
- where the development increases the potential for increased turning movements to and from the development site.

The Council will determine road widening requirements for subdivision applications in accordance with WAPC policy and the anticipated impacts arising from the proposal.

Reinstating Roads

The Council will require contributions from developers proposing extractive industries, tree plantations and other developments that are either typically shorter term and/or have periods of intensive traffic generation and impacts, as considered appropriate by the Council. This is to ensure that Council managed roads are in a condition post-development that is at least the same condition as pre-development as determined by the Council. To achieve this, development conditions will include a system of notification, inspection and post-development repair of the roads to the satisfaction of the Council.

Unconstructed Public Roads and Lots without Access to a Public Gazetted Road

The Council considers it has no legal obligation to provide existing lots with practical vehicular access via unconstructed and typically vegetated public road reserves that are the responsibility of the

Council. Additionally, the Council considers it has no legal obligation to provide legal access to lots that do not have access to a gazetted public road, or to obtain access via a public or private road not vested in the Shire of Nannup such as a road managed by the Department for Environment and Conservation of Biodiversity, Conservation and Attractions.

The Council will assess development applications that propose vehicular access from an unconstructed public roads and lots without access to a public gazetted road on their merits and may or may not approve the application. The Council may:

- request that environmental and/or heritage assessments be undertaken and approvals obtained;
- require the applicant to appropriately address issues raised by the proposal prior to determining the application including outlining how practical and legal vehicular access will be obtained; or
- grant approval with a condition/s requiring the developer to secure necessary legal agreements and/or undertake necessary works; or
- refuse the application due to environmental impacts, cost of infrastructure upgrade or other impacts in the opinion of Council.

In considering subdivision applications that propose access only via an unconstructed public road, under the responsibility of the Council, and lots without access to a public gazetted road, the Council will determine these applications on their merits. The Council may or may not support the application and in giving advice to the WAPC, the Council may:

- request that a requirement for other appropriate legal arrangements be made for permanent vehicular access to the satisfaction of the Council and the WAPC; or
- recommend support subject to a condition requiring the applicant to make a monetary payment to meet all or part of the cost of constructing the road and/or securing appropriate practical vehicular access; or
- recommend that the application be refused until necessary approvals, including environmental clearances, have been obtained.

If the unconstructed road is not on the Council's road construction program, any determination of a development application, or advice to the WAPC on a subdivision application, will not bind the Council into "fast tracking" the inclusion of the unconstructed road on future road construction programs.

The Council recommends that prospective purchasers of land should take account of this policy when contemplating the purchase of land that does not front a constructed public road and/or has no gazetted public road access.

Partnerships and Possible Council Contribution

The Council may contribute up to a maximum of 50% towards the cost of upgrading an existing constructed road where such upgrading is considered by the Council to be in the interests of the community and its road construction program.

A partnership approach may be applied between the proponent/s and the Council for financing the necessary road upgrading/construction and associated requirements. Any contribution will have regard to matters including:

- this Policy, including determining the proportion of costs that the proponent will need to contribute based on considerations including the level of existing traffic/impact compared to anticipated future traffic/impact generated by the proposal;
- the existing and other potential users of the road and whether the Council contribution is in the interests of the community;

- the standard to which the road is to be constructed;
- the total cost of the upgrading; and
- the Council's road construction program.

The Council may contribute, subject to budgetary constraints and Council commitments, up to 50% of the cost of constructing, priming, subsequent sealing and draining of appropriate lengths of previous unsealed roads adjacent to a development/subdivision site, if that developer/subdivider, or adjoining landowner, is also prepared to contribute up to 50% of the cost of the work. The Council shall not be bound to contribute to the upgrading of a road.

Significant Proposals

For significant proposals or proposals likely to create off-site impacts/demands, the proponent should submit details, with their application/request, from a suitably qualified practitioner relating to road access. For instance, this may include an assessment of existing road conditions, expected traffic generation, expected impacts and proposed remediation/contribution measures through a Traffic Impact Study.

Where there is concern about potential traffic generation, the Council may require the submission of a Traffic Impact Study to provide a technical assessment of the impact of the development/subdivision. The study should also set out the basis for recommending controls to ensure that the new development/subdivision will not have an adverse impact on the safety or functioning of the surrounding road system.

Road Hierarchy

A road hierarchy can be adopted which designates the classification of roads within the municipality. The proposed road hierarchy is based on *Liveable Neighbourhoods*, other WAPC policies and *Local Government Guidelines for Subdivisional Development*. The road hierarchy will incorporate traffic volume and design characteristics which have implications on priority roads for funding/maintenance and the construction standards. Some roads have multiple classifications due to varying road functions on different parts of the road.

Design and Construction Standards

The Council's design and construction standards for roads and associated stormwater management are as set out in ~~Local Planning Policy 17 Subdivisional Development Guidelines~~. This accounts for the road hierarchy and references the *Local Government Guidelines for Subdivisional Development* and Australian standards. Unless otherwise agreed to by the Council, road upgrading and/or construction are to be consistent with ~~Local Planning Policy 17~~ **these guidelines**.

The design and construction standards will be periodically reviewed to account for changing technical requirements and community expectations.

Other than for minor proposals or as otherwise determined by Council, the Council will require developers to meet or contribute to road upgrading as a result of impacts and/or demands arising from their proposal. The Council may include a condition/s of a development approval, request a condition/s for a subdivision approval or negotiate an agreement (or similar) through a scheme amendment, structure plan or development guide plan request, a requirement for the provision of:

- land to be dedicated to the Council;
- infrastructure works;
- monetary payment (cash payment or other means acceptable to Council e.g. bank guarantee).

The developer shall contribute towards upgrading of roads (especially accessing non sealed roads),

constructing unmade roads and constructing new roads. Such contribution includes:

- newly created lots shall be provided with a constructed road at the subdivider's cost to the specification and satisfaction of the Council;
- the Council may require roads in the immediate locality linking the subdivided land to the existing road network to be upgraded at the developer's cost to the specification and satisfaction of the Council; and
- where a developer is responsible for upgrading and/or constructing new roads under point 1 above, this does not negate their obligation under point 2 above to contribute towards upgrading existing roads in the immediate locality.

Where a secondary street exists, the Council reserves the right to seek a contribution for the secondary street in addition to the primary street frontage, however the Council will take into account traffic movements and existing vehicular access/site entry.

In assessing proposals and possible contributions, the Council will consider natural environmental assets and associated impacts.

Legal and Practical Vehicular Access

Developments/subdivisions are required to be served by appropriate legal and practical vehicular access which meets the Council's standards. The Council seeks to ensure that the standard and safety of Council managed roads are appropriate to meet the impacts and demands of the proposed development/subdivision.

Where it is considered that the road is required to be upgraded as a direct result of the development/subdivision, the Council may refuse the application on the grounds that the development has inadequate practical access (unless the proponent agrees to pay the total cost of this upgrading to an appropriate standard) and/or legal access.

8. Laneways/Rights-of-Ways

The Council may require contributions for development/subdivision applications that propose or have the ability to access an existing Shire managed laneway and/or right-of-way. The assessment will be based on matters set out in section 7 of this Policy.

The contribution will be used, as considered appropriate by the Council, for design, drainage, widening, sealing, lighting etc.

9. Crossovers

Crossovers are to be constructed by the developer/subdivider in accordance with Council's *Local Planning Policy No. 003 and OLPP 43* **10 Car Parking and Vehicular Access**.

Where crossovers are proposed as part of a planning proposal, the developer will be required to bear the full cost of the constructing and draining the crossover to the satisfaction of the Council.

The Council will contribute up to 50% of the cost of a standard crossover **up to a maximum of \$800**, as set out in ~~Local Planning Policy 3, Installation of a Standard Crossover~~ **Council's Works Policy No. 7 Driveway Crossovers**, where not associated with a planning proposal.

Maintenance of crossovers is the on-going responsibility of the land owner.

10. Footpaths and Dual Use Paths

The Council may require developers/subdividers to make an appropriate contribution for off-site footpaths and dual use paths (reconstruct and/or construct). If deemed necessary by the Council,

the developer/subdivider is required to provide a footpath/dual use path adjoining and/or not adjoining the proposal site in order to provide safe and convenient pedestrian and cyclist connections to existing footpaths/dual use paths.

The requirement to upgrade and/or provide new footpaths/dual use paths are as follows:

- by developers on the frontage of the development site where the Council considers the development will warrant this, as determined by predicted pedestrian and/or cycle movement, which will be in conflict with existing or estimated traffic volumes/types;
- by developers for relevant off-site works in the opinion of the Council where in addition to the above point, the path is required as a link for convenience and/or safety;
- by subdividers within urban and rural residential/rural living subdivisions; and
- by subdividers for off-site works, for urban, rural residential/rural living and tourist subdivision, where the site is not connected to the existing public footpath/dual use path system and where the Council considers the path is required as a link for convenience and/or safety.

There may be opportunities for cost-sharing with the proponent financially contributing in partnership with other landowners and/or with the Council.

11. Drainage

The Council requires appropriate stormwater management and treatment for the proposed subdivision/development that satisfactorily addresses stormwater control and meets appropriate environmental standards in the opinion of the Council. Where possible and practical, stormwater will need to be appropriately detained and treated on the proposal site.

New developments/subdivisions draining to an existing Council drainage system, or requiring an off-site drainage requirement, may attract a drainage contribution unless the proponent's suitably qualified professional submits a design, which is approved by the Council, for the installation of appropriate disposal/retention systems is carried out for full on site disposal/retention in the opinion of the Council.

New developments/subdivisions are to be provided with a comprehensive drainage system and where that system contributes to an impact on downstream drainage (includes issues of water quantity and/or water quality), the developer/subdivider is responsible for the necessary provision and/or upgrade.

Where possible, the Council will encourage cost sharing between adjoining developers/subdividers and landowners.

~~12. Bush Fire Management~~

~~The Council will require contributions from developers/subdividers where required as a consequence of assessment against the State Government's *Planning for Bush Fire Protection* guideline document (or relevant updates) and other relevant Council Local Planning Policies.~~

13. Public Open Space

The Council will seek public open space (POS) provision and/or a cash-in-lieu payment for POS for relevant subdivisions in accordance with WAPC policy.

In determining the need for POS and its associated function and location, the Council will take into consideration factors including:

- proposed land use;
- lot sizes and number of lots proposed;

- location of subdivision in relation to existing POS areas;
- environmental and landscape considerations;
- safety including from traffic and promoting surveillance;
- convenience and accessibility;
- appropriately sized to accommodate the intended use;
- consist of highly usable land for the intended recreational purpose;
- on-going management/maintenance; and
- ~~Council's Recreation Plan; and~~
- other matters determined relevant by Council.

The Council does not support the creation of POS which has no practical use or value and/or where the proposed POS duplicates existing nearby POS. In these situations, the Council will seek a cash-in-lieu payment.

14. Community Purpose and Other Public Purpose Sites

The Council may seek community purpose and other relevant public purpose sites and/or a cash-in-lieu payment for relevant subdivisions in accordance with WAPC policy.

The Council may require, in some instances, require monetary payment and/or land contributions for community halls/meeting rooms, fire sheds, and health care centres etc. This will be determined on a case by case situation by the Council including considering issues such as the size of the development area, the expected number of lots and associated future population. This form of contribution is most likely to be required for a large subdivision and/or where multiple landowners within an area have a realistic potential for subdivision in the opinion of the Council.

Community purpose sites and other public purpose sites are typically required to be given up free-of-cost to the Council. If land is given up free of cost, it is generally a component of the 10% POS requirement. The Council will seek to ensure the community purpose or other public purpose site is ceded early in the subdivision process to increase certainty for all stakeholders. Unless otherwise determined by the Council or agreed to by the proponent, the Council will be responsible for constructing the community or other public purpose facility at a future date which is consistent with its budgetary commitments and an assessment of the demands of residents.

15. Other Infrastructure, Services and Facilities

The Council will assess, on its merits, the need for developer/subdivider contributions for other infrastructure, services and facilities not outlined in this Policy through having regard to considerations including:

- the objectives set out in this Policy;
- the assessment considerations set out in this Policy; and
- sections of this Policy relating to which proposals typically require or do not require contributions.

ADMINISTRATION

1. Matters to be Addressed prior to Formally Lodging the Proposal

Proponents are encouraged to discuss possible contribution implications for their proposal with the Shire administration early on in the planning process and prior to the formal lodgement of the application/request. This especially applies for relevant proposals anticipated to require a contribution outlined in this policy, or where the proposal, if implemented, is likely to create off-site impacts and demands.

2. Details Provided with the Proposal

The Council recommends that proponents submit appropriate details with their application/request relating to:

- how the site will be effectively serviced;
- their proposal's impact and demands on services, infrastructure and facilities;
- what commitments are intended to be met by the proponent to address off-site impacts/demands arising from the proposal; and
- address the requirements of this Policy.

Details submitted by the proponent may also include:

- appropriate written justification as to why this Policy should not apply to their proposal or outline other recommended ways in which equitable contributions can be obtained; and
- why compliance with the provisions relating to the contribution would be unreasonable or unnecessary in the circumstances of the case including demonstrating why a precedent will not be created.

For significant proposals or proposals likely to create off-site impacts/demands, the proponent should submit details, with their application/request, from a suitably qualified practitioner relating to relevant infrastructure, services and facilities and address the requirements of this Policy. For instance, this may include an assessment of existing road conditions, expected traffic generation, expected impacts and proposed remediation/contribution measures through a Traffic Impact Study.

3. Assessing the Proposal

The Council may refuse a development application or recommend refusal to the WAPC for a subdivision application if:

- Council is of the view that the proposal will create considerable off-site impacts/demands and the applicant is not proposing to suitably address these off-site impacts/demands; and
- necessary contributions are likely to render the proposal unviable in the opinion of Council.

The Council will seek the support of the WAPC to impose appropriate contribution conditions on subdivision approvals. Typically, should the WAPC impose a condition/s relating to contributions, negotiation is undertaken once a conditional subdivision approval has been issued by the WAPC. Negotiations regarding the scope of the contribution and what is required to clear the necessary condition/s will be undertaken by the Shire administration, with matters and amounts in dispute to be referred to Council for determination (provided the subdivider puts this in writing).

In the case of scheme amendment requests, the Council may not agree to initiate (adopt) a scheme amendment until it is satisfied that the proponent provides written support to address appropriate off-site contributions and/or prepares a Development Contribution Plan to the satisfaction of Council.

4. Timing of Payment, Works and Ceding Land

Contributions, which are required as a condition of the development approval, are required to be met in accordance with the approval. Generally, the Council will require the monetary payment to be paid in full or bonded to the full amount prior to the commencement of site works and may require payment prior to issuing a building permit. Where associated infrastructure works are required as a condition of development approval, the requirement is typically to finalise the works to the satisfaction of Council prior to occupation especially for developments that will be available to the public. Where development is for "domestic" use only (in the opinion of Council), the development approval may require associated infrastructure works to be completed within two years or within the time period of the development approval.

Where the proponent is proposing to undertake infrastructure works, the proponent is to appoint a suitably qualified practitioner to prepare appropriate construction design plans which are to be submitted to the Shire administration for approval. If the construction design plans are approved by the Shire administration, the developer/subdivider is to carry out the works to the satisfaction of the Council in accordance with the development approval or prior to clearance of the Deposited Plan.

The clearance of a development condition will be by completion of the necessary work and/or appropriate payment and/or ceding of land to the satisfaction of the Council. Bonding will not be accepted where works are considered necessary to the function or safety of the development/subdivision and/or existing public/private infrastructure.

The Council may accept, in exceptional circumstances for development approvals, a deferred or periodic payment of a contribution by the developer, or any other person entitled to act upon the relevant consent. This will be subject to a developer satisfying the Council that the non-compliance will not prejudice the timing or the manner of the provision of the infrastructure, service or facility for which the contribution is required. The decision to accept a deferred or periodic payment is at the sole discretion of the Council.

The provision of land, infrastructure/works and/or monetary contributions associated with a condition of a subdivision approval are required to be met prior to the clearance of the approved Deposited Plan to the satisfaction of the Council and the WAPC.

Unless otherwise set out in a scheme provision, a legal agreement or agreed to by Council, the contribution amount is determined at the date of the requested clearance of the development/subdivision condition and not when the conditional development/subdivision approval was issued.

5. In Kind Contributions

The Council may accept an offer by the developer/subdivider to make a contribution by way of an "in kind" contribution or a material public benefit.

The Council may accept the offer of an in kind contribution if the developer/subdivider, or any other person entitled to act upon the relevant consent, satisfies Council that:

- the in kind contribution will not prejudice the timing in the manner of provision of the infrastructure, service or facility for which the contribution was required; and
- the value of the works to be undertaken is at least equal to the value of the contribution assessed in accordance with this Policy.

6. Holding the Funds

All monetary payments made under this policy by developers/subdividers shall be paid into a relevant Council account with monies to be used to upgrade, extend or provide infrastructure, services and facilities in the vicinity of the land subject to the contribution in the opinion of the Council.

The requirement for the contribution shall still be applied whether or not the Council proposes to, or carries out the upgrading/provision of the infrastructure, service or facility in the same financial year as the development/subdivision is proposed or the monies are paid. The monetary payments which are acquired by the Council are to be set aside for the purpose for which the contribution is paid.

The Council shall expend the funds when sufficient funds are available for an appropriate amount of work to be undertaken in the opinion of the Council. Generally, the monies collected should be spent by Council within 3 years of collection in the vicinity of the site where the contribution was collected in the opinion of the Council. Monetary payment received for a development/subdivision will not necessarily be spent, for instance, on the section of road immediately fronting the proposal site, but

will be typically spent nearby where there is the greatest need for upgrading. At all times, the acquired funds will be used, for instance, for the upgrading of a road that relates/services the relevant development/subdivision where the funds were acquired.

The Council must keep a record of monies paid and place these in a restricted account and the Council is to allocate any expenditure from this account. Where works are not carried out within 5 years of collection, the Council is to write to the developer/subdivider and provide reasons and an expected timeframe for undertaking the works.

7. Review Contribution Amounts

The Council will review contribution amounts periodically by re-estimating current rates in relation to matters such as the Consumer Price Index, the *BTCE Road Construction and Maintenance Price Index* (prepared by the Commonwealth Department of Transport and Regional Services - this measures the movement in prices of inputs used in road works including materials, equipment, fuel and labour), a review of actual costs and estimates of anticipated costs.

The financial contribution is based upon an amount equal to the Shire's estimated cost to undertake the works at the date of clearance of the road upgrading/construction condition by the local government. Alternatively, the developer may wait until the Shire is able to construct or upgrade the road before proceeding with the development/subdivision.

Provision exists in the *Planning and Development Act 2005* to enable a subdivider to claim a portion of the cost of providing an existing road from subsequent subdividers that abut the road. This is providing the subsequent subdividers have not already contributed to the cost of providing the road.

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| Related Policies: | |
| Related Procedures/Documents: | |
| Delegation Level: | Chief Executive Officer or their Delegated Officer, Manager Infrastructure, Building Surveyor |
| Adopted: | 23 May 2013 |
| Reviewed: | OM 27 July 2023 |

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|----------------|-------------------------|
| Policy Number: | LPP -02215 |
| Policy Type: | Local Planning Policy |
| Policy Name: | Outbuildings |
| Policy Owner: | Chief Executive Officer |

AUTHORITY: Shire of Nannup Local Planning Scheme No. 34

POLICY BASIS

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and the *Shire of Nannup Local Planning Scheme No. 4 (LPS4)*.

OBJECTIVES

The objectives of this Policy are to:

1. Retain or enhance the visual amenity of neighbourhoods through outbuildings not detracting from the streetscape/landscape and the amenity of adjoining/nearby properties through controlling building bulk (size and height), appropriate siting, colours and use.
2. Provide further interpretation of the R Codes and the *Shire of Nannup Local Planning Scheme No. 4 (LPS4)* in the assessment of applications.
3. Set out the limitations for proposed outbuildings.
4. Promote the function and usability of residential yards.
5. Ensure that outbuildings are not used for permanent habitation and set out where the Council will support or not support the conversion of an outbuilding to a dwelling.
6. Provide increased certainty for landowners, the community and others and to assist in providing greater consistency in decision making by the local government.

DEFINITIONS

In this Policy, the following definitions apply:

“Ancillary outbuilding” means an outbuilding which is incidental to the predominant use of the land and other buildings on the lot. In particular, this is an outbuilding which is not oversized or over-height (as set out in Attachment 1) or is proposed on a vacant lot.

“Dwelling” as defined in the *State Planning Policy 7.3 Residential Design Codes of Western Australia*, means 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.

“Outbuildings” means enclosed non-habitable Class 10a buildings, under the *Building Code of Australia* (BCA), that are detached from any dwelling and which are not used for commercial or industrial purposes.

“Over-height outbuilding” means an outbuilding that proposes a height greater than provided for in the R Codes for land subject to the R Codes or as set out in Attachment 1 of the Policy for land not subject to the R Codes.

“Oversize outbuilding” means an outbuilding that would result in a total combined outbuilding area on the lot which is greater than provided for in the R Codes for land subject to the R Codes or as set out in Attachment 1 of the Policy for land not subject to the R Codes.

“R Codes” means ~~State Planning Policy 7.3~~ the Residential Design Codes of Western Australia, adopted by the Western Australian Planning Commission including any updates.

“Vacant lot” means a lot or property upon which no dwelling is constructed and includes a lot created pursuant to the *Strata Titles Act 1985* (as amended).

APPLICATION OF THE POLICY

This Policy applies throughout the municipality.

This Policy does not apply to carports, studios, games rooms, patios, pergolas and verandahs and the like that are connected to or form part of the dwelling or the principle building on the property. In these cases, applications are assessed against criteria including compliance with setbacks, site coverage, overshadowing, and related requirements of the R Codes and ~~LPS3~~ LPS4 along with the requirements of the BCA.

Attachment 1 sets out, in general terms, when a ~~Planning~~ Development Application is and is not required, along with other key considerations.

LINKS TO LOCAL PLANNING SCHEME AND OTHER DOCUMENTS

This Policy relates to various requirements set out in ~~LPS3~~ LPS4, the R Codes and is also guided by the BCA. Where there is an inconsistency between this Policy and the R Codes, then this Policy prevails to the extent of such inconsistency. Where there is an inconsistency between this Policy and ~~LPS3~~ LPS4, then ~~LPS3~~ LPS4 prevails to the extent of such inconsistency.

POLICY PROVISIONS

1. General

This Policy sets out the Council's position relating to outbuildings. It is Council's policy to achieve a balance between providing for the legitimate garaging, storage and other domestic needs of residents and to minimise the adverse impacts that outbuildings may have on neighbours and the amenity, appearance and character of neighbourhoods.

Most outbuildings in the municipality do not require the submission of a ~~Planning~~ Development Application to the local government and accordingly in these instances no ~~planning~~ development approval is required. In particular, this is where the outbuilding's location, size, height, design and use would comply with ~~LPS3~~ LPS4 and the R Codes, which has also been reflected in Policy (see Attachment 1).

A ~~Planning~~ Development Application for an outbuilding is required where:

- it necessitates the exercise of discretion by the local government including to vary the R Codes and to vary ~~LPS3~~ LPS4;
- the outbuilding is outside a designated/approved building envelope;
- the outbuilding is within a designated building exclusion area;
- the outbuilding is proposed within ~~the Flood Risk Land~~ Special Control Area SCA3 Flood Prone Land;
- the outbuilding is proposed on a lot or location which does not have access to a dedicated and/or constructed public road;
- the outbuilding is located in a Heritage Area;
- the outbuilding is located within ~~the~~ Special Control Areas SCA4 Public Drinking Water Source Area or SCA7 Landscape Values Area ~~or the Public Drinking Water Source Area~~;
- the outbuilding is located within a drainage/stormwater easement;
- the outbuilding is oversized and/or over-height (as set out in Attachment 1); or

- the outbuilding is proposed on a vacant lot (as set out in Attachment 1).

2. Assessing Applications

The Council will have regard to various matters in assessing outbuilding applications including:

- the zoning of the lot;
- lot size, shape and features, including the extent of existing screening;
- the existing level of development, including outbuildings, on the site;
- floor area of the proposed outbuilding and maintaining existing and generally accepted overall outbuilding floor area standards for the zone and/or the locality;
- ensuring that the outbuilding remains an ancillary use to the main dwelling or the principle land use on the property;
- setbacks and location of the proposed outbuilding;
- height of the proposed outbuilding, including impact, amenity and overshadowing on adjoining/nearby properties;
- the effect on the streetscape and visibility from nearby public places;
- the level of cut and fill;
- construction materials and proposed colour/s;
- the intended use and demonstrated need for the outbuilding;
- provisions and requirements set out in LPS3, LPS4, the R Codes and the BCA;
- relevant State Planning Policies and Local Planning Policies;
- other planning considerations including Structure Plans and Local Development Plans;
- written comments from affected landowners; and
- any other circumstance and factor affecting the application in the opinion of the Council.

The “onus of proof” rests with the applicant to justify their application based on the requirements of this Policy.

3. Floor Area

The Council will determine the floor area as the total gross area of all outbuildings (existing and proposed) on the site. This excludes carports, studios, games rooms, patios, pergolas, verandahs and the like that are connected to, or form part of, the dwelling or the principle building on the property.

Applications for outbuildings that propose a mezzanine or a second storey will be considered on their merits. The floor area of the mezzanine/second storey will not be included in the calculation of gross floor area. However, the Council will consider potential impacts on privacy from the mezzanine/second storey especially in residential areas.

For areas subject to the R Codes, the Council will require that the total area of all existing outbuildings (proposed to be retained) and proposed outbuildings collectively do not exceed 10% of the site (lot) area.

4. Height

The height of the proposed outbuilding is measured from natural ground level.

An outbuilding that proposes a height greater than provided for in the R Codes (for land subject to the R Codes) or as set out in Attachment 1 of the Policy (for land not subject to the R Codes) is defined as an “over-height” outbuilding for the purposes of this Policy.

The Council will require applicants to justify any proposed increase in outbuilding height, above the deemed-to-comply requirements, for areas subject to the R Codes.

5. Setbacks/Location

For zones subject to the R Codes, outbuildings are to be setback in accordance with the R Codes. For other zones, setbacks are outlined in ~~LPS3~~ LPS4 or outbuildings are to be located within the approved building envelope for the site or outside of building exclusion areas.

The Council may approve outbuildings with walls or supporting columns that are setback less than 1.0 metre from side and rear boundaries on residential lots, subject to compliance with the fire separation requirements of the BCA and consultation with adjoining landowners.

6. Colours

The Council supports colours that retain or enhance the area's amenity. The Council encourages outbuilding walls and roofs to be constructed of non-reflective colours that are essentially natural and earthy, rather than colours such as white or silver. The Council discourages the use of zincalume and unpainted fibre cement for outbuilding walls in the Residential, ~~Special Residential, Special Rural Residential,~~ and Special Use and Tourism zones, especially for oversize and/or over-height outbuildings.

7. Habitable Use and Conversion of Outbuildings to Dwellings

Outbuildings shall not be used for habitable purposes unless they gain local government approval and comply with ~~LPS3~~ LPS4, the R Codes and the BCA as a habitable ~~unit~~ building.

While noting the above, the local government will consider approving temporary accommodation outside of the Nannup townsite in accordance with Council's *Temporary Accommodation* policy.

8. Outbuildings on Vacant Lots

The Council will consider outbuildings on vacant lots in most zones as outlined in Attachment 1.

In general, the Council does not support an outbuilding on a vacant lot in the ~~Residential zone, Special Residential~~ Special Use zone and in ~~Special Use~~ Tourism zones (where it is subject to the R Codes) except where the construction of a dwelling is imminent on the lot. The local government may consider approving an outbuilding on a vacant lot in these zones subject to the applicant gaining necessary approvals for the dwelling, or the applicant providing appropriate written assurances that a dwelling will be shortly applied for and substantially completed within two years of the outbuilding receiving conditional ~~planning~~ development approval.

Where an outbuilding is proposed on a vacant lot in the ~~Residential zone, Special Residential~~ Special Use zone and in ~~Special Use~~ Tourism zones (where it is subject to the R Codes), the local government may impose a planning condition requiring the payment of a bond, with the value determined to cover the cost of removing the outbuilding and stabilising the site to the satisfaction of the local government. Should construction of a dwelling not be substantially complete within 2 years from the granting of conditional ~~development~~ planning approval for the outbuilding, the Council may require the owner to move or demolish the outbuilding and clear the property of all debris and building material. The ~~planning~~ development approval for the outbuilding becomes permanent following the construction of the dwelling and ensuring that all planning conditions relating to the outbuilding have been met and are maintained.

The Council cannot consider an outbuilding on a vacant lot in the Residential zone.

A shed cannot be characterized as an outbuilding if there is no association with a habitable dwelling on the same lot. Without a dwelling and with no association to a land use such as agriculture or light industry, a shed by itself takes on a "warehouse/storage" land use, which is not permitted in the Residential zone.

9. Land Uses

Outbuildings are not to be used for commercial, industrial, habitable or other non-domestic purposes. Outbuildings are to be used for low-key “domestic” uses, to the satisfaction of the Council, that do not create undesirable impacts on adjoining or nearby properties.

ADMINISTRATION

1. Matters to be Addressed Prior to Formally Lodging the Application

Proponents are encouraged to discuss proposals that seek to vary Policy requirements with the Shire administration early on in the planning process and prior to the formal lodgement of any **Planning Development** Application.

2. Application Requirements

Planning Development Applications are to include the following:

- A completed Form of Application for Development Approval;
- ~~the requirements set out in sections 9.1 and 9.2 of LPS3 which includes~~ a site plan **showing the location of all existing and proposed structures** (including highlighting existing outbuildings) and setting out the location of any easements;
- floor plan/s and elevations detailing the area, wall and ridge heights and the external materials and colours to be used;
- details of intended use/s and demonstrated need for the outbuilding; **and**
- ~~filling in the Form of Application for Planning Approval; and~~
- payment of the Shire **Planning Development** Application fee.

Subject to the proposed location and the scale of the proposed outbuilding, the local government may also require the applicant to provide:

- detailed contour information from a licensed surveyor;
- cross sections showing the extent of cut and fill;
- written information setting out why Policy requirements should be varied; and
- any other plan or information that the local government may reasonably require to enable the application to be determined.

Should a **Planning Development** Approval be issued, it will be necessary for the proponent to submit a Building Permit Application (which gains necessary approval) prior to undertaking construction.

3. Consultation with Landowners and Stakeholders

The local government will consult with adjoining/nearby landowners where an application for an outbuilding is made that does not comply with the requirements of the R Codes. For land not subject to the R Codes, the local government may consult with adjoining/nearby landowners where a proposed outbuilding does not comply with this Policy or has the potential to adversely impact landowners in the opinion of the local government. Alternatively, the local government may require the applicant to supply written comments from adjoining and other affected landowners, with the process undertaken in accordance with the consultation requirements of the R Codes.

4. Assessing the **Planning Development** Application

Applications will be assessed on a case by case basis subject to this Policy, ~~LPS3~~ **LPS4**, the R Codes, the BCA, information provided by the applicant and any submissions received.

For land subject to the R Codes (i.e. Residential ~~or Special Residential~~ zone), the local government

will not support applications for an outbuilding which does not comply with , the 'oversize' and 'over-height' provisions set out in Attachment 1. Such applications will be referred to Council for determination.

For land not subject to the R Codes, any application for an outbuilding which does not comply with the 'oversize' provisions set out in Attachment 1 may be considered by Council where the local government is satisfied that the application is consistent with the objectives of this policy and general intent and provisions applicable to the relevant zone.

Where objections are received and the objections are not able to be adequately dealt with through conditions of approval, the application will be referred to Council for determination.

The Council may refuse a ~~Planning~~ **Development** Application where it is inconsistent with this Policy, ~~LPS3~~ **LPS4**, the R Codes, based on the information provided by the applicant, or based on information set out in any submission.

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| Related Policies: | LPP 001 Cut & Fill and Retaining Wall LPP 002 Private Stormwater Drainage Connections to Council's Stormwater Drains Stormwater Management and Connections LPP 0118 Development in Flood Prone Areas Land |
| Related Procedures/Documents: | LPP 022 Outbuildings — Attachment 1 |
| Delegation Level: | Chief Executive Officer or their Delegated Officer Building Surveyor |
| Adopted: | 23 October 2014 |
| Reviewed: | OM 27 July 2023 |

Attachment 1
Shire of Nannup – Local Planning Policy No. 2215 – Outbuildings

Note 1: The Council will determine outbuilding floor areas based on the total combined gross floor area of outbuildings on the lot, which will include existing outbuildings proposed to be retained by the applicant along with the proposed outbuilding/s.

Note 2: There are limits to the number of dwellings on properties in different zones as set out in ~~LPS3~~ LPS4, the R Codes and other Local Planning Policies.

Note 3: Separate to Attachment 1, a ~~Planning~~ **Development** Application is required as set out in section 1 of the Policy.

| Considerations Zones | Floor Area ¹ | Height | Setbacks / Location | Colours | Outbuildings on a vacant lot | Conversion of an outbuilding to a dwelling ² |
|----------------------|--|--|---|--|---|---|
| Residential | <p>Outbuildings which do not exceed 60m² or which do not exceed 10 per cent in aggregate of the site area, whichever is the lesser, do not require a Planning Development Application provided other considerations are met.</p> <p>Outbuildings above 60m² or which exceed 10 per cent in aggregate of the site area are classified as “oversize” and require a Planning Development Application.</p> <p>Maximum floor area: 120m² or 10% of the site area, whichever is the lesser.</p> | <p>Outbuildings that have a wall height that does not exceed 2.4 metres and/or a ridge height that does not exceed 4.2 metres do not require a Planning Development Application provided other considerations are met.</p> <p>Outbuildings that have a wall height above 2.4 metres and/or a ridge height above 4.2 metres are classified as “over- height” and require a Planning Development Application.</p> <p>The maximum wall height is 3.0 metres and the maximum ridge height is 5.5 metres.</p> | <p>Outbuildings that comply with the setback requirements of the <i>Residential Design Codes of Western Australia</i> (R Codes) do not require a Planning Development Application, provided other considerations are met.</p> <p>Outbuildings that do not comply with the setback requirements of the R Codes require a Planning Development Application.</p> | <p>The Council supports colours that are compatible with the amenity of the area.</p> <p>The Council does not generally support the use of zincalume for outbuilding walls on outbuildings that are oversize and/or over-height. Applications proposing zincalume on outbuilding walls, for oversize and/or over-height outbuildings will be advertised for comment.</p> | <p>No Planning Development Application is required for outbuildings where a Building Permit has been issued and is valid for a dwelling provided other considerations are met.</p> <p>Outbuildings are not permitted on vacant lots where no building permit has been issued for a dwelling. Proposals for an outbuilding on a vacant lot will require a Planning Application. The Council does not support an outbuilding on a vacant lot, but will entertain applications in limited circumstances as set out in the Policy.</p> | <p>The Council does not support an outbuilding being converted to a dwelling.</p> |

Attachment 1
Shire of Nannup – Local Planning Policy No. 22 – Outbuildings

~~Note 1: The Council will determine outbuilding floor areas based on the total combined gross floor area of outbuildings on the lot, which will include existing outbuildings proposed to be retained by the applicant along with the proposed outbuilding/s.~~

~~Note 2: There are limits to the number of dwellings on properties in different zones as set out in LPS3, the R Codes and other Local Planning Policies.~~

~~Note 3: Separate to Attachment 1, a Planning Application is required as set out in section 1 of the Policy.~~

| Considerations Zones | Floor Area ¹ | Height | Setbacks/ Location | Colours | Outbuildings on a vacant lot | Conversion of an outbuilding to a dwelling ² |
|-----------------------------------|--|---|---|--|---|---|
| <p>Special Residential</p> | <p>Outbuildings which do not exceed 60m² or which do not exceed 10 per cent in aggregate of the site area, whichever is the lesser, do not require a Planning Application provided other considerations are met.</p> <p>Outbuildings above 60m² or which exceed 10 per cent in aggregate of the site area are classified as “oversize” and require a Planning Application.</p> <p>Maximum floor area: 200m² or 10% of the site area, whichever is the lesser.</p> | <p>Outbuildings that have a wall height that does not exceed 2.4 metres and/or a ridge height that does not exceed 4.2 metres do not require a Planning Application provided other considerations are met.</p> <p>Outbuildings that have a wall height above 2.4 metres and/or a ridge height above 4.2 metres are classified as “over height” and require a Planning Application.</p> <p>The maximum wall height is 4.0 metres and the maximum ridge height is 6.0 metres.</p> | <p>Outbuildings that comply with the setback requirements of the <i>Residential Design Codes of Western Australia (R Codes)</i> do not require a Planning Application, provided other considerations are met.</p> <p>Outbuildings that do not comply with the setback requirements of the R Codes require a Planning Application.</p> | <p>The Council supports colours that are compatible with the amenity of the area.</p> <p>The Council does not generally support the use of zincalume for outbuilding walls on outbuildings that are oversize and/or over height. Applications proposing zincalume on outbuilding walls, for oversize and/or over height outbuildings will be advertised for comment.</p> | <p>No Planning Application is required for outbuildings where a Building Permit has been issued and is valid for a dwelling provided other considerations are met.</p> <p>Proposals for an outbuilding on a vacant lot will require a Planning Application. The Council does not support an outbuilding on a vacant lot, but will entertain applications in limited circumstances as set out in the Policy.</p> | <p>The Council does not support an outbuilding being converted to a dwelling.</p> |

Attachment 1
Shire of Nannup – Local Planning Policy No. 2215 – Outbuildings

Note 1: The Council will determine outbuilding floor areas based on the total combined gross floor area of outbuildings on the lot, which will include existing outbuildings proposed to be retained by the applicant along with the proposed outbuilding/s.

Note 2: There are limits to the number of dwellings on properties in different zones as set out in ~~LPS3~~ LPS4, the R Codes and other Local Planning Policies.

Note 3: Separate to Attachment 1, a ~~Planning~~ Development Application is required as set out in section 1 of the Policy.

| Considerations Zones | Floor Area ¹ | Height | Setbacks / Location | Colours | Outbuildings on a vacant lot | Conversion of an outbuilding to a dwelling? ² |
|--------------------------------------|---|--|--|---|---|--|
| Special Rural Residential | <p>Outbuildings which do not exceed 80m² do not require a Planning Development Application provided other considerations are met.</p> <p>Outbuildings above 80m² are classified as “oversize” and require a Planning Development Application.</p> <p>Maximum floor area: 300m²</p> | <p>Outbuildings that have a wall height that does not exceed 5.0 metres and/or a ridge height that does not exceed 7.0 metres do not require a Planning Development Application provided other considerations are met.</p> <p>Outbuildings that have a wall height above 5.0 metres and/or a ridge height above 7.0 metres are classified as “over-height” and require a Planning Development Application.</p> | <p>Outbuildings that are located within designated building envelopes or meet the minimum boundary setback requirements do not require a Planning Development Application provided other considerations are met.</p> <p>Outbuildings that are located outside of designated building envelopes or do not meet the minimum boundary setback requirements require a Planning Development Application and will generally be advertised for comment.</p> | <p>The Council supports colours that are compatible with the amenity of the area.</p> <p>The Council does not generally support the use of zincalume for outbuilding walls on outbuildings that are oversize and/or over-height. Applications proposing zincalume on outbuilding walls for oversize and/or over-height outbuildings will be advertised for comment.</p> | <p>No Planning Development Application is required (only a Building Permit) provided the outbuilding is consistent with other considerations in this Policy.</p> <p>Where a Planning Development Application is required, the Council will consider each application on its merits.</p> | <p>The Council will consider on its merits an outbuilding being converted to a dwelling.</p> |

Attachment 1
Shire of Nannup – Local Planning Policy No. 2215 – Outbuildings

Note 1: The Council will determine outbuilding floor areas based on the total combined gross floor area of outbuildings on the lot, which will include existing outbuildings proposed to be retained by the applicant along with the proposed outbuilding/s.

Note 2: There are limits to the number of dwellings on properties in different zones as set out in ~~LPS3~~ LPS4, the R Codes and other Local Planning Policies.

Note 3: Separate to Attachment 1, a **Planning Development** Application is required as set out in section 1 of the Policy.

| Considerations Zones | Floor Area ¹ | Height | Setbacks / Location | Colours | Outbuildings on a vacant lot | Conversion of an outbuilding to a dwelling? ² |
|--|---|---|--|---|---|--|
| Agriculture Rural Rural Smallholdings Agriculture Priority 1 Scott Coastal Plain Priority Agriculture Agriculture Priority 2 Coastal Landscape Environmental Conservation | <p>Outbuildings which do not exceed 300m² do not require a Planning Development Application provided other considerations are met.</p> <p>Outbuildings above 300m² are classified as “oversize” and require a Planning Development Application.</p> <p>Maximum floor area: No maximum limit</p> | <p>Outbuildings that have a wall height that does not exceed 9.0 metres and/or a ridge height that does not exceed 12.0 metres do not require a Planning Development Application provided other considerations are met.</p> <p>Outbuildings that have a wall height above 9.0 metres and/or a ridge height above 12.0 metres are classified as “over-height” and require a Planning Development Application.</p> <p>There is no maximum height limit.</p> | <p>Outbuildings that meet the minimum boundary setback requirements are located 20.0 metres or more from property boundaries do not require a Planning Development Application provided other considerations are met.</p> <p>Outbuildings that do not meet the minimum boundary setback requirements are up to 20 metres from property boundaries require a Planning Development Application and will generally be advertised for comment.</p> | <p>The Council supports colours that are compatible with the amenity of the area and will allow the use of zincalume.</p> | <p>No Planning Development Application is required (only a Building Permit) provided the outbuilding is consistent with other considerations in this Policy.</p> <p>Where a Planning Development Application is required, the Council will consider each application on its merits.</p> | <p>The Council will consider on its merits an outbuilding being converted to a dwelling.</p> |

Attachment 1
Shire of Nannup – Local Planning Policy No. 2215 – Outbuildings

Note 1: The Council will determine outbuilding floor areas based on the total combined gross floor area of outbuildings on the lot, which will include existing outbuildings proposed to be retained by the applicant along with the proposed outbuilding/s.

Note 2: There are limits to the number of dwellings on properties in different zones as set out in ~~LPS3~~ **LPS4**, the R Codes and other Local Planning Policies.

Note 3: Separate to Attachment 1, a ~~Planning~~ **Development** Application is required as set out in section 1 of the Policy.

| Considerations Zones | Floor Area ¹ | Height | Setbacks / Location | Colours | Outbuildings on a vacant lot | Conversion of an outbuilding to a dwelling? ² |
|--|---|--|---|--|---|---|
| <p>Special Use</p> <p>Future Urban Development</p> <p>Tourism</p> | <p>For areas classified as Residential, Special Residential and Special Rural Residential on an endorsed Structure Plan, refer to relevant zones in Attachment 1 under the headings of “Residential”, “Special Residential” and “Special Rural Residential”.</p> <p>Maximum floor area: Refer to related “zones” in Attachment 1.</p> | <p>For areas classified as Residential, Special Residential and Special Rural Residential on an endorsed Structure Plan, refer to relevant zones under the headings of “Residential”, “Special Residential” and “Special Rural Residential” in Attachment 1.</p> | <p>Outbuildings that comply with the setback requirements of the R Codes, Building Code of Australia (BCA), Structure Plan and any relevant Local Development Plan do not require a Planning Development Application, provided other considerations are met.</p> <p>Outbuildings that do not comply with the setback requirements of the R Codes, BCA, Structure Plan and any relevant Local Development Plan require a Planning Development Application.</p> | <p>Unless set out in a Local Development Plan, for areas classified as Residential, Special Residential and Special Rural Residential on an endorsed Structure Plan, refer to relevant zones under the headings of “Residential”, “Special Residential” and “Special Rural Residential” in Attachment 1.</p> | <p>No Planning Development Application is required for outbuildings where a Building Permit has been issued and is valid for a dwelling provided other considerations are met.</p> <p>Proposals for an outbuilding on a vacant lot will require a Planning Development Application. The Council does not support an outbuilding on a vacant lot, but will entertain applications in limited circumstances as set out in the Policy.</p> | <p>For areas classified as Residential Special Residential and Special Rural Residential on an endorsed Structure Plan, refer to relevant zones under the headings of “Residential”, “Special Residential” and “Special Rural Residential” in Attachment 1.</p> |

Attachment 1
Shire of Nannup – Local Planning Policy No. 2215 – Outbuildings

Note 1: The Council will determine outbuilding floor areas based on the total combined gross floor area of outbuildings on the lot, which will include existing outbuildings proposed to be retained by the applicant along with the proposed outbuilding/s.

Note 2: There are limits to the number of dwellings on properties in different zones as set out in LPS3, LPS4, the R Codes and other Local Planning Policies.

Note 3: Separate to Attachment 1, a Planning Development Application is required as set out in section 1 of the Policy.

| Considerations Zones | Floor Area ¹ | Height | Setbacks / Location | Colours | Outbuildings on a vacant lot | Conversion of an outbuilding to a dwelling? ² |
|--|--|---|---|--|--|---|
| <p>Town Centre</p> <p>Mixed Use</p> <p>Commercial</p> | <p>Outbuildings which do not exceed 12m² do not require a Planning Development Application provided other considerations are met and there is no loss of car parking bays and/or vehicle manoeuvring areas.</p> <p>Outbuildings above 12m² require a Planning Development Application.</p> <p>Maximum floor area: No maximum limit</p> | <p>Outbuildings that have a wall height that does not exceed 2.4 metres and/or a ridge height that does not exceed 4.2 metres do not require a Planning Development Application provided other considerations are met.</p> <p>Outbuildings that have a wall height above 2.4 metres and/or a ridge height above 4.2 metres require a Planning Development Application.</p> <p>Outbuildings should be compatible with building heights in the town centre.</p> | <p>Outbuildings are to be located in accordance with the BCA and to take account of required car parking bays and/or vehicle manoeuvring areas.</p> | <p>The Council supports colours that are compatible with the Main Street Heritage Area Guidelines.</p> | <p>A Planning Development Application is required.</p> <p>The Council will consider on its merits an outbuilding on a vacant lot provided relevant considerations, including the location/siting of development, have been appropriately addressed to the satisfaction of the Council.</p> | <p>The Council does not support an outbuilding being converted to a dwelling.</p> |

Attachment 1
Shire of Nannup – Local Planning Policy No. 2215 – Outbuildings

Note 1: The Council will determine outbuilding floor areas based on the total combined gross floor area of outbuildings on the lot, which will include existing outbuildings proposed to be retained by the applicant along with the proposed outbuilding/s.

Note 2: There are limits to the number of dwellings on properties in different zones as set out in ~~LPS3~~ **LPS4**, the R Codes and other Local Planning Policies.

Note 3: Separate to Attachment 1, a **Planning Development** Application is required as set out in section 1 of the Policy.

| Considerations Zones | Floor Area ¹ | Height | Setbacks / Location | Colours | Outbuildings on a vacant lot | Conversion of an outbuilding to a dwelling? ² |
|-----------------------------|--|---|---|--|---|---|
| General Industry | <p>Outbuildings which do not exceed 12m² do not require a Planning Development Application provided other considerations are met and there is no loss of car parking bays and/or vehicle manoeuvring areas.</p> <p>Outbuildings above 12m² require a Planning Development Application.</p> <p>Maximum floor area: No maximum limit</p> | <p>Outbuildings that have a wall height that does not exceed 2.4 metres and/or a ridge height that does not exceed 4.2 metres do not require a Planning Development Application provided other considerations are met.</p> <p>Outbuildings that have a wall height above 2.4 metres and/or a ridge height above 4.2 metres require a Planning Development Application.</p> <p>There is no maximum height limit.</p> | Outbuildings are to be located in accordance with LPS3 and the BCA. | The Council supports colours that are compatible with the amenity of the area and will allow the use of zincalume. | <p>A Planning Development Application is required.</p> <p>The Council will support outbuildings being located on vacant land provided other considerations, planning and servicing matters have been appropriately addressed to the satisfaction of Council.</p> | The Council will consider on its merits an outbuilding being converted to a caretaker's dwelling. |

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|----------------|--|
| Policy Number: | LPP 2316 |
| Policy Type: | Local Planning Policy |
| Policy Name: | Plantations and Agroforestry Tree Farms |
| Policy Owner: | Chief Executive Officer |

AUTHORITY: Shire of Nannup Local Planning Scheme No. 34

POLICY BASIS

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and the *Shire of Nannup Local Planning Scheme No. 34* (~~LPS3~~ LPS4).

OBJECTIVES

The objectives of this Policy are to:

1. Promote agroforestry where integrated with other rural and/or conservation activities and where it is effectively managed.
2. Outline areas favoured for ~~plantations~~ tree farms along with non-preferred locations.
3. Ensure that relevant planning considerations are suitably addressed.
4. Conserve and enhance environmental assets.
5. Ensure best practice design and fire management practice for ~~plantations and agroforestry~~ tree farms.
6. Assist the local government in determining applications for ~~agroforestry and plantations~~ tree farms by setting out matters local government will have regard for in assessing applications.
7. Provide increased certainty for landowners, the community and others and to assist in providing greater consistency in decision making by the local government.

DEFINITIONS

In this Policy, the following definitions apply:

~~“Agricultural Priority” means Agricultural Priority 1 – Scott Coastal Plain Zone and Agricultural Priority 2 zone.~~

“Agroforestry” - means land used commercially for both tree production and agriculture where trees are planted in blocks of more than one hectare. Agroforestry is the combining of agriculture and tree growing, to produce both agricultural products and tree products for commercial, land management or environmental purposes. It is also known as “farm forestry”.

“Code of Practice” - *Code of Practice for Timber Plantations in Western Australia* (2014), produced by Forest Industries Federation WA, Forest Products Commission and Australian Forest Growers, or as revised.

“Plantation” ~~– based on LPS3/LPS4,~~ “has the same meaning given to the term in the *Code of Practice for Timber Plantations in Western Australia* (2006).” **In this policy, plantation means ‘tree farm’.**

“Plantation Management Plan” - provides details of the way in which a tree crop will be developed and managed, and aims to demonstrate the means by which the principles of environmental care, cultural and fire management objectives are achieved. A Plantation

Management Plan generally includes a Plantation Map, Establishment Plan, Maintenance Plan and Fire Management Plan.

“**Relevant planning considerations**” include:

- Matters set out in Clause 67 of Schedule 2, Part 9 of the Regulations;
- the Code of Practice;
- the *Guidelines for Plantation Fire Protection* (2011 or any updates) produced by the former Fire and Emergency Services Authority of Western Australia; and
- matter

“**Sensitive Use**” is based on State Planning Policy 4.1 and includes residential dwellings, major recreational areas, hospitals, schools, and other institutional uses involving accommodation.

“**Tree farm**” means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the *Carbon Rights Act 2003* section 5.

“**Vulnerable Use**” is as defined in *Guidelines for Planning in Bushfire Prone Areas*.

APPLICATION OF THE POLICY

This Policy applies throughout the municipality. In this Policy, the municipality will be called the “district”.

LINKS TO LOCAL PLANNING SCHEME AND OTHER DOCUMENTS

This Policy relates to various requirements set out in ~~LPS3~~ LPS4, the *Shire of Nannup Local Planning Strategy*, *State Planning Policy 2.5 Rural Planning*, the Code of Practice and the *Guidelines for Plantation Fire Protection*. Where there is an inconsistency between this Policy and ~~LPS3~~ LPS4, then ~~LPS3~~ LPS4 prevails and to the extent of such inconsistency.

POLICY PROVISIONS

1. General

The local government:

- Supports ~~agroforestry~~ tree farms on appropriately zoned land (including “~~Agricultural Priority~~ Agriculture”) subject to the proposal or application addressing relevant planning considerations;
- Encourages ~~plantations~~ tree farms to be located on land zoned “~~Agriculture~~ Rural”, which are outside of Landscape Values Areas and more than 3 kilometres from the Nannup townsite (see Attachment 1), provided relevant planning considerations are suitably addressed; and
- Will positively consider, ~~plantations~~ tree farms on land zoned “~~Agricultural Priority~~ Agriculture” on the Scott Coastal Plain subject to the application addressing relevant planning considerations.

Based on Table 5 of LPS4, a tree farm is not supported on Priority Agriculture zoned land in the Cundinup, Carlotta and Biddelia localities (see Attachment 2).

The local government generally discourages:

- ~~The use of whole farms for plantations on zoned Agricultural Priority in the Cundinup, Carlotta and Biddelia localities (see Attachment 2);~~
- ~~Plantations~~ Tree farms that by virtue of their topography, physical size, their inability to access strategic water supplies for fire-fighting purposes, or their close proximity to

vulnerable uses, sensitive uses or habitable buildings, present an unacceptable fire risk or otherwise are unable to satisfy the FESA *Guidelines for Plantation Fire Protection*;

- New ~~plantations~~ **tree farms** in areas within ~~the Landscape Values Special Control Area~~ **SCA7 Landscape Values Area** as set by ~~LPS3~~ **LPS4** unless associated with a landscape assessment for land that has not been subject to a ~~plantation~~ **tree farm** which was established prior to 16 September 1983 or to a previously approved ~~plantation~~ **tree farm**; and
- New ~~plantations~~ **tree farms** within 3 kilometres of the Nannup townsite (see Attachment 1).

The onus of proof rests with the applicant to justify their application based on the requirements of this Policy. Additionally, applicants are required to justify their application if variations are proposed to this Policy.

2. When is a Development Application required?

Development approval is not required for the planting of trees for land rehabilitation, shelter belts or for other land management/environmental purposes **or for small-scale tree farms** provided the total area of planting is less than **104** hectares for the lot **(on land zoned Rural or Priority Agriculture – other than on Priority Agriculture zoned land in the Cundinup, Carlotta and Biddelia localities)**. Landowners should however advise the local government in writing and via preparation of a site plan showing the proposed planting. There is a separate requirement to ensure the plantings are appropriately managed to address fire risk and comply with the local government's Firebreak Notice.

No Development Application is required for ~~a tree farm~~ **agroforestry** provided no more than **104** hectares of planting occurs on any lot or location **(other than on Priority Agriculture zoned land in the Cundinup, Carlotta and Biddelia localities)**. A Development Application must be submitted and approved by the local government prior to the commencement of agroforestry above **104** hectares.

No Development Application is required on the 'development footprint' where the ~~plantation~~ **tree farm** was established prior to 16 September 1983 and where a plantation has operated since 16 September 1983 with gaps of no greater than 6 months.

A Development Application is required to be lodged for any proposed planting of trees, for commercial or land management/environmental purposes, exceeding **104** hectares on any lot or location, regardless of whether the trees are proposed to be harvested or not. The local government expects that the tree planting will be effectively managed on an on-going basis.

Where development approval has been obtained for ~~agroforestry or a plantation~~ **a tree farm**, no Development Application is required for a second rotation for hardwood plantations, however a second rotation will not form part of the development approval for softwood plantations.

Unless the ~~plantation~~ **tree farm** was established prior to 16 September 1983, and where a ~~plantation~~ **tree farm** has operated since 16 September 1983 with gaps of no greater than 6 months, a Development Application is required for:

- the establishment of a new planting for softwood and hardwood plantations;
- every additional rotation for harvested softwood plantations where only a single rotation has previously been approved; and
- three or more rotations for hardwood plantations.

3. Agroforestry compared to plantations

The local government encourages the integration of tree planting with agricultural operations and conservation initiatives.

~~In providing guidance between agroforestry and plantations, the~~ **The local government will assess if the planting area is "agroforestry" having regard for:**

- **The area of the planting on each lot;**

- The percentage of the planting area on a lot by lot basis. Generally, a 20% maximum planting area applies;
- The extent of existing remnant vegetation areas; and
- Whether a significant portion of each lot can continue to be used for agriculture.

4. Code of Practice and Guidelines for Plantation Fire Protection

The local government expects operators will design and manage their ~~plantation~~ **tree farm** in accordance with the Code of Practice and the FESA Guidelines for Plantation Fire Protection.

The local government requires the preparation of an appropriate Plantation Management Plan to accompany applications in accordance with the Code of Practice.

5. Location and compatibility with adjacent land uses

To reduce potential adverse impacts from inappropriate siting, development or management of ~~agroforestry and plantations~~ **tree farms**, the local government will consider the following matters:

- The proximity to any land zoned in ~~LPS3~~ **LPS4** or earmarked in the Local Planning Strategy for residential, rural residential or rural smallholding lots;
- Separation distances between the proposed planting and any “vulnerable land use” or “sensitive use”, including dwellings, holiday accommodation, commercial workplaces (as determined by the local government), or community/recreational area);
- The suitability of the application site in terms of the road network capabilities and public safety;
- The visual impact when viewed from State and regional roads, and from main tourist routes within ~~the~~ **Special Control Area SCA7** Landscape Values Area as set out in ~~LPS3~~ **LPS4**;
- Whether aerial spraying is proposed; and
- Impact on the population of the Nannup townsite and the sustainability of services and facilities in the Nannup townsite, particularly for ~~plantations~~ **tree farms** proposed on ~~Agricultural~~ **Agricultural** land in the Cundinup, Carlotta and Biddelia locations (see Attachment 2).

The local government encourages operators, ~~plantation~~ **tree farm** managers and landholders to work in partnership to develop and sustain being a “good neighbour”.

6. Fire management plans

The local government:

- Expects that ~~agroforestry and plantation~~ **tree farm** designs do not compromise the fire safety of the local community;
- Expects landowners and ~~plantation~~ **tree farm** operators to have effective mitigation measures and assets to reduce fire risks of their planting and to reduce fire risks on the Nannup townsite and nearby rural living areas (rural residential and rural smallholding); and
- Seeks to reduce fire risks in and around the Nannup townsite. As a guideline, the local government discourages new ~~plantations~~ **tree farms** within the area shown in Attachment 1 unless the applicant provides increased fire mitigation measures to the satisfaction of the local government.

As previously outlined, no Development Application is required on the ‘development footprint’ where the ~~plantation~~ **tree farm** was established prior to 16 September 1983 and where a ~~plantation~~ **tree farm** has operated since 16 September 1983 with gaps of no greater than 6 months.

Where there is an approved existing ~~plantation~~ **tree farm**, within the area outlined in Attachment 1, the possibility of a second rotation is as per the development approval. If there are no details in the

development approval regarding the number of rotations, the local government will adopt the approach of limiting the approval to:

- One rotation for softwood plantations;
- Two rotations for hardwood plantations.

Additional rotations are to be subject to a new Development Application.

Additionally, the replacement of an existing ~~plantation~~ **tree farm** may be applied for via a Development Application provided the area of planting is no greater than the existing ~~plantation~~ **tree farm**. This is however subject to suitable fire mitigation measures to the satisfaction of the local government which could include:

- The provision of additional fire-fighting equipment/assets;
- Proposing agroforestry in relevant parts of the application site, especially closer to the Nannup townsite, with management measures such as grazing outlined to manage fuel load on an on-going basis; and
- The planting of suitable fire-suppression non-native/exotic trees.

The local government requires the preparation of an appropriate Fire Management Plan to accompany applications in accordance with the specifications and guidelines in the *Guidelines for Plantation Fire Protection* and the local government's Firebreak Notice.

The approved Fire Management Plan is to be implemented on an on-going basis to the satisfaction of the local government.

7. Visual impact

The local government will consider the visual impact of ~~agroforestry and plantations~~ **tree farms** in general. In particular, the local government seeks to carefully consider development applications for ~~plantations~~ **tree farms**:

- Within Landscape Values Areas; and
- Within 3 kilometres of the Nannup townsite (see Attachment 1).

The local government's assessment of visual impact is primarily concerned within Landscape Values Areas and near the Nannup townsite when viewed from State and regional roads and tourist routes. The purpose of the assessment is not in relation to views from other properties.

The local government encourages applicants to consider the planting of native vegetation that is endemic to the district and/or the planting of suitable fire-suppression non-native/exotic trees near State and regional roads and tourist routes, to complement the proposed ~~plantation~~ **tree farm**.

Applicants proposing ~~plantations~~ **tree farms** in highly valued landscapes, within a Landscape Values Area or within 3 km of the Nannup townsite, are encouraged to submit a landscape assessment from a suitably qualified consultant with the Development Application. The landscape assessment should have regard to the *Visual Landscape Planning Manual* (Western Australian Planning Commission 2008 or any updates).

8. Suitability of public roads for harvesting

The local government will:

- Require the applicant to outline the preferred haulage routes for future harvesting as part of the Development Application. Generally, potential haulage roads should be identified on the Plantation Map;
- Consider the suitability of access, in particularly the suitability of public roads for harvesting, in assessing the Development Application;

- Ensure there is appropriate access to ~~agroforestry and plantations~~ **tree farms** and that the existing road network and public safety are not affected by heavy vehicles and that the local road network is not damaged by heavy vehicles; and
- Require as a condition of development approval, a Plantation Harvest Plan to be prepared and implemented to the satisfaction of the local government where harvesting occurs on Shire of Nannup managed roads which are unsealed. This is to address the Code of Practice including notification, inspection and post-harvesting repair of roads.

The local government may also require:

- An assessment on the pre-condition of the haulage roads as part of a Plantation Harvest Plan.
- The applicant/operator to undertake remedial works post harvesting to the satisfaction of the local government; and
- A Road Condition Assessment post harvesting to ensure the roads are reinstated to the same condition as pre harvesting to the satisfaction of the local government.

In considering the adequacy of the existing roads, the applicant and the local government will have regard for any proposed use of Restricted Access Vehicles (larger than 19 metre semi-trailer, 42.5 tonne). Main Roads Western Australia (MRWA) advise that roads not currently permitted for this type of vehicle will be required to be at a standard in conformance to Main Roads *Guidelines for Assessing the Suitability of Routes for Restricted Access Vehicles* before MRWA can allow access by this type of vehicle.

9. Natural resource management

The local government:

- Requires that ~~agroforestry and plantation~~ **tree farm** applications, as relevant, protect and enhance environmental assets;
- Supports the planting of native vegetation that is endemic to the district;
- Encourages ~~agroforestry and plantations~~ **tree farms** in areas subject to land degradation including areas subject to salinity, waterlogging or erosion on the application site;
- Promotes the establishment and/or enhancement of buffers of local endemic native vegetation along rivers, watercourses and drainage lines and/or providing environmental corridors;
- Will consider Department of Water and Environmental Regulation guidelines and advice on setbacks from rivers and watercourses, along with guidance in the Code of Practice, site conditions and justification provided by the applicant; and
- Will seek suitable fencing of native vegetation should grazing be proposed.

In considering any variation to the Policy, the local government will have regard for any proposed land/water management and environmental benefits to the application site (or in the catchment/locality).

10. Aerial spraying

The local government does not favour aerial spraying within 3 kilometres of the Nannup townsite as outlined in Attachment 1.

The local government will have regard to aerial spraying of ~~plantations~~ **tree farms**, to control insect damage, for areas further from the Nannup townsite. If aerial spraying is proposed, the applicant is to set this out in the Development Application. The local government may require a condition of development approval that the applicant prepare an Aerial Spray Application Management Plan which addresses the Code of Practice.

Future spraying is to be undertaken in accordance with the Code of Practice. This includes that

~~plantation~~ tree farm operators are to undertake notifications and as required field specifications in accordance with the Code of Practice.

11. Rehabilitation of land

As part of the Plantation Management Plan, the local government will seek a statement on the number of proposed rotations and the expected approach to rehabilitating the land post ~~plantations~~ tree farm e.g. removal of stumps and establishment of pasture at the end of the final rotation.

ADMINISTRATION

1. Matters to be Addressed Prior to Formally Lodging the Application

Proponents are encouraged to discuss proposals that seek to vary Policy requirements with the Shire administration early in the planning process and prior to the formal lodgement of any Development Application.

2. Application Requirements

Development Applications are to include the following:

- Filling in the Form of Application for Development Approval;
- Payment of the local government Development Application fee; and
- A Plantation Management Plan that complies with Appendix 1 of the Code of Practice including a:
 - Plantation Map including the preferred haulage route;
 - Establishment Plan;
 - Maintenance Plan; and
 - Fire Management Plan that complies with the *Guidelines for Plantation Fire Protection*.

Subject to the proposed location, scale and intended management of the proposed ~~agroforestry or plantation~~ tree farm, the local government may also require the applicant to provide the following:

- Landscape assessment;
- Any other plan or information that the local government may reasonably require to enable the application to be determined; and
- Written information setting out why Policy requirements should be varied.

3. Consultation with Landowners and Stakeholders

The local government will consult with adjoining/nearby landowners and other stakeholders as required by ~~LPS3~~ LPS4, the Regulations and as determined by the local government. The local government will also consult where an application does not comply with this Policy.

4. Assessing the Development Application

In assessing any application for ~~agroforestry or plantation~~ a tree farm, the local government will have regard to various matters including:

- Clause 67 of Schedule 2, Part 9 of the Regulations;
- The Code of Practice;
- The benefits of ~~agroforestry and plantations~~ tree farms in addressing land degradation including salinity, waterlogging and erosion and assisting in enhancing water quality;
- The zoning of the lot;
- Setbacks and location of the proposed ~~agroforestry or plantation~~ tree farm;
- Separation distances to dwellings, habitable buildings, vulnerable uses and other sensitive uses as determined by the local government; and

- The impact on the population of the Nannup townsite and the sustainability of services and facilities in the Nannup townsite, particularly for ~~plantations~~ **tree farms** proposed on ~~Agricultural Priority~~ **Agricultural** land in the Cundinup, Carlotta and Biddelia locations.

Where objections are received and the objections are not able to be adequately dealt with through conditions of approval, the application will be referred to the Council for determination.

The local government may refuse a Development Application where it is inconsistent with this Policy, ~~LPS3~~ **LPS4**, the Code of Practice, based on the information provided by the applicant, or based on information set out in any submission.

| | |
|-------------------------------|---|
| Related Policies: | LPP 43 10 Car Parking and Vehicular Access LPP 45 11 Dedication of Road Access LPP 20 14 Developer and Subdivider Contributions LPP 24 Bush Fire Management |
| Related Procedures/Documents: | LPP23 Plantations and Agroforestry Attachment 1 LPP23 Plantations and Agroforestry Attachment 2 Planning and Development (Local Planning Schemes) Regulations 2015 State Planning Policy 2.5 Rural Planning Guidelines State Planning Policy 3.7 Planning in Bushfire Prone Areas Code of Practice for Timber Plantations in Western Australia FESA Guidelines: Guidelines for Plantation Fire Protection (2011), endorsed by DFES or as revised Guidelines for Planning in Bushfire Prone Areas Visual Landscape Planning Manual |
| Delegation Level: | Chief Executive Officer or their Delegated Officer |
| Adopted: | OM 22 October 2020 |
| Reviewed: | OM 27 July 2023 |