

**LOCAL PLANNING SCHEME NO.4****17. Zoning table**

The zoning table for this Scheme is as follows -

**Table 4 - Zoning Table**

USE & DEVELOPMENT CLASS	Commercial	Environmental Conservation	General Industry	Priority Agriculture	Residential	<b>Rural</b>	Rural Residential	Rural Smallholdings	Special Use	Tourism	Urban Development
Abattoir	X	X	X	A	X	A	X	X		X	
Agriculture – extensive	X	A	X	P	X	P	D	P		A	
Agriculture - intensive	X	A	X	P	X	P	D	D		A	
Airfield	X	X	X	A	X	A	X	X		A	
Amusement parlour	A	X	A	X	X	X	X	X		A	
Ancillary dwelling	D	D	X	D	P	D	D	D		X	
Animal establishment	X	X	X	D	X	D	A	A		X	
Animal husbandry - intensive	X	X	X	D	X	A	X	A		X	
Art gallery	D	A	D	A	X	D	A	A		A	
Bed and breakfast	D	D	X	D	D	D	D	D		D	
Betting agency	D	X	X	X	X	X	X	X		X	
Brewery	A	A	A	A	X	D	X	A		A	
Bulky goods showroom	D	X	D	X	X	X	X	X		X	
<b>Camping ground</b>	X	X	X	A	X	<b>A</b>	X	X		D	
<b>Caravan park</b>	A	X	X	A	X	<b>A</b>	X	X		A	
Caretaker's dwelling	D	D	A	D	X	D	X	D		D	
Car park	D	D	D	A	A	A	X	D		D	
Child care premises	D	X	X	X	A	X	A	A		A	
Cinema/Theatre	D	X	X	X	X	X	X	X		A	
Civic use	D	A	D	D	D	D	D	D		D	
Club premises	D	X	A	A	A	D	A	A		A	
Commercial vehicle parking	D	D	P	P	D	P	D	P		D	
Community purpose	D	A	D	A	A	D	D	D		A	
Consulting rooms	D	X	X	X	A	A	A	A		A	
Convenience store	D	X	A	X	X	X	X	X		A	
Corrective institution	X	X	X	X	X	A	X	X		X	
Educational establishment	A	A	X	X	A	A	X	A		A	

REFER TO CLAUSE 21

REFER TO CLAUSES 18(6) AND 67

USE & DEVELOPMENT CLASS	Commercial	Environmental Conservation	General Industry	Priority Agriculture	Residential	Rural	Rural Residential	Rural Smallholdings	Special Use	Tourism	Urban Development
Motor vehicle repair	X	X	D	X	X	A	X	A		X	
Motor vehicle wash	A	X	D	X	X	X	X	X		X	
Multiple dwelling	D	X	X	X	D	X	X	X		X	
<b>Nature based park</b>	X	A	X	A	X	<b>D</b>	X	A		D	
Nightclub	A	X	X	X	X	X	X	X		X	
Office	D	X	X	X	X	X	X	X		X	
Park home park	A	X	X	X	A	X	X	X		A	
Place of worship	A	A	X	A	A	A	A	A		A	
Reception centre	D	X	X	X	X	A	X	A		D	
Recreation - private	D	X	X	A	X	A	X	A		A	
Renewable energy facility	X	X	A	A	X	A	X	A		X	
Repurposed dwelling	D	D	X	D	D	D	D	D		A	
Residential aged care facility	P	X	X	X	P	X	X	X		X	
Residential building	D	D	X	A	D	A	A	A		A	
Resource recovery centre	X	X	X	X	X	A	X	X		X	
Restaurant/Cafe	D	A	X	A	X	D	X	A		D	
Restricted premises	A	X	A	X	X	X	X	X		X	
Roadhouse	A	X	A	A	X	A	X	X		X	
Rural home business	X	A	X	D	X	D	A	A		X	
Rural produce store	X	A	X	D	X	D	A	A		A	
Rural pursuit/hobby farm	X	D	X	P	X	P	P	P		P	
Second-hand dwelling	D	D	X	D	D	D	D	D		A	
Serviced apartment	D	X	X	X	X	X	X	X		D	
Service station	A	X	A	X	X	A	X	X		A	
Shop	D	X	X	X	X	X	X	X		A	
Single bedroom dwelling	D	X	X	X	D	X	X	X		X	
Single house	D	D	X	P	P	P	P	P		D	
Small bar	A	X	X	X	X	X	X	X		A	
Tavern	A	X	X	X	X	X	X	X		A	
Telecommunication infrastructure	D	D	D	D	D	D	D	D		D	

REFER TO CLAUSE 21

REFER TO CLAUSES 18(6) AND 67

USE & DEVELOPMENT CLASS	Commercial	Environmental Conservation	General Industry	Priority Agriculture	Residential	Rural	Rural Residential	Rural Smallholdings	Special Use	Tourism	Urban Development
Tourist development	D	X	X	X	X	X	X	X	REFER TO CLAUSE 21	D	REFER TO CLAUSES 18(6) AND 67
Trade display	D	D	D	D	X	D	X	D		A	
Trade supplies	D	X	D	X	X	X	X	X		X	
Transport depot	A	X	D	A	X	A	X	A		X	
Tree farm <sup>2</sup>	X	D	X	D	X	D	A	A		A	
Veterinary centre	D	X	D	D	X	D	X	A		A	
Warehouse/storage	D	X	D	X	X	X	X	X		X	
Waste disposal facility	X	X	A	X	X	A	X	X		X	
Waste storage facility	X	X	A	A	X	A	X	X		X	
Winery	X	D	X	D	X	D	A	D		D	
Workforce accommodation <sup>3</sup>	X	X	X	D	A	D	X	A		X	

Note 1. Refer to Clause 57 - Mining operations.

Note 2. Refer to Clauses 46 - Tree farms and Clause 68 - Additional site and development requirements.

Note 3. Refer to Clause 44 - Workforce accommodation.

## 18. Interpreting zoning table

(1) The permissibility of uses of land in the various zones in the Scheme area is determined by cross-reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.

(2) The symbols used in the zoning table have the following meanings -

P means that the use is permitted if it complies with all relevant development standards and requirements of this Scheme as it relates to the use of the land;

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;

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;

X means that the use is not permitted by this Scheme.

Note: 1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the carrying out of works on, and the use of, land.

## Schedule 1 - Zone Development Requirements

Clause 59

Zones and Land Use	Minimum Lot Area	Minimum Effective Frontage (m)	Max Plot Ratio	Minimum Setbacks (m)			Minimum Landscaping (m <sup>2</sup> %) Refer to Clause 38	Building Height (m) Refer to Clause 39	Other Requirements
				Front	Rear	Side			
Commercial	N/A	N/A	2.0	Nil	Nil	Nil	5%	12m	Where an R40 coding applies, residential development is to be connected to a reticulated sewerage network.
		<p>(i) <i>Development may be provided with a nil setback to the side and rear boundaries of the subject land provided that the site does not adjoin any land used or zoned for residential purposes, in which case the development shall be setback in accordance with the Residential Design Codes.</i></p>							
Environmental Conservation	N/A	N/A	N/A	20	20	20	N/A	9m	
		<p>(i) <i>In addition to the minimum setbacks, a setback of at least 50 metres from a boundary with State Forest, Nature Reserve or Reserve for Conservation.</i></p>							
General Industry	N/A	N/A	N/A	6	Nil	Nil	5%	12m	
		<p>(i) <i>Development shall be setback 3 metres from any secondary street frontage.</i>  (ii) <i>Development may be provided with a nil setback to the side and rear boundaries of the subject land, subject to the Building Code of Australia.</i></p>							
Priority Agriculture	N/A	N/A	N/A	20	20	20	N/A	N/A	
		<p>(i) <i>In addition to the minimum setbacks, a setback of at least 50 metres from a boundary with State Forest, Nature Reserve or Reserve for Conservation.</i></p>							
Residential	In accordance with the Residential Design Codes								
	Where no R-Code is stipulated			6	5	3	In accordance with the Residential Design Codes for Category B.		
Rural	N/A	N/A	N/A	20	20	20	N/A	N/A	
		<p>(i) <i>In addition to the minimum setbacks, a setback of at least 50 metres from a boundary with State Forest, Nature Reserve or Reserve for Conservation.</i></p>							
Rural Residential	1ha	N/A	N/A	20	10	10	N/A	9m	These setbacks are where a lot does not have a designated building envelope. Where a building envelope exists development is required to be within that envelope.
		<p>(i) <i>In addition to the minimum setbacks, a setback of at least 50 metres from a boundary with State Forest,</i></p>							

## 5.4 Tourism

### Aims

The aims are to:

- A45) encourage the development of a wide range of tourist and recreation facilities, tourist accommodation and activities for visitors in appropriate locations within and near the Nannup townsite and in the rural areas of the Shire that appropriately address bushfire planning, environmental assets, landscape qualities and compatibility with adjoining land uses; and
- A46) encourage the establishment of businesses, which attract and promote the Nannup townsite and the Shire as a tourist destination.

### Strategy

The local government's strategy is to:

- S66) support a range of tourism development (accommodation, facilities and activities) in appropriate locations which respect to bushfire and flood risk, land use compatibility and servicing considerations;
- S67) ensure that tourism/recreation use and development are managed, located, designed and sited which conserves and enhances environmental assets and landscape qualities;
- S68) encourage development which recognises the architectural style and scale of development within the Nannup townsite and the Shire;
- S69) support the development of tourist attractions on Crown land where appropriate;
- S70) support low-key tourist and recreational uses in areas classified as 'Activity Node' on the Strategy Plans subject to appropriately addressing environmental, servicing, landscape and other planning considerations as per the Augusta Walpole Coastal Strategy i.e. 'Activity Node';
- S71) support public coastal access in areas classified as 'Coastal Access Point' on the Strategy Plans subject to appropriately addressing environmental, servicing, landscape and other planning considerations as per the Augusta Walpole Coastal Strategy i.e. 'Coastal Access Point';
- S72) require major tourist accommodation proposals in rural areas (in excess of six chalets or occupancy of 24 or more people) other than for camping, to be subject to an amendment to the scheme;
- S73) not support tourist and recreational development, beyond low-key activities such as bed and breakfast establishments, for lots that do not have direct access to a constructed public road e.g. forestry track; and
- S74) develop a Tourism Strategy for the Shire.

<b>Policy Number:</b>	LPP 2
<b>Policy Type:</b>	Local Planning Policy
<b>Policy Name:</b>	Stormwater Management and Connection
<b>Policy Owner:</b>	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. 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*, the *Stormwater Management Manual for Western Australia* or *Decision Process for Stormwater Management in Western Australia*.

**“AEP”** means Annual Exceedance Probability 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 AEP 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 AEP 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.

## 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)*, *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 small rainfall events for the first 15mm of rainfall based on *Decision Process for Stormwater Management in Western Australia*.

The local government will, subject to the type, scale and location of the development also consider the suitability of stormwater management systems to provide serviceability, amenity and road safety during minor rainfall events. Similarly, the local government will consider flood protection (including outside of Special Control Area 3 – Flood Prone Land) for major rainfall events.

The total post-development site runoff is to be no greater than the pre-development site runoff.

Surface drainage systems shall be designed to ensure that overflows, for minor or major rainfall events, do not present a hazard to people or cause damage to off-site property.

Stormwater flows, AEP 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% AEP pre-development flood regime for the catchment 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 minor rainfall events;
- 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 minor or major rainfall events 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, with the exception of heritage-protected places, should be provided with gutters, downpipes or other associated drainage features to ensure effective stormwater disposal away from buildings and other impervious surfaces. Heritage-protected places should be provided with gutters and/or downpipes where they have historically been installed. Where historically there have been no gutters and/or downpipes, the Shire will not require their installation however alternative drainage measures should be implemented 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 property for small rainfall events for the first 15mm of rainfall.

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.

The local government may, subject to the type, scale and location of the development require the applicant to submit a Water Management Plan to support a Development Application or other proposal based on DWER publications.

## **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 lodgement 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, *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 in Flood Prone Land LPP 10 Car Parking and Vehicular Access
Related Procedures/Documents	Decision process for stormwater management in Western Australia (DWER 2017) Stormwater management manual of Western Australia (DWER 2023) <i>Residential Design Codes – Volume 1 and 2</i>
Delegation Level	Chief Executive Officer or their Delegated Officer
Adopted	OM 22 April 2010
Reviewed	OM 27 June 2024

**Attachment 1 - 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.

### **Residential**

1. Where there is no available stormwater system to connect to, proponents will generally need to provide 1 m<sup>3</sup> of on-site storage for every 100m<sup>2</sup> of impervious surface, which is the total of all roofs, paving and driveways. As a guide a 900 x 900 soakwell will hold about 0.5m<sup>3</sup>.
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 dwellings, so maintenance is essential.
5. Paving around the dwelling 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. 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 the local government stormwater drainage system must be connected via a storm water grate as detailed below:

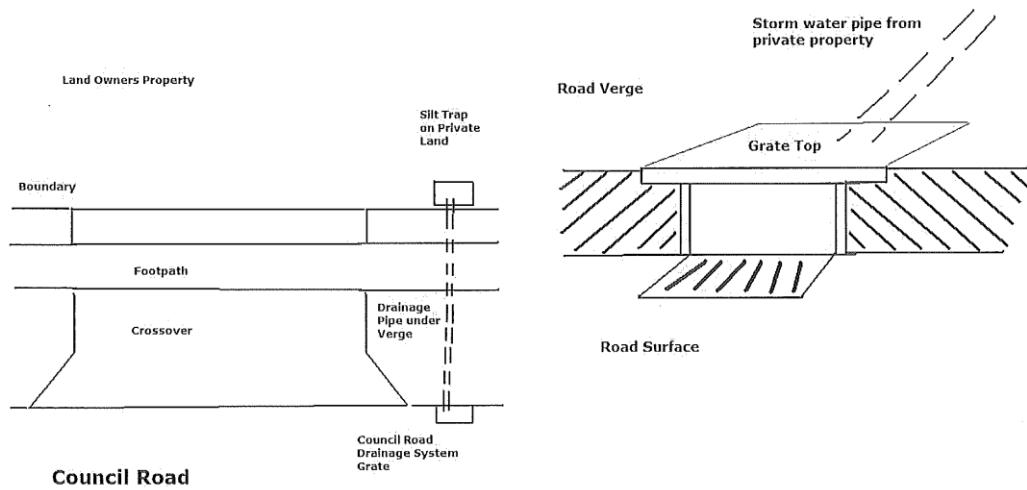
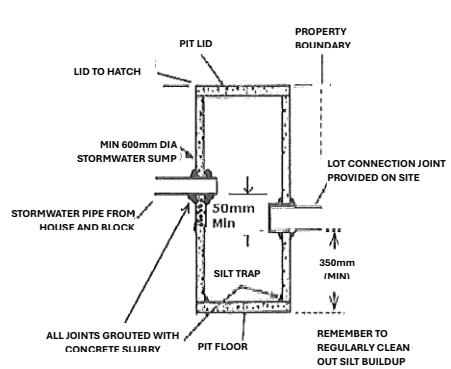
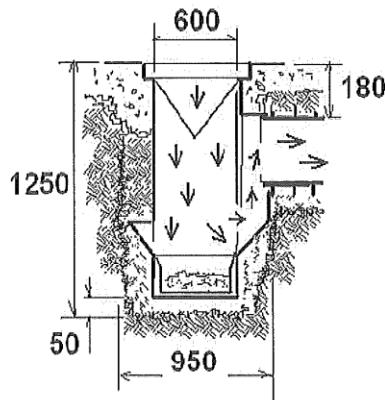


Diagram 2: Residential Silt Trap



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.

<b>Policy Number:</b>	LPP 9
<b>Policy Type:</b>	Local Planning Policy
<b>Policy Name:</b>	<b>Tourism Land Uses and Short-Term Accommodation</b>
<b>Policy Owner:</b>	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.

## **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.

**“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 totalling 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

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

The local government:

- 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;
- Encourages links between 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 LPP12 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.

Related Policies:	LPP 10 Car Parking and Vehicular Access LPP 12 Signs and Advertisements LPP 14 Developer and Subdivider Contributions
Related Procedures/ Documents	<i>State Planning Policy 3.7 Planning in Bushfire Prone Areas</i> <i>Guidelines for Planning in Bushfire Prone Areas</i> <i>Australian Drinking Water Guidelines</i> <i>Visual Landscape Planning Manual (Western Australian Planning Commission 2008)</i>
Delegation Level:	Chief Executive Officer or their Delegated Officer
Adopted:	OM 24 September 1992
Reviewed:	OM 27 June 2024

Policy Number:	LPP 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.4* (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 approval.

## DEFINITIONS

In this Policy, the following definitions apply:

**Rural Zone** includes the Environmental Conservation, Priority Agriculture, Rural and Rural Smallholdings 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 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 *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 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 LPS4, the Shire of Nannup Local Planning Strategy, the R Codes and relevant Australian Standards.

The provision of onsite parking is a requirement of 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 2 of 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 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 Commercial, General Industry, Residential, and 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 Tourism 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 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 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* (DWER 2017) using systems as outlined in the *Stormwater management manual of Western Australia* (DWER).

## 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 2 of 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 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 LPS4, the car parking standard to be applied by the local government is gross floor area.

## 3. Residential Development

The R Codes, adopted into 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

LPS4 sets out the provision to be made for parking for various non-residential land uses. Except as otherwise provided in LPS4 and this Policy, the local government will expect compliance with these standards.

In the Commercial Zone, 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 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 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 2 of 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 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 AS2890.6:2002 *Parking facilities Part 6: Off-street parking 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 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 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 development approval under 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 34 of 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 Commercial Zone. The local government will consider cash-in-lieu of parking spaces on the lot as set in clause 34 of 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 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).

Where desirable to facilitate the conservation of a heritage place, or to enhance or preserve heritage values of a place included on the Heritage List or within a Heritage 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 70 of LPS4 allows the local government to vary the requirements of 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 (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 line-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 Rural, Rural Residential and Rural Smallholdings zones, 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 Tourism Zones.

Car parking situated in yard areas or generally behind the front building line within the 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 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 Tourism Zones.

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 *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 vehicles 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 Tourism 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 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 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 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 Commercial zone and

generally in the Urban Development, General Industry, Residential, and Special Use and Tourism zones (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 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 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 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.

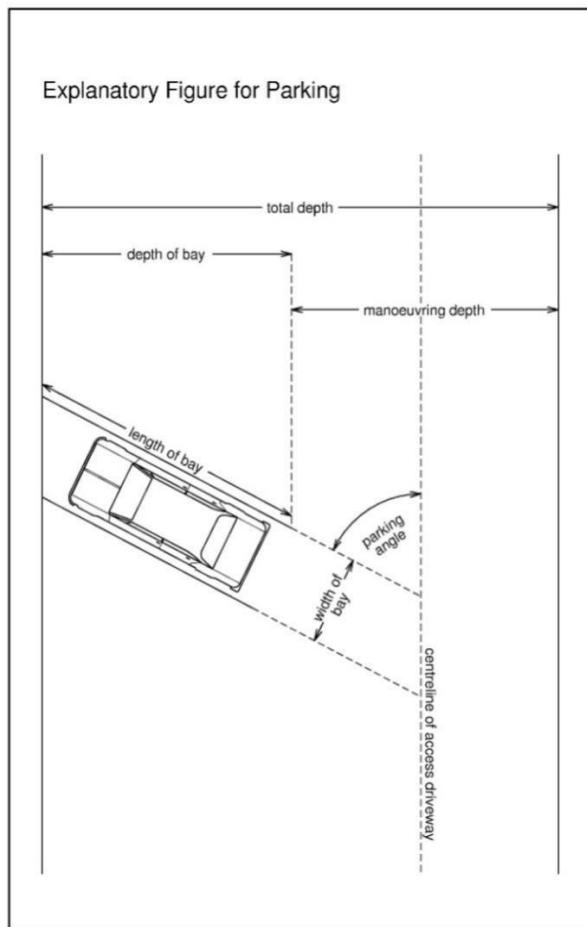
Based on the above information, the local government as part of its development assessment will set out or estimate the expected parking needs of the proposed land use/development.

Related Policies:	LPP 2 Stormwater Management and Connection LPP 14 Developer and Subdivider Contributions WRK 7 Crossovers
Related Procedures/ Documents	
Delegation Level:	Chief Executive Officer or their Delegated Officer
Adopted:	OM 28 November 2013
Reviewed:	OM 27 June 2024

## 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)
<b>(a) One-Way Access</b>					
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>(b) Two-Way Access</b>					
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 14
Policy Type:	Local Planning Policy
Policy Name:	<b>Developer and Subdivider Contributions</b>
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.

## 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. 4*, *State Planning Policy 3.6 Infrastructure Contributions*, 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
- telecommunications 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. 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 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.

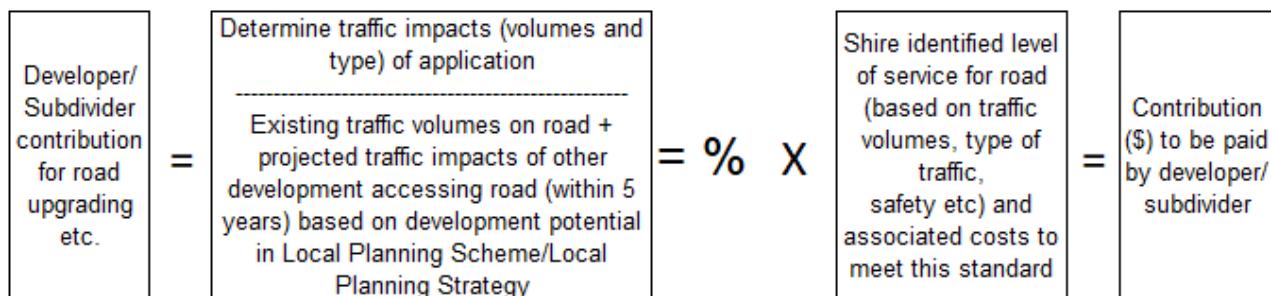
On-site works are the landowner/proponent's responsibility. This includes that internal subdivision roads are to be constructed, at the cost of the subdivider, to the satisfaction of the Council and the WAPC.

## *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 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 programme, 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 programmes.

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 programme.

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 programme.

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 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 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.

### 7. *Laneways/Rights-of-Way*

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.

### 8. *Crossovers*

Crossovers are to be constructed by the developer/subdivider in accordance with Council's *Local Planning Policy LPP 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 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.

### 9. *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 subdivider within urban and rural residential/rural living subdivisions; and
- by subdivider 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.

## **10. Drainage**

The Council requires appropriate stormwater management and treatment for the proposed subdivision/development that satisfactorily addresses stormwater control and meets the requirements of *State Planning Policy 2.9 Planning for Water* (SPP 2.9) and *Planning for Water Guidelines*. 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 upstream and/or 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.

## **11. 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
- 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.

## **12. 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.

### **13. 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.

Related Policies:	
Related Procedures/Documents:	<i>State Planning Policy 2.9 Planning for Water Planning for Water Guidelines (WAPC 2021)</i>
Delegation Level:	Chief Executive Officer or their Delegated Officer
Adopted:	OM 23 May 2013
Reviewed:	OM 27 June 2024