

PART 1 - PRELIMINARY

1.1 CITATION

1.1.1 The Shire of Nannup Local Planning Scheme No 3 ('the Scheme') comes into operation on its Gazettal date.

1.1.2 The following Scheme is revoked:

Name: Shire of Nannup Town Planning Scheme No 1 as amended from time to time.
Gazettal Date: 16 September 1983

1.2 RESPONSIBLE AUTHORITY

The Shire of Nannup is the responsible authority for implementing the Scheme.

1.3 SCHEME AREA

This Scheme applies to the Scheme Area which covers all of the local government of the Shire of Nannup as shown on the Scheme Map.

1.4 CONTENTS OF SCHEME

This Scheme comprises:

- (a) the Scheme Text; and
- (b) the Scheme Map (sheets 1 - 7).

The Scheme is to be read in conjunction with the Local Planning Strategy.

1.5 PURPOSES OF THE SCHEME

The purposes of this Scheme is to:-

- (a) set out the local government's planning aims and intentions for the Scheme Area;
- (b) specify the local government's clear development and environmental objectives for the Scheme Area
- (c) set aside land as reserves for public purposes;
- (d) zone land within the Scheme Area for the purposes defined in the Scheme;
- (e) control and guide land use and development;
- (f) set out procedures for the assessment and determination of development applications;
- (g) make provision for the administration and enforcement of the Scheme; and
- (h) address other matters contained in the First Schedule to the Town Planning Act.

1.6 THE AIMS OF THE SCHEME

1.6.1 The local government's general aim is to recognise the unique qualities and characteristics of the Scheme Area and safeguard its natural resources, whilst promoting sustainable development through diversified residential, commercial, industrial, agricultural, timber, tourist and resource based activities

1.6.2 The local government's general intentions are:

- a) To ensure there is sufficient supply of serviced and suitable land for housing, commercial activities, community facilities, recreation and open space.
- b) To assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial, entertainment and tourist development, as well as providing opportunities for home-based employment.
- c) To promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities.
- d) To manage the use and development of land by means of zoning and development controls to achieve compatibility between land uses, and the preservation, and where possible the enhancement of visual amenity of urban and rural uses.
- e) To protect and enhance the environmental values and natural resources of the Shire and to promote ecologically sustainable land use and development.
- f) To safeguard and enhance the character and amenity of the built and natural environment of the Scheme Area.
- g) To ensure that existing and future residents enjoy a range of attractive living environments and have access to the widest possible range of services and amenities.
- h) To recognise and protect places of natural beauty, historic interest and scientific interest that are considered to be important to the heritage of the Shire.
- i) To assist in the effective implementation of regional plans, strategies and policies.
- j) To make provision for other matters authorised by the Act.

1.7 DEFINITIONS

1.7.1 Unless the context otherwise requires, words and expressions used in the Scheme have the same meaning as they have –

- a) in the Town Planning Act; or
- b) if they are not defined in that Act –
 - (i) in the Dictionary of defined words and expressions in Schedule 1; or
 - (ii) in the Residential Design Codes.

1.7.2 If there is a conflict between the meanings of the words and expression in the Dictionary of defined words and expressions in Schedule 1 and the meaning of that word or expression in the Residential DesignCodes -

- a) in the case of residential development the definitions in the Residential Design Codes prevails; and
- b) in any other case the definition in the Dictionary prevails.

PART 3 – ZONES AND THE USE OF LAND

3.1 ZONES

3.1.1 The Scheme Area is classified into the zones shown on the Scheme Map.

3.1.2. The zones are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

3.2 OBJECTIVES OF THE ZONES

The broad objectives of the zones are:

- **Agriculture Zone**

To provide for the sustainable use of land for a range of rural pursuits which are compatible with the capability of the land, whilst retaining the rural character and amenity of land within the zone.

- **Agriculture Priority 1 – Scott Coastal Plain Zone**

To provide for the continued establishment of large-scale agricultural operations within the Scott Coastal Plain locality, whilst allowing where appropriate, limited forms of non-agricultural development.

- **Agriculture Priority 2 Zone**

To provide for the continued establishment of agricultural operations, whilst allowing, where appropriate, limited forms of non-agricultural development.

- **Cluster Farming Zone**

To provide for a mix of agricultural and residential development based on a sustainable agricultural theme.

- **Coastal Landscape Zone**

To protect significant landscapes and environmental features and provide for development which is compatible with and which will enhance the landscape and environmental qualities of the area.

- **Industry Zone**

To provide for light, service and general industries, and associated uses, which by the nature of their operations, are not required to be situated so as to be remote from residential areas.

- **Mixed Use Zone**

To provide for residential, offices, commercial and other compatible uses which complement the mixed use character of a locality.

- **Residential Zone (R-Codes 10 to 15)**

To provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes.

- c) change the use of land from a non-conforming use to another non-conforming use

without first having applied for and obtained development approval under the Scheme.

3.9.2 An application for development approval under this clause shall be advertised in accordance with clause 64 of the Deemed Provisions.

3.9.3 Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the local government is not to grant its development approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the local government, closer to the intended purpose of the zone.

3.10 DISCONTINUANCE OF NON-CONFORMING USE

When a non-conforming use of any land has been discontinued for a period of six months the land must not be used after that period otherwise than in conformity with the provisions of the Scheme.

3.11 TERMINATION OF A NON-CONFORMING USE

The local government may affect the discontinuance of a non-conforming use by the purchase of the land, or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that land, and may enter into an agreement with the owner for that purpose.

Note: Section 13 of the Town Planning Act enables the local government to purchase, or, with the consent of the Governor, compulsorily acquire land for the purpose of a town planning scheme, subject to Part 9 of the land Administration Act, that section and the Scheme.

3.12 DESTRUCTION OF NON-CONFORMING USE BUILDINGS

When a building used for a non-conforming use is destroyed to 75% or more of its value, the buildings is not to be repaired or rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner not permitted by the Scheme, except with the development approval of the local government.

3.13 GENERAL PROVISIONS RELATING TO ZONES

3.13.1 Agriculture Zone

3.13.1.1 Specific Objectives of the Zone

- (a) To preserve the rural character and setting of the zone, particularly along transport corridors;
- (b) To promote a range of rural pursuits which are compatible with the capability of the land to sustain those pursuits;
- (c) To conserve the productive potential of agricultural land and support the continued development of extensive farming; and
- (d) To encourage environmental sustainable development that takes into account the land's natural attributes, including topography, geomorphology, remnant vegetation, watercourses and groundwater.

3.13.1.2 Residential Development

No more than one single house may be developed on a lot within the Agriculture zone, except where the local government is satisfied that workers accommodation is necessary for the continuation of an agricultural or other permitted land use. Criteria for the development of workers accommodation is contained in sub-clause 4.8.16.

3.13.1.3 Building Setbacks

All development shall be setback:

- (a) 50 metres from any boundary having frontage to a Major Road Reserve;
- (b) 20 metres from all other boundaries.

3.13.1.4 Subdivision

Council's guidelines in assessing referrals from the Western Australian Planning Commission for the subdivision of land within the zone will be:

- where land is to be used for annual or perennial horticulture production, subdivision should be based on a minimum lot size of 40 hectares, including a minimum area of high capability (class 1 or 2) land of 30 hectares, in addition to sufficient area for water capture/storage, the siting of a dwelling and agricultural buildings, other infrastructure, protection of any remnant vegetation, and sufficient setbacks from watercourses and adjoining properties so as not to restrict potential agricultural productivity on those properties;
- where land is to be used for grazing, cropping and other general agricultural practices, subdivision should be based on a minimum lot size of 80 hectares.
- where an agricultural trade lot is proposed a minimum lot size of 40 hectares is required. The development of a dwelling on an agricultural trade lot is prohibited under the Scheme.

3.13.2 Agriculture Priority 1 – Scott Coastal Plain Zone

3.13.2.1 Specific Objectives of the Zone

- (a) To conserve the productive potential of the land and support the continued development of large scale agricultural establishments;
- (b) to preserve the rural character and setting of the zone
- (c) to encourage environmental sustainable development that takes into account the land's natural attributes, including geomorphology, remnant vegetation, watercourses and groundwater;
- (d) to ensure that any non-agricultural development is complementary to the predominant agricultural use and capability of the land; and
- (e) to provide for intensive or extensive development of the land appropriate to the agricultural capability of that land.

Strategy

The local government's strategy is to:

- S21) assess scheme amendment, subdivision, development and other proposals against their compatibility with the conservation of rivers, watercourses and wetlands; and
- S22) retain or establish buffer strips of native vegetation adjoining and near rivers, watercourses and wetlands to act as nutrient and sediment filters and promote ecological function.

Actions

The local government will:

- C11) require appropriate buffers for rivers, watercourses and wetlands in LPS4, which will be determined based on the values of the environmental assets and proposed land uses. As a guide, the development setback from rivers, watercourses and wetlands is 100 metres which can be reduced to 50 metres based on the proposed development and a consideration of existing soil, landform and vegetation conditions; and
- C12) require within LPS4 a foreshore reserve or appropriate setback/development control mechanism (as considered appropriate by the local government and/or WAPC) within and near the Nannup townsite or for urban, residential, rural residential/rural smallholding and tourism proposals, adjoining a river, watercourse or wetland, and the reserve ceded to the Crown. The width of the foreshore reserve should reflect the natural topographical or other environmental features and biophysical characteristics.



Blackwood River

4.5 Native Vegetation, Conservation & Environmental Corridors

Aims

The aims are to:

- A17) minimise clearing of native vegetation and promote biodiversity;

- A18) conserve areas of significant native vegetation and increase the area of re-established local species of vegetation generally within the landscape; and
- A19) improve ecological connectivity and rehabilitate degraded areas.

Strategy

The local government's strategy is to:

- S23) encourage the retention of native vegetation and correspondingly restrict inappropriate clearing of native vegetation on privately owned land so that the biodiversity and landscape values of the Shire are maintained and enhanced;
- S24) support restoration and linkages of native vegetation (ecological linkages/biodiversity corridors) to provide connections for a range of fauna species;
- S25) require proponents to submit landscaping and revegetation plans, as required by the local government, including identifying species of vegetation endemic to the Shire;
- S26) support the creation of conservation lots where the conservation values of the native vegetation can be justified and where other key planning considerations are suitably addressed (including bushfire management, land use compatibility and landscape protection);
- S27) support rehabilitation where the native vegetation is degraded or inadequate;
- S28) utilise the *South West Regional Linkages Project* (or any updates) in assessing proposals;
- S29) support the retention and enhancement of environmental corridors especially where they link existing areas of native vegetation and other environmental assets; and
- S30) require the provision of appropriate development buffers for land adjacent to DBCA managed lands.

Actions

The local government will:

- C13) insert provisions into LPS4 relating to tree preservation and vegetation corridors as per the development controls for the respective land classifications;
- C14) introduce an 'Environmental Conservation' Zone into LPS4;
- C15) review the zoning and planning controls in LPS4 for freehold lots surrounded by DBCA managed land. If the freehold lot is primarily vegetated and the main use is rural living, then generally zone the lot as 'Environmental Conservation'; and
- C16) encourage the use of management plans, creation of conservation lots and the provision of development exclusion areas in scheme amendments and subdivisions to protect significant native vegetation not in public ownership.

4.6 Minerals and Basic Raw Materials

Aims

The aims are to:

- A20) secure adequate supplies of minerals and basic raw materials needed by society and the economy within the limits set by the environment without causing irreversible damage;

- S137) support proposals, subject to addressing other planning considerations, that:
 - i. incorporate innovative building styles which enhance the area's character;
 - ii. reinforce agreed townscape principles;
 - iii. reinforce local character and a sense of place;
 - iv. respect topography including protecting the integrity and character of ridgelines;
 - v. implement best practice urban design to create built environments that enable walking and cycling, support community safety and provide adequate shade;
- S138) require subdivision designs to demonstrate inclusive and connected principles;
- S139) support proposals that provide an accessible and high-quality public realm;
- S140) support the use of appropriate vegetation in private and public spaces;
- S141) support the preparation of Building and Landscaping Guidelines to promote higher levels of sustainability, a sense of place and agreed design standards which are appropriately supported by restrictive covenants, a local planning policy or Local Planning Scheme provisions to ensure effective implementation; and
- S142) not support a proliferation of signage which will detract from the character of the Shire.

Actions

The local government will:

- C85)** introduce a Special Control Area (SCA) designation, in either an amendment to LPS3 or in LPS4 generally over the Nannup townsite area relating to design; and
- C86)** as required, develop, fund, implement and review townscape plans for Nannup.

9.0 RURAL

9.1 Development and Use - Rural and Priority Agriculture

The following aims, strategies and actions apply to the Strategy Plan areas shown as:

- a) Rural;
- b) Priority Agriculture;
- c) Scott Coastal Plain Special Control Area

unless otherwise stated.

Aims

The aims are to:

- A89) protect rural land from incompatible uses by:
 - i. making land-use decisions for rural land that support existing and future primary production;
 - ii. minimising the fragmentation of rural land;
 - iii. providing investment security for the existing and future primary production sector; and
 - iv. minimising land use conflicts that compromise agricultural land uses;

- A90) preserve the productivity of agricultural land and water resources to maximise economic advantages to the Shire and ensure long-term food security;
- A91) provide for a range of rural pursuits which are compatible with the capability of the land and retain the rural character and amenity of the locality; and
- A92) retain farming land in large landholdings to support primary production and generally limit the creation of additional lots.



Sheep and vines at Hillbillé Vineyard

Strategy

The local government's strategy is to:

- S143) acknowledge that the primary function of cleared land is agriculture and this should be managed to ensure its long term use for sustainable agricultural activities;
- S144) protect the rural character and environmental and visual qualities of the area;
- S145) promote a range of rural uses compatible with the capability of the land;
- S146) provide for the development of land for alternative and complementary non-agricultural uses including tourism, where the applicant can demonstrate:
 - i. suitable land or buildings are not available elsewhere or the proponent suitably demonstrates there are exceptional circumstances to the satisfaction of the local government;
 - ii. the use will not detrimentally affect on-going agricultural operations and that it will not result in the removal of productive agricultural land;
 - iii. adequate separation distance between potential conflicting land uses; and
- S147) not support scheme amendment requests to Residential, Rural Residential or Rural Smallholding for land shown as Rural or Priority Agriculture on the Strategy Plans;
- S148) encourage the establishment of value-adding industries in appropriate locations to maximise economic advantages to the Shire;
- S149) consider Animal Husbandry – Intensive applications on their merits with proponents required to appropriately address matters including buffers, environmental impacts and land, water and bushfire management; and
- S150) acknowledge and encourage implementation of the Hardy Inlet water quality improvement plan, August 2012 (WQIP).

Action

The local government will:

- C87) in the preparation of LPS4 make the following zoning name changes in accordance with SPP2.5 and *Planning and Development (Local Planning Schemes) Regulations 2015*:
- i. rename 'Agriculture' to 'Rural';
 - ii. rename 'Agricultural Priority 1 – Scott Coastal Plain' to 'Priority Agriculture' and include a Scott Coastal Plain Special Control Area to carry over specific controls; and
 - iii. rename 'Agricultural Priority 2' to 'Priority Agriculture'; and
 - iv. delete 'Cluster Farming' zone.

9.2 Dwellings in Rural Areas

Strategy

The local government's strategy is to:

- S151) support only one dwelling per lot except as where justified by the proponent to manage the land for sustainable agricultural use or Heritage Protection purposes; and
- S152) require all dwellings to be provided with a sustainable water supply for domestic, firefighting and land management purposes consistent with WAPC Policy DC3.4.



Rural farmhouse - Wadi Farm, East Nannup

Action

- C88) In addition to existing criteria in LPS3 for workers accommodation in the Rural and Priority Agriculture zones, it is proposed to include the following considerations in LPS4:
- i. a minimum lot size of 40 hectares for workers accommodation;
 - ii. consideration of up to three dwellings (consisting of a single house, workers accommodation and heritage dwelling) where a dwelling is listed on the Shire's adopted Heritage List and/or on the Heritage Council's State Heritage Register with agreement, to the satisfaction of the local government (in