

SHIRE OF DONNYBROOK-BALINGUP

TOWN PLANNING POLICIES

May 2015

TOWN PLANNING POLICIES

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| 9.12 - **Building Setback Policy** was revoked on 17 December 2014.

9.13 - **Dams Policy** was revoked on 26 May 2010.

9.14 - **Waterways Policy** was revoked on 26 May 2010.



Town Planning Policy 9.1— Roadwork & Drainage Contribution

1.1 PURPOSE

This policy outlines the contribution requirements of a developer in regard to the construction, upgrading and maintenance of roadworks and drainage within the Shire.

More specifically, the contributions obtained may be utilised to fund the construction and maintenance of the following:

- Road pavements including treatment of shoulders;
- Road verges including associated landscaping;
- Associated footpaths & oval use paths; and
- Drainage works associated with the above.

It is expected that the developer will provide, construct and fund all roadwork and drainage requirements relating to their own development to the satisfaction of the Shire of Donnybrook-Kalbarup and generally in accordance with the Australian Standards.

Council also has the discretion to vary these requirements if necessary in response to specific local conditions and/or matters that are not covered within the parameters of this policy.

2.1 AIMS & OBJECTIVES

The aims and objectives of this policy are to:

- Ensure that a high standard of local roadwork & drainage is constructed and maintained;
- To enable provision of local roadwork & drainage in a cost effective manner;
- Ensure that developer contributions are fair, reasonable and accountable;
- Ensure developer contributions are calculated in a practical manner that also relates to local conditions.

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Commented [BW1]: Reason The policy and approach is not supported by the WAPC in decision-making. It is necessary to assess road upgrading requirements based on the specific needs generated by each individual application.

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- Ensure local road works & drainage is provided in an orderly manner.
- Allow for flexibility in systems where required.

3.0—WHERE THE POLICY APPLIES

The policy applies to the following—

Subdivision

All subdivision in the Shire where new local road and drainage infrastructure or upgrading of existing local roads and drainage infrastructure is required.

Development

All grouped dwelling, commercial, tourist and industrial development resulting in increased traffic generation.

Note: Boundary adjustments that do not result in the creation of additional lots will not necessitate a contribution towards road and drainage infrastructure under this Policy.

4.0—POLICY TIMEFRAME

This Policy will be applied up to 30 June 2014. Review and revision of the Roadwork Contribution Policy will be conducted in early 2014.

5.1 CONTRIBUTION FORMULA

5.2 Direct Road Access

The developer pays for all works for roads that directly relate to providing proper access to their approved subdivision in accordance with the conditions of subdivision approval.

If road access exists, then the developer may be required to upgrade the roadworks and drainage to an appropriate standard as prescribed by the Shire's Manager of Works and in accordance with Australian Standards.

Note: Where the subdivider agrees to upgrade and/or construct the existing local road network to the Shire's satisfaction, providing direct access to, or impacted upon by the approved subdivision, a per lot contribution will not be required.

5.3 Method of Calculation for Local Roads & Drainage Contributions

1—Contributions shall be calculated in the context of the following—

(a)—for subdivision, a per lot contribution based on the total number of additional lots

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(b) ~~in development where an existing dwelling / tenancy exists, a per lot contribution based on the total number of add-tenet dwellings/tenancies.~~

(c) ~~for any other development, a per dwelling / tenancy contribution~~

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based on the total number of dwellings / tenancies.

2. The calculation is based on the Average Annual Daily Traffic (AADT) for the proposal divided by the Total AADT for the Shire, resulting in a percentage (%) contribution to account for the shortfall in road and drainage expenditure. A per lot contribution is then determined based on this percentage shortfall.

3. Additional Amount of Average Annual Daily Trips (AADT) that will be generated by the new subdivision or development:

TYPE OF LAND USE	AADT
Aged Persons Dwelling	2 per lot
Residential	9 per lot
Special Residential Rural Residential	
Rural	10 per lot
Industrial	15 per lot
Commercial	15 per lot

TABLE 1 AADT TRIP GENERATION BY LAND USE TYPE

Note: The total AADT for the development is calculated by multiplying the above figures by the total number of additional lots in the case of subdivision or by the total number of additional dwellings / tenancies in the case of developments.

EXAMPLE 1:

40 lot single residential subdivision:

$$39 \times 9 = 351 \text{ AADT}$$

EXAMPLE 2:

5 unit industrial development on vacant lot

$$4 \times 15 = 60 \text{ AADT}$$

4. Predicted Road & Drainage Infrastructure Costs for Whole of Shire and Shortfall of Funds to 2014/15:

This is determined by the Manager of Works and Services on the basis of the 5 Year Program. It is also necessary however to calculate the amount of funds already available for works and services in this regard and therefore calculate the shortfall which needs to be taken up by the developer contributions. In the Shire's 2009/10 financial year budget estimates there is a shortfall of \$481,998 in regard to specific funds available for programmed roadworks (without use of borrowings). In addition,

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there was \$57,300 gained from development contributions. This means the total shortfall if there were no development contributions is \$539,298. This figure is the basis for future shortfall and predicted budget roadworks shortfalls can be determined up until 2014/15 as follows:

FINANCIAL YEAR	CURRENT RATE	\$ INCREASE	PREDICTED BUDGE
2010/2	2.9%	\$15.6	\$554.83
2011/2	2.9%	\$16.0	\$571.03
2012/2	2.9%	\$16.5	\$587.59
2013/2	2.9%	\$17.0	\$604.63
Total Shortfall at beginning of 2014/15			\$2,318,191

TABLE 2 PREDICTED BUDGET SHORTFALLS FOR ROAD WORKS UP TO 2014/15

Note: The budget shortfall is the total proposed general purpose funds for road works less expected funds provided from known sources (e.g. federal funds, roads to recovery etc. – See Road Asset Management Table of Annual Report).

Source: Shire of Donnybrook-Balingup Annual Report 2008-2009 p. 40. Inflation Rate as of 4 May 2010.

5. — Predicted Total Shire AADT up to the beginning of the 2015 Financial Year:

This figure is intended to be calculated with the best information available at the time of calculation.

The current predicted road upgrading and maintenance costs are to be based on the predicted lots and development for that locality up until 2014/15 as provided by:

1. The current Country Land Development Program as provided by the Department for Planning.

2. Where the above is not available by way of the most current planning strategy endorsed by the Shire, in addition to information from recently approved subdivision and development.

The total increase in AADT for up to 2014/15 is calculated based on the adopted Townsite Expansion Strategy 2009 and other relevant information as outlined in the following table:

Land use	# of Lots to	AADT	AADT
Residential	350	9	3150
Special Residential	240	9	2160
Rural	55	9	495
Industrial	15	15	225
Commercial	35	15	525
Rural	30	10	300
Total new	725 new lots		

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Total estimated additional			6855 new trips (total Shire
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TABLE 3 PREDICTED TOTAL LOTS & AADT FOR SHIRE UP TO 2014/15

Note: Townsite Expansion Strategy 2009 forecasts, based on previous annual lot-clearances and information from recently approved subdivision and development, have been used to predict lot yields for the 2010-2014 period:

- *Residential/Urban: Average clearances since 2006 = 70 new lots / annum. Supported by residential growth identified in TES on Kelly Street; grouped dwelling development associated with in-fill sewerage; and urban zone development in Mullalyup and Kirup.*
- *Special Residential: Donnybrook, Balingup, Mullalyup and Kirup TES and draft plans presented to Shire for Walter Street-Birtwood Park, Westwood Stage 2, Meldene Stage 2 and Roberts Road.*
- *Rural Residential: Trend based on TES findings is 11 lots per annum.*
- *Industrial: Sandhills precinct in addition to subdivision of LIA lots.*
- *Commercial: Include business park: Clifford Road and Collins Street commercial subdivisions.*
- *Rural: Based on average clearances since 2006 – 6 lots / annum, and fewer lots with subdivision potential.*

The above does not include road costs associated with roads not under the jurisdiction of the Shire (i.e. Main Roads WA roads or private roads).

6.1 CALCULATION & PER ADDITIONAL LOT CONTRIBUTIONS

- # of additional lots x AADT per Lot = AADT
- AADT / TOTAL SHIRE AADT x 100 = % of Total Shire AADT
- Shire Cost Shortfall x % of Total Shire AADT = **Contribution**

Per Lot Contribution for Each Land Use Type:

RESIDENTIAL / SPECIAL RESIDENTIAL / RURAL RESIDENTIAL:

1 x 9 = 9
 9 / 6855 x 100 = 0.13%
 \$2,318,194 x 0.13% = **\$3,014 per additional lot**

INDUSTRIAL / COMMERCIAL:

1 x 15 = 15
 15 / 6855 x 100 = 0.22%
 \$2,318,194 x 0.22% = **\$5,100 per additional lot**

RURAL:

1 x 10 = 10

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$$1076855 \times 100 = 0.15\%$$

$$\$2,318,191 \times 0.15\% = \$3,477 \text{ per additional lot}$$

7.1 CONCLUSION

It is intended that this policy provides the State with funds to assist in general local road works & drainage but also that these contribution funds can be justified as an additional cost imposition on the developer. This policy is:

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believed to be reasonable as it recognises the financial shortfalls for Shire works and allow for the developers of new projects to contribute to those shortfalls in relation to the estimated additional impact their subdivision or development will have on the locality's existing roads.

it is intended that the policy be the basis of constant review, given the changing industry trends, growth rates and socio cultural demands of the population.

Adopted: 23 June 1999
Last Amended: 22 September 2010
Last Reviewed: 1 May 2016
Next Review Date: 2017

Responsible Department: Town Planning

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Town Planning Policy

9.2—Public Open Space Contribution—Rural Residential Zones

In accordance with Local Planning Scheme No. 7, Council requires the following minimum standard of Public Open Space to be addressed in all future rezoning of land to Rural Residential:

1. Generally, 6% Public Open Space in Rural Residential subdivision.
2. Section 153 of the Planning and Development Act 2005 may allow a cash-in-lieu payment in certain circumstances (decided at the subdivision approval stage). When this is the case, all relevant provisions of the Planning and Development Act 2005 will apply.
3. In determining the need for public open space, Council may take into consideration the following:
 - (a) lot size and number of lots proposed;
 - (b) location of subdivision in relation to existing public open space areas;
 - (c) tree conservation;
 - (d) land management issues such as erosion and nutrient management;
 - (e) features worth preserving (i.e., wetlands, water courses, foreshore areas, landscape, etc.);
 - (f) wildlife corridors.

Commented (BW2): This policy does not consider the wider relevant planning framework for considering POS provision within Rural Residential Areas. It is inconsistent with recent changes to State Planning Policy and Development Control Policy and will hold no weight in assessing structure plans and subdivisions within the zone.

Adopted:	23 June 1999
Last Amended:	17 December 2014
Last Reviewed:	1 May 2016
Next Review Date:	2017
Responsible Department:	Town Planning



Town Planning Policy

9.3

9.3 Private Tree
Plantations/Agroforestry

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1. Objective:

To assist Council in determining applications for private tree plantations/agroforestry within the Scheme Area.

2. Aims:

- To reduce potential adverse impacts from inappropriate siting and development of private tree plantations.
- To encourage the integration of private tree plantations in conjunction with traditional (e.g. grazing, cropping) rural uses.
- Actively encourage agroforestry as an alternative to tree plantations in the 'Intensive Farming' and 'General Farming Scenic' zones.
- To actively encourage private tree plantations/agroforestry in areas subject to land degradation, including remediating areas subject to salinity, waterlogging and high levels of chemical contamination, where there is a clear natural resource management benefit.
- To encourage the establishment of permanent tree cover on steep slopes and along watercourses.
- To encourage the preparation of management plans for harvesting of private tree plantations/agroforestry.

3. Definitions:

Under Local Planning Scheme No. 7 (LPS7) a '**plantation**' is defined as the following.

'has the same meaning as in the Code of Practice for Timber Plantations in Western Australia (1997) published by the Department of conservation and Land Management and the Australian Forest Growers as amended from time to time'

Under LPS7 '**agroforestry**' is defined as:

'land used commercially for tree production and agriculture;

- (a) Where trees are planted in blocks of more than one hectare and;*
- (b) The proposed tree crop does not cover more than 10% of the total useable farm land of the lot of lots in which the application is proposed. Where more than one lot is proposed to be planted as part of an application for planning approval, the local government will seek confirmation that these lots are farmed as an integrated unit; and*
- (c) Where the land is not used for tree cropping is used for other forms of commercial agriculture.'*

'watercourse' means –

- a. *any river, creek, stream or brook in which water flows;*
- b. *any collection of water (including a reservoir) into, through or out of which any thing coming within paragraph (a) flows;*
- c. *any place where water flows that is prescribed by local by-laws to be a watercourse, and includes the bed and banks of any thing referred to in paragraph (a), (b) or (c).*

'riparian vegetation' means –

Has the same meaning as defined under the Code of Practice for Timber Plantations in Western Australia.

4. Policy Measures

4.1 General

- a. Council will not approve plantations that will, in Council's opinion, adversely affect existing scenic views from the following major tourist routes:
 - South Western Highway
 - Donnybrook-Boyup Brook Road
 - Balingup-Nannup Road
- b. Existing plantations on State Forest and private property, within the delineated areas around Donnybrook and Balingup will have a continuing use right but if they are established strict fire control and prevention measures must be taken.

4.2 Road Infrastructure and Impacts

- a. As part of an application seeking approval for a plantation/agroforestry, the applicant will be required to outline the preferred route/s for future harvesting.

- b. Should an application for a plantation/agroforestry be conditionally approved, Council will require the submission of detailed Timber Harvesting Plan ~~at least 6 months~~ at least 18 months prior to proposed harvesting.
- c. The Council, in conjunction with relevant agencies will consider whether the proposed access to/from the application site and the proposed haulage route/s are suitable and safe.
- d. Where the Council considers the existing road infrastructure is not adequate to service the future harvest, the applicant operator will be required to make suitable and safe access arrangements.
- e. Prior to harvesting the applicant shall provide a road maintenance bond at a rate of \$0.50/tonne. Such a bond shall be retained by the Shire for the purpose of road maintenance. The Shire will recover the bond, or part of the bond, as appropriate, including administrative costs, of completing or rectifying the road.

4.3 Fire Risk and Management

- a. As part of the planning application, Council will require the applicant to submit an appropriate Fire Management Plan in accordance with Council and Fire & Emergency Services Authority requirements for plantations.
- b. Firebreaks not less than 10 metres in width immediately around the perimeter of the tree plantation area of land on which trees are planted.
- c. Not less than 10 metres in width along those portions of plantations which enjoy a common boundary with a road reserve.
- d. Not less than 6 metres in width in such positions that no part or compartment of a plantation shall exceed 28 ha in area.
- e. Where 10 metre breaks are required in accordance with this section of Council's Fire Break Order, pruning of overhang shall be carried out up to a height of five (5) metres above the firebreak (ground level).
- f. In addition to breaks specified, plantations traversed by Western Power transmission lines have additional obligations under the Electricity Act.
- g. No plantation shall be allowed within 100m of any existing dwelling on any adjoining property, or within a 50m radius from any dwelling on the plantation site. land on which development is to take place.

4.4 Water Quantity and Quality

- a. Where it is proposed to develop a plantation on a property that contains a perennial or non-perennial watercourse the Council may seek advice from the ~~Department of Parks and Wildlife~~ and/or Department of Water ~~and Environment Regulation~~ to assist in determining the application.

4.5 Visual Impact

- a. The Council seeks to carefully consider planning applications for agroforestry/tree plantations on properties which adjoin or are near major tourist routes identified in clause 4.1d of this policy.
- b. The Council's assessment of visual impact is primarily concerned when viewed from the designated major tourist routes. ~~The purpose of the assessment is not in relation to views from other properties.~~
- b.
- c. The Council may refuse applications where they detrimentally impact on the visual landscape values of the locality.

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4.6 Natural Resource Management

- a. In establishing a tree plantation, no native vegetation shall be removed from any land for the purpose of being replaced by plantation species. Native vegetation includes individual trees which have been retained on rural land.
- b. For the purposes of tree preservation, the protection of remnant vegetation and to maintain water quality, ecological values of waterways and to prevent erosion, Council will require that plantations be set back a distance of 6 metres from watercourses and ~~66~~ metres from stands of remnant vegetation greater than 1 hectare in area ~~in addition to the firebreak~~.
- c. The Council encourages the retention and regeneration of riparian vegetation where appropriate, replanting areas adjacent to watercourses with local indigenous vegetation. This is in order to promote better overall natural resource management practices that will maintain and improve ecosystem function and water quality.

5. Implementation

Council will assess all applications based on all relevant information and advice in accordance with this policy and LPS7. It is expected that all agroforestry and tree plantation applications, when approved, will be implemented under the principle of sustainable land management based on endorsed Best Management Practice/code of Practice documents and natural resource management targets for key land, water and biodiversity areas.

Additionally any approved application, if implemented, shall be carried out in full compliance with any conditions imposed with that planning approval.

Adopted:	23 June 1999
Last Amended:	17 December 2014
Last Reviewed:	1 May 2016
Next Review Date:	2017
Responsible Department:	Town Planning



Town Planning Policy
9.4 Outbuilding
Control

9.4

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9.4(1) Outbuilding Zoning Controls

The following zone-specific provisions shall apply to the approval of outbuildings:

a) **Rural Residential and Rural Small Holding Zones**

No outbuildings shall be approved unless:

- There is an existing dwelling constructed; or
- A building license has been issued for a dwelling.

b) **Commercial/Industrial/Tourist/Special Use Zones**

Any proposed outbuilding in the Commercial, Light Industry, General Industry, Tourist, Caravan Park, Clubs and Institutions and Special Use zones shall require the submission of an application for planning consent to the Shire for consideration.

c) **Agricultural Zones**

Any proposed outbuilding in the General Agriculture and Priority Agriculture zones shall be considered through the building license application process.

9.4(2) Outbuilding Area Controls

a) The maximum outbuilding areas permissible are as follows:-

ZONE	MAXIMUM OUTBUILDING AREA (m ²)	MAXIMUM WALL HEIGHT (m)
Residential		
<i>As defined in Local Planning Scheme 7</i>		
Rural Residential	180	3.5m
Rural Small Holdings	180	3.5m
General Agriculture	No Maximum Area	
Priority Agriculture	No Maximum Area	

Commented [BW3]: Requirements recently defined and detailed in LPS7 as part of Amendment 4.

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b) Any proposed outbuilding within the Rural Residential zone shall not be located forward of the building line of a dwelling on a primary street frontage.

c) Notwithstanding a) above, the Shire may consider an increase in floor area of up to 220m² and a wall height of up to 4m in the Rural Residential zone subject to the submission of an application for planning consent and satisfying the following criteria, or the location of a shed forward of the dwelling building line subject to the submission of an application for planning consent and satisfying the following criteria:

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Commented [BW4]: To improve clarity. The purpose is to clearly separate the two different issues. One being shed size, the other being location of sheds forward of the building line.

c) For outbuildings with floor areas between 180m² and up to 220m² and or wall heights up to 4m :

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- The lot being greater than 1.5ha;
- At least 50% of the structure being screened from the primary street frontage;
- being located behind the dwelling;
- the elevation facing the street frontage is the narrowest elevation.

The location of outbuildings For outbuildings forward of the building line in the Rural Residential zone will be subject to the submission of an application for planning consent and satisfy the following criteria:

- there are site constraints that reasonably limit an alternative location;
 - landscaping being provided to screen at least 50% of the elevation from the primary street frontage;
 - the colour of materials to match with elements of the dwelling.
- d) Any proposed outbuildings within the Tourist, Caravan Park and Clubs and Institutions zones will need to address the following-
- Impact on vistas
 - Impact on landscape from public realm
 - Impact on existing vegetation
 - Relationship to existing development on-site
 - Purpose of outbuilding
- d) The maximum outbuilding area shall be interpreted as the maximum total floor space of all outbuildings (as defined in the Residential Design Codes) permitted on any one site. Any variation to the maximum outbuilding area will require planning approval.

The maximum floor area does not include unenclosed structures such as car ports or lean to additions.

- e) A primary street frontage is defined for the purpose of this policy as being the frontage in which the front door of the dwelling and at least one habitable room faces and/or the frontage where access is obtained from.

f) Lean to additions to sheds in the Rural Residential zone shall be limited to no more than 50m² where an existing shed is already at the maximum floor area permitted as defined in the above provisions.

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The following zone-specific provisions shall apply to the approval of outbuildings:

a) **Residential, Rural Residential and Rural Small Holding Zones**

No outbuildings shall be approved unless:

1. There is an existing dwelling constructed, or
2. A building licence has been issued for a dwelling.

b) **Commercial/Industrial/Tourist/Special Use Zones**

Any proposed outbuilding in the Commercial, Light Industry, General Industry, Tourist, Caravan Park, Clubs and Institutions and Special Use zones shall require the submission of an application for planning consent to the Shire for consideration.

c) Rural Zones

Any proposed outbuilding in the General Agriculture and Priority Agriculture zones shall be considered through the building licence application process.

Adopted:	25 July 2001
Last Amended:	November 2017
Last Reviewed:	November 2017
Next Review Date:	2018
Responsible Department:	Town Planning



Town Planning Policy

9.5 Bonding of Outstanding Works, Legal Agreements

1 Bond Applications

The developer may lodge a bond in the form of cash or an unconditional guarantee from a financial institution acceptable to Council in lieu of completion of all or part of subdivisional works.

Applications for bonding shall be in writing and shall include the following information:

- Concise reference to the extent, nature and location of the work to be bonded;
- A timetable for the proposed future completion of the bonded work;
- An itemised estimate of the costs of the bonded work, including the contract price and the name and address of the contractor responsible for the bonded works inclusive of GST;
- Contract price shall be agreed by Manager of Works and Services prior to acceptance of bond;
- Reasons for requesting the bonding of the incomplete works; and
- Any other information that will assist the assessment of the application.

Compliance with the above requirements does not necessarily imply acceptance of the bond and each request shall be subject to the approval of the Council.

2 Bond Agreement

In cases where bonding is approved, the developer shall enter into a written bond agreement with Council, which clearly states the following information:

- Name and address of the person or persons responsible for the payment or arranging the unconditional guarantee;
- The amount of the payment or unconditional guarantee;
- Name, stage number and location of the subdivision;
- Western Australian Planning Commission reference number of the subdivision; and
- A concise explanation of the purpose of the bond referring to all items for which it is to be utilised.

Commented [BW5]: This relates to internal procedures for processing bonds. This is more appropriately located within a Management Operations Directions (procedures manual).

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Council shall require a 33% contingency over and above contract price for proposed works.

The earliest stage at which bonding will be considered, the amount of the bond and completed date shall be determined by Council.

3 Maintenance Bond

Council will require a maintenance bond of 5% of subdivisional roadworks cost to be provided to Council for a period of 12 months from the Manager of Works and Services' certification of completion of roadworks.

Should urgent maintenance be required during the maintenance period Council will require the defects to be rectified immediately. Should the contractor fail to complete the required works within a given period Council will arrange for works to be completed using monies from the maintenance bond.

4 Administration Fee

Any developer seeking Council approval to enter into a legal agreement, bond or bank guarantee relative to funding arrangements on a proposal shall pay an administrative fee of the true cost of providing this service.

The true cost shall include an estimate of the following:

- Preparation of Correspondence
- Administering Accounts
- Assessment of contract prices
- Phone calls
- General Administration (typing, etc)
- Research files
- Site inspections (also includes vehicle usage)

The developer will pay all legal fees due for the legal agreement to be drawn.

The developer will engage a solicitor or firm of solicitors approved by Council to prepare any legal documentation.

Under this Policy Council has the right to not approve any application.

Adopted:	23 June 1999
Last Amended:	
Last Reviewed:	1 May 2016
Next Review Date:	2017
Responsible Department:	Town Planning



Town Planning Policy

9.6 9.6 **Signage/Advertisement**

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Policy Objectives

- 9.6.1 To provide a consistent approach to signage within the Shire of Donnybrook-Balingup.
- 9.6.2 To provide guidelines which will assist in the regulation and control of signage within the Shire.
- 9.6.3 To encourage advertising which complements the natural and urban landscapes and minimises any negative impacts.
- 9.6.4 To ensure that existing and future signage is maintained at a level which produces a positive image of the Shire of Donnybrook-Balingup.
- 9.6.5 To provide clear advice to those wishing to erect signage as to assist in meeting their needs and those of the Shire and general community.
- 9.6.6 To ensure that any signs erected or displayed on buildings are compatible with the architectural style and appearance of the building within the Shire.

Statutory Requirements

- 9.6.7 The erection of some signage/advertisements constitutes development under the Shire of Donnybrook-Balingup Local Planning Scheme No 7, and requires planning consent.
- 9.6.8 Details of "Exempt Advertisements" which do not require planning consent are contained in Schedule 9.12 of Local Planning Scheme No.7.
- 9.6.9 Council shall not approve the erection of any advertisement for a service or commodity, which is not produced, offered or sold on the lot on which the advertisement is erected.
- 9.6.10 Council will not support applications for advertisements that in the opinion of Council detract from the aesthetic qualities of an area by

virtue of inappropriate size, colour and location. Additional to this, the Council will consider the existing number of signs placed in an area

and on the building to ensure visual cluttering does not occur and a clear message is maintained.

- 9.6.11 Public open space and reserves within the shire shall not be used for the erection of signage except for purposes as determined by Council.
- 9.6.12 The use of vehicles, trailers and trucks for the display or exhibiting of signage will not be permitted except for special events as determined by Council.
- 9.6.13 The provision of signage associated with approved home occupations shall be a maximum of 0.2m². (e.g. - 450 mm by 450 mm)
- 9.6.14 Council will support the use of standard directional signs on major roads to direct traffic to businesses. In approving directional signs the Council will limit one fingerboard sign at the junction of a highway or main road indicating the most direct route to the facility. The sign shall be white lettering on blue background and the sign, where possible, will be located in conjunction with existing road name and or other directional signage.
- 9.6.15 The Council will generally support the use of composite signs i.e. hoop signs, where appropriate, to remove the need for separate signs.
- 9.6.16 Council in recognising the historic nature of road side fruit sales will permit the erection of seasonal signage to bona fide orchardists who provide for the sale of fruit on an incidental basis in accordance with "Exempt Advertisements" contained in Schedule One.
- 9.6.17 Council will not permit the erection of signage on trees within the road reserve.
- 9.6.18 Council shall have regard to the placement of signage on places of heritage value and building listed in the Shire's Municipal Heritage Inventory, the historic appropriateness of the materials, style, design, and lettering of the sign and whether it is affixed in such a way that it causes no damage to the building and may be removed without leaving evidence of it having being affixed.

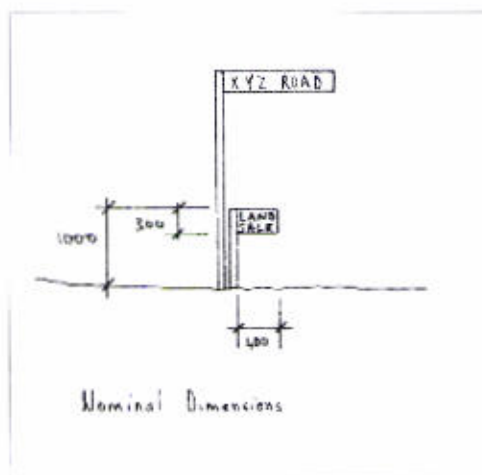
Moveable Signs

- 9.6.19 Moveable signs shall not be allowed to be permitted where, in the Council's opinion they would obstruct pedestrian or vehicle movements or sightlines or obstruct access to or views from any other premises.
- 9.6.20 Any moveable sign should be located as close as possible to the premises to which it relates, unless the Council is satisfied that there are local circumstances which make this difficult and that an alternative location has been identified of which is to the satisfaction of Council.

- 9.6.21 The applicant will be required to maintain a minimum \$5 million public liability insurance covering the placement of the moveable sign on the footpath that indemnifies Council.
- 9.6.22 Moveable signs shall only remain in public places while the shop or business is open for trading.

Real Estate Signs

- 9.6.23 No real estate advertising signs will be permitted on road reserves other than those detailed in Clause 9.6.24.
- 9.6.24 Only single directional signs located adjacent to existing road signs will be permitted in road reserves.



Preferred property land sale directional sign

- 9.6.25 Real estate signs located on road reserves within townsites of the Shire of Donnybrook-Balingup are not permitted and may be removed by Shire employees.

General

- 9.6.26 In granting planning consent for the erection or display of an advertising sign Council will have regard to and may attach conditions concerning the following matters; the location, position, size, shape, colour, number of existing signs, degree of internal illumination and the presence or rate of flashing lights.

Adopted:	1 January 1993
Last Amended:	17 December 2014
Last Reviewed:	1 May 2016
Next Review Date:	2017
Responsible Department:	Town Planning



Town Planning Policy
9.7 Interpretation (Extractive Industry)

Landowners are exempt from having to obtain an Extractive Industry Licence when the proposed extraction is for personal use on their property with no commercial or trade gain. Personal use is considered to be a minor level of activity for non-commercial purposes.

Adopted:	23 June 1999
Last Amended:	
Last Reviewed:	1 May 2016
Next Review Date:	2017
Responsible Department:	Town Planning



Town Planning Policy
9.8 Stocking Rates

1. This policy applies to all land zoned "Rural Residential" within the Shire of Donnybrook-Balingup that requires planning consent for stock other than sheep to be grazed on that land.
2. Dry Sheep Equivalents (DSE) will be used as a factor in determining the stocking rate of a lot. DSE are the number of adult sheep (wethers) that can be sustained on each hectare of land all year round.

10 DSE = 1 - 450 kg horse = 1 - 425 kg milking cow

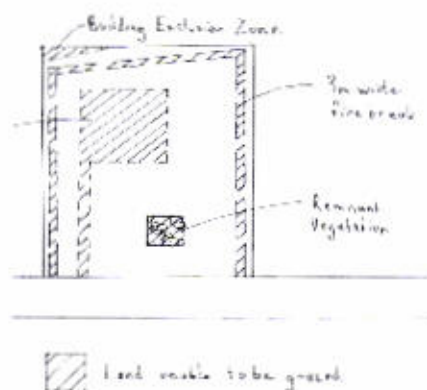
For the purpose of this policy the land units for rural residential zoned lots in the Shire of Donnybrook-Balingup have been determined to have **8.10** DSE/hectare.

3. The following information will be used to determine stocking capacity of a lot.

Lot area
 Building envelope area
 Perimeter Fire break area (3m wide)
 Remnant Vegetation/Trees
 Building exclusion area
 Water course exclusion zone
 Aspect
 Soil type
 Topography

4. Stocking Rate entitlement example

Gross Lot area	2.0 ha
Less	
Building envelope area	0.25ha (2500 square metres)
Perimeter Fire break (3m wide)	0.1250ha (1250 square metres)
Remnant Vegetation/Trees	0.1 ha
Building exclusion area	0.2 ha
Gross grazing area	1.325 ha
Stocking entitlement	10.63 DSE



2-hectare lot showing area unable to be grazed

5. To determine the stocking rate where fractions of animals cannot be accommodated the following provisions apply.

Stocking entitlement

Cattle and Horses

e.g. 7.5 DSE and greater = 1 horses or cow/lot
 less than 7.5 DSE = 0 horses or cows/lot
 therefore => 17.5 DSE = 2 horses or cows/lot

Other stock

Use standard mathematical convention

e.g. greater than 0.5 DSE round entitlement up
 0.5 DSE or lower round entitlement down

6. If the proponent disputes the stocking rate calculations they are encouraged to produce evidence to support their claims.
7. Council reserves the right to review the stocking rates on any lots.
8. **STANDARD CONDITIONS OF PLANNING CONSENT PERTAINING TO STOCKING RATE APPLICATIONS**
1. A maximum of (x) horses shall be kept on the subject site at any time.
 2. All remnant vegetation or trees on the subject site shall be permanently fenced in a manner to exclude and prevent damage from stock to the satisfaction of the Chief Executive Officer prior to any stock being kept on the subject site.

3. This approval does not give consent to build or erect any shelter or structure.
4. All development shall generally be in accordance with the approved development plan, which forms part of this approval.
5. This approval shall expire unless the development hereby authorised has been completed within 12 months of the date of issue, or within any extended period for which Council has granted written consent. Any application for such consent must be made within one month of the date of expiry of the approval.
6. Any activity relating to the hereby approved development is not to cause injury to or prejudicially affect the amenity of the locality including injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, smell, fumes, smoke, steam, soot, ash, dust, grit, oil, liquid wastes or waste products.

Footnote:

- (a) *In regard to Condition 1, "kept", means the primary place of housing, agisting and grazing of horses.*
- (b) *Where variations between this policy and Local Planning Scheme No 7 exist, the provisions of the Local Planning Scheme shall prevail.*

Adopted:	28 March 2001
Last Amended:	26 August 2009
Last Reviewed:	1 May 2016
Next Review Date:	2017
Responsible Department:	Town Planning



Town Planning Policy

9.9 — Chalets/Chalet Development and Bed & Breakfast

1. ~~As indicated in the definition of "Bed and Breakfast" is the definition of "dwelling". A "dwelling" is not permitted to accommodate any more than six (6) people on a permanent basis who do not comprise a single family. For the purposes of this policy, this is interpreted as a bed and breakfast establishment providing accommodation for a maximum of six (6) persons. In the majority of cases this entails three (3) bedrooms each with a double bed, however, regardless of the bed configuration the maximum number of persons allowed is six (6).~~
2. ~~Where more than six (6) persons are intended to be accommodated at a bed and breakfast establishment, then it ceases to be a "dwelling" and is assessed as a "Lodging House" under the Shire of Donnybrook – Ballingup Local Laws 1999.~~
3. ~~An application for planning consent is required for a bed and breakfast establishment.~~
4. ~~Council reserves the right to determine an application for Chalet(s)/Chalet Development at variance to this policy.~~

Note: Separate environmental health and building code requirements apply

Adopted: 25 July 2001
Last Amended: 17 December 2014
Last Reviewed: 1 May 2016
Next Review Date: 2017
Responsible Department: Town Planning

Commented (BW7): This policy is no longer required as LPS7 text provisions address the points covered by this policy

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Town Planning Policy

9.109.9 Road Closure

1. Council will not support the closure of any gazetted public road which has any possibility whatsoever of being utilised. There is a general presumption against the closing of roads.
2. Council will however consider the closure of a gazetted road where it will have no impact upon legal practical access to any property and will result primarily in the rationalisation of land and roads within the Shire.
3. In the event that Council supports the closure of a road the proponent will be liable for all costs involved with the road closure.

Adopted:	22 August 2001
Last Amended:	
Last Reviewed:	1 May 2016
Next Review Date:	2017
Responsible Department:	Town Planning



Town Planning Policy

9.11 Relocation and Use of Second-Hand Dwellings

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1. Objective

- a) To maintain a high standard of dwelling stock within the Shire of Donnybrook-Balingup
- b) Ensure that the relocation of second-hand dwellings is undertaken to an approved standard with regard to local amenity and aesthetics.
- c) Ensure the style, construction and design of relocated second-hand dwellings is consistent with the character of the surrounding dwellings and the locality in general.

2. Definition

For the purposes of this Policy, a 'Second-hand Dwelling' is defined as the following:

- a) A residential dwelling which has not been specifically designed as a transportable residence and has previously been located at any place other than on the lot upon which it is to be erected, or
- b) A building which has been specifically designed as a transportable residence and which has been used as a residential dwelling at any place other than on the lot upon which it is to be erected

3. Application

This policy shall apply to the relocation and installation of a dwelling on a lot in the Shire of Donnybrook-Balingup previously located on another site.

This Policy does not apply to:

- (a) Newly constructed purpose built transportable dwellings;
- (b) Other new transportable dwellings that have not been

previously installed at any other location;

- (c) Relocated buildings for non-habitable uses;
- (d) Sea and shipping containers; or
- (e) Caravans and park homes.

4. Approval Requirements

- 4.1 All proposals for the relocation and use of second-hand dwellings require an application for planning consent to be submitted to the Shire of Donnybrook-Balingup for approval. In considering an application for Planning Consent in respect to any relocated second-hand dwelling Council shall before granting consent, be satisfied as to the impact of the proposal on the amenity of the area. If in the opinion of Council, a relocated second-hand dwelling will have a detrimental effect on the local amenity, or have the potential to visually impair or detract from the exterior design or appearance of other buildings in the vicinity, the application will be refused.
- 4.2 An Application for Planning Consent shall be made on Council's standard Application for Planning Consent form together with the following information:
- (a) A site plan showing the proposed location of the building on the property;
 - (b) Plans, evaluations, and details of the building;
 - (c) Photographs of the building showing the external appearance, and
 - (d) Details of modifications and other works to be carried out on the building such as re-cladding, painting, construction of verandahs, etc., and
 - (e) Certification and a detailed report from a practicing structural engineer stating that the design and condition of the building is suitable for transportation and re-erection is required to be lodged with the application for Planning Consent.
- 4.3 Notwithstanding that Planning Consent may be granted by Council, a building license is required prior to relocation commencing. The building will need to meet all relevant requirements under the Building Code of Australia and relevant Australian Standards.
- 4.4 If the dwelling is deemed suitable for transportation and erection on the subject lot, a condition of planning approval will be the payment of a bond of the amount of \$5,000. Refund of this bond will only occur upon fulfilment of all conditions of planning approval. Partial refunds of the bond

based on progressive completion of conditions will not be considered.

~~4.5 No person shall occupy a relocated dwelling until such time as a Certificate of Occupancy has been issued by the Building Surveyor on behalf of Council.~~

5. Development Guidelines

5.1 Minimum Dwelling Standard

The following minimum dwelling standard applies:

- a) A minimum gross floor area of 60m²;
- b) At least one (1) bedroom separate from the other rooms in the dwelling; ~~and~~
- c) A lounge, meals and kitchen area (may be open plan); ~~and~~
- d) ~~A separate bathroom and laundry.~~

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To be used as a dwelling, the building will be assessed against and must comply with the requirements for Class 1 buildings under the Building Code of Australia and Australian Standards.

5.2 Energy Efficiency Requirements

A Second-hand Dwelling is required to meet the current Energy Efficiency requirements for the applicable Climate Zone contained in Part 3.12 of the Building Code of Australia. A condition requiring compliance may be included in any Planning Consent

5.3 Amenity

When giving consideration to an Application for Planning Consent, Council shall give consideration to:

- a) The Second-hand Dwelling in its relocated position being rendered visually acceptable by the use of verandahs, screening and/or landscaping; and
- b) The design, scale and bulk of the Second-hand Dwelling being compatible with the type of dwellings that exist in the locality in which it is to be located
- c) In recognition of the higher standards of development and amenity expected within the Residential, ~~Special Residential~~ and Rural Residential zones, applications for relocated dwellings within those zones will be subject to stringent assessment to ensure their compatibility with the amenity, character and development standards of that area.

6. Standard Conditions of Planning Approval

Relocated second-hand dwellings may be approved subject, but not limited to, the conditions stipulated below:

- 6.1 All development shall generally be in accordance with the approved development plan which forms part of this approval.
- 6.2 This approval shall expire unless the development hereby authorised has been completed within 12 months of the date of issue, or within any extended period for which Council has granted written consent. Any application for such consent must be made within one month of the date of expiry of the approval.
- 6.3 Any activity relating to the hereby approved development is not to cause injury to or prejudicially affect the amenity of the locality including injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, smell, fumes, smoke, steam, soot, ash, dust, grit, oil, liquid wastes or waste products.
- 6.4 No development shall take place on the subject site until an application for a crossover is submitted and approved by Council, unless a Council approved crossover already exists on the subject site.
- 6.5 The hereby approved relocated dwelling is to be assembled, upgraded and maintained in the following manner within twelve months of date of issue of approval to the satisfaction of the Shire of Donnybrook-Balingup:
 - a) The dwelling shall be properly fixed to stumps on the subject site and effectively rejoined in compliance with all legislation;
 - b) External and internal walls, fixtures and fittings to be made good;
 - c) Doors and windows to be installed and working; and
 - d) Effluent disposal connection to be completed;
 - e) All internal and external plumbing to be completed and connected;
 - f) All electrical connections to be installed to the requirements of Western Power and shall be functional;

- g) The dwelling is to have a high quality external finish/cladding (painted or otherwise) completed in a tradesman-like manner; and
 - h) Floors to be re-instated.
- 6.6 All debris to be removed from the subject site and left in a tidy state to the satisfaction of the Shire of Donnybrook-Balingup.
- 6.7 No person shall occupy a second-hand building until such time that a Certificate of Occupancy has been issued by the Shire of Donnybrook-Balingup.
- 6.8 A bond of \$5,000 is payable prior to the issue of a Building Licence.

Note: In some cases the following landscaping condition may be applied.

The landscaped area(s) as shown in green on the approved development plan shall be planted, established at the time of occupancy, and maintained as landscaped area to the satisfaction of the Chief Executive Officer.

Adopted:	24 October 2001
Last Amended:	27 April 2011
Last Reviewed:	1 May 2016
Next Review Date:	2017
Responsible Department:	Town Planning

Policy 9.12 - Building Setback Policy was revoked on 17 December 2014.

Policy 9.13 - Dams Policy was revoked on 26 May 2010.



Town Planning Policy
9.14 Community & Recreation Facilities Contribution

Commented [BW8]: This policy approach is inconsistent with State Government planning requirements. It will be necessary to address the objectives of this policy through an amendment to LPS7 to introduce Development Contribution Areas.

1.0 PURPOSE OF THE POLICY

~~This policy is to set out the requirements for the contribution responsibilities of the developer in regard to community and recreation facilities within the Shire.~~

~~It is expected that the developer will provide, construct and fund all public open space and recreation facilities within their own development to the satisfaction of the Shire of Donnybrook and generally in accordance with the Australian Standards.~~

~~Council also has the discretion to vary these requirements if necessary in response to specific local conditions and/or matters that are not covered within the parameters of this policy.~~

2.4 AIMS & OBJECTIVES

The aims and objectives of this policy are to:

- ~~• Ensure that a high standard of community and recreation facilities are constructed and maintained.~~
- ~~• To further enable provision of local community and recreation facilities by obtaining developer contribution.~~
- ~~• Ensure that developer contributions are fair, reasonable and accountable.~~
- ~~• Ensure developer contributions are calculated in a practical manner that also relates to local conditions.~~
- ~~• Ensure local community and recreation facilities are provided in an orderly manner.~~
- ~~• Allow for flexibility in situations where necessary.~~

3.0 WHERE THE POLICY APPLIES

The policy applies to the following –

Subdivision

~~All residential (including Special Residential and Rural Residential) subdivision in the Shire which will use and benefit from local community and recreation facilities.~~

Development

Any development whereby it is considered by Council to have a considerable impact on and need for community and recreational facilities such as aged persons sites and large scale unit developments.

Note: Community and recreation facilities are defined as Public Open Space (POS) areas and community infrastructure such as libraries and community halls. Funds may also contribute towards purchase of additional POS.

4.0 POLICY TIME FRAME

This Policy will be applied up to 30 June 2014. Review and revision of the Policy will be conducted in early 2014.

5.1 CONTRIBUTION FORMULA

5.2 POS (Public Open Space) within Subdivision Area

The developer provides for POS and pays for all works on that POS within the subdivision application area in accordance with the conditions of subdivision approval. This may include as follows:

- Establishment of lawns;
- Landscaping
- Weed control or removal;
- Recreational facilities such as play equipment, BBQs and seating;
- Sporting facilities including ovals and clubrooms if required;
- Conservation trails, fencing & viewing platforms as required;
- Signage;
- Toilet facilities;
- Installation of reticulation; and
- Any other matters deemed by Council to be directly associated to the POS area

5.3 Local Community and Recreation Facilities outside of Subdivision Application Area.

The developer contributes towards the provision and/or upgrading of community and recreation facilities outside of the subdivision application area in accordance with the following methodology:

1. *Predicted Community and Recreation Facilities Costs for Whole of Shire and Shortfall of Funds to 2014/15*

This is determined by the Manager of Works and Services on the basis of the 5 Year Program. It is also necessary however to calculate the amount of fund already available for works and services in this regard and therefore calculate the shortfall which needs to be taken up by the developer contributions. In the Shires 2009/2010 financial year there was a predicted shortfall of \$87,617 in regard to specific funds available for community and recreation facilities (without

use-of borrowings). This figure is the basis for future shortfall and predicted community and recreation facilities shortfalls can be determined up until 2014/15 as follows:

FINANCIAL YEAR	CURRENT RATE OF INFLATION	\$ INCREASE	PREDICTED BUDGET SHORTFALL
2010/2011	2.9%	\$2,541	\$90,158
2011/2012	2.9%	\$2,615	\$92,773
2012/2013	2.9%	\$2,690	\$95,463
2013/2014	2.9%	\$2,768	\$98,231
Total Shortfall at beginning of 2014/15 financial year			\$376,625

TABLE 1 PREDICTED BUDGET SHORTFALLS FOR RECREATION FACILITIES UP TO 2014/15

Note: The budget shortfall is the total proposed general purpose funds for recreation facilities less expected funds provided from known sources (e.g. grants, clubs, transfer from reserve funds).

Source: Shire of Dunnybrook Annual Report 2008-2009 p.47, Inflation Rate as of 4 May 2010.

2 — Predicted Total Shire Residential Lots up to beginning of 2014/15 Financial Year

This figure is intended be calculated with the best information available at the time of calculation.

The current predicted community and recreation facilities upgrade and maintenance costs are to be based on the predicted lots and developments for that locality up until 2011 as provided by:

- 3 — The current Country Land Development Program as provided by the Department for Planning.
- 4 — Where the above is not available by way of the most current planning strategy endorsed by the Shire, in addition to information from recently approved subdivision and development.

Landuse	# of Lots to 2014/15
Residential/Urban	350
Special Residential	240
Rural Residential	55
Total new lots	645 new lots

TABLE 2 PREDICTED TOTAL ADDITIONAL RESIDENTIAL LOTS FOR SHIRE UP TO 2014/15

Note: Townsite Expansion Strategy 2009, forecasts based on previous annual lot clearances and information from recently approved subdivision and

development has been used to predict lot yields for the 2010-2014 period.

- Residential/Urban: Average clearances since 2006 = 70 new lots / annum. Supported by residential growth identified in TES on Kelly Street; grouped dwelling development associated with infill sewerage; and urban zone development in Mullalyup and Kinup.
- Special Residential: Donnybrook; Balingup; Mullalyup and Kinup TES and draft plans presented to Shire for Walter Street, Birdwood Park, Westwood Stage 2, Meldora Stage 2 and Roberts Road.
- Rural Residential: Trend based on TES findings is 11 lots per annum.
- Industrial: Sandhills precinct in addition to subdivision of LIA lots.
- Commercial: Include businesspark, Clifford Road and Collins Street commercial subdivisions.
- Rural: Based on average clearances since 2006 = 6 lots / annum, and fewer lots with subdivision potential.

6.1 CALCULATION & PER ADDITIONAL LOT CONTRIBUTION

- # of additional lots / total Shire new lots = % of total new Shire lots
- Shortfall x % of total new Shire lots = **Contribution**

Per-Lot Contribution:

$$1 / 645 \times 100 = 0.15\%$$

$$\$376.625 \times 0.15\% = \mathbf{\$565 \text{ per additional lot}}$$

Note: Where a subdivision would be carried out in stages the full amount would be payable over an extended period of time, i.e. a first stage of 20 lots would mean a contribution for those 20 lots to clear the first stage.

7.0 CONCLUSION

It is intended that this policy provides the Shire with funds to assist in community and recreation facilities but also that these contribution funds can be justified as an additional cost imposition on the developer. This policy is believed to be reasonable as it recognises the financial shortfalls for shire facilities and allows for the developers of new projects to contribute to these shortfalls in relation to the estimated additional impact their subdivision or development will have on the locality's facilities.

It is intended that the policy be the basis of constant review, given the changing industry trends, growth rates and socio cultural demands of the population.

Adopted:	26 September 2007
Last Amended:	22 September 2010
Last Reviewed:	1 May 2016
Next Review Date:	2017
Responsible Department:	Town Planning



Town Planning Policy
9.15 Commercial Vehicle Parking

1. Objective

To facilitate the controlled parking of commercial vehicles on private property in Residential and Rural Residential zones in a manner that does not detrimentally impact on the amenity and safety of the surrounding community.

2. Definition

"Commercial vehicle" means a vehicle, whether licensed or not, which is used or designed or intended for use in conjunction with a profession, trade or business and, without limiting the generality of the foregoing, shall include trailers, tractors and their attachments, buses and earthmoving machines, whether self-propelled or not, but shall not include a passenger car, a derivative [as defined by the Vehicle Sale Regulations 1976 (as amended)], or a van, utility or light truck, which is rated by the manufacturer as being able to carry loads of up to 1.5 tonnes.

3. Application of Policy

3.1 No commercial vehicle is permitted to remain on privately-owned land within the Residential and Rural Residential zones for a longer period than is necessary for loading or unloading unless the Council has issued a Planning Approval permitting the parking of such a vehicle.

3.2 As commercial vehicle parking is not mentioned in the list of use classes in the Zoning Table and is not included in the general terms of any use class in the Zoning Table, Council in dealing with an application for Planning Approval may:

- a)** determine that the use is not consistent with the objectives of the relevant zone and is therefore not permitted; or
- c)** determine by absolute majority that the proposed use is consistent with the objectives of the relevant zone and thereafter cause the application to be exhibited for public comment in accordance with the procedure set out in Clause 4.18.2 of the Scheme.

4. Assessment Criteria

4.1 Residential Zones

- a) The vehicle, together with the load thereon, should not exceed 2.7 metres in height.
- b) Vehicle to be housed within a domestic garage and/or parked behind the front building setback line, with the vehicle being screened from the street and surrounding properties by a screen fence or adequate landscaping.
- c) The parking of a commercial vehicle shall not, in the opinion of Council, adversely affect the amenity of the surrounding land.
- d) At least five (5) of the following six (6) performance standards being satisfied:
 - the property accommodating residential development at a density no greater than an R5 density (i.e. max. 1 dwelling per 2000m²); the vehicle to be housed within a domestic garage;
 - the load on the vehicle is to be of a height which ensures that the vehicle together with its load does not exceed 2.7m in height;
 - not more than one commercial vehicle to be parked on a lot;
 - the vehicle forms an essential part of the occupation of an occupant of the dwelling; and
 - no valid objections from surrounding residents /landowners.

4.2 Rural Residential Zone

- a) Vehicle(s) to be housed within a domestic garage, outbuilding and/or parked behind the front building setback line, with the vehicle being screened from the street and the surrounding properties by a screen fence or adequate landscaping.
- b) The parking of a commercial vehicle shall not, in the opinion of the Council, adversely affect the amenity of the surrounding land.
- c) At least four (4) of the following five (5) performance standards being satisfied:
 - not more than one (1) commercial vehicle to be parked on a lot zoned Rural Residential unless in the opinion of Council special circumstances warrant relaxation of the permissible number of vehicles;
 - the vehicle(s) to be housed in a domestic garage or outbuilding;
 - the vehicle forms an essential part of the occupation of an occupant of the dwelling;
 - the vehicle is necessary for the use and management of the lot;
 - no valid objections from surrounding residents/landowners.

5.1 Conditions

Where Council grants approval for the parking of commercial vehicle(s), the following conditions may be applied:

- a) that on-site provision for housing the vehicle in a garage, outbuilding or parking behind the front building setback line is made and the vehicle is screened from the street and surrounding properties in a manner satisfactory to the Council;
- b) that the amenity of the neighbourhood is not prejudicially affected by the emission of light, noise, vibration, smell, fumes, smoke or dust;
- c) no repairs or activities are undertaken on Residential or Rural Residential blocks that create the issues identified in (b) above;
- d) the approval shall be personal to the applicant and neither run with the land nor be transferable or assignable to any other person;
- e) the vehicle is not to be brought to or taken from the land between the hours of midnight and 6 am;
- f) that if, in the opinion of the Council, a nuisance or annoyance to the owners or occupiers of land in the neighbourhood is caused, the Council may revoke its approval;
- g) any other conditions the Council thinks necessary or desirable.

Adopted:	24 October 2007
Last Amended:	17 December 2014
Last Reviewed:	1 May 2016
Next Review Date:	2017
Responsible Department:	Town Planning



Town Planning Policy
9.16 Transportable Structures

1 Purpose

To provide guidance for the assessment and determination of applications for Planning Consent for sea containers, transportable buildings (i.e. dongas) and railway carriages within the Residential, Rural Residential, Commercial and Special Use zones.

2 Objectives

- 2.1 To provide a consistent approach to assessing applications for transportable structures within the Shire of Donnybrook-Balingup.
- 2.2 To ensure that transportable structures are constructed and located in such a way as to minimise the impact on the amenity of the locality.

3 Background

The use of transportable buildings such as sea containers, railway carriages and prefabricated site offices for storage purposes or as a dwelling may provide for a high level of security and be an economical means of providing accommodation. However, due to the 'industrial' appearance and relatively large size, can detract from the visual amenity of a locality.

As the structures are generally without architectural features such as pitched roofs or windows, they can appear to be out of place in a residential or semi-rural setting as they are inconsistent with the general residential housing design.

This Policy has been created in order to ensure that Shire staff and potential applicants can assess the appropriateness of transportable structures in the Residential, Rural Residential, Commercial and Special Use zones.

4 Definition

For the purposes of this Policy, a 'Transportable Structure' is defined as

the following:

- A structure that is brought to a property, held in place primarily by its own mass or affixed to the ground and includes, but is not limited to, sea containers, decommissioned railway carriages, transport conveyances and prefabricated transportable buildings

The definition of 'Transportable Structure' does not include new prefabricated kit homes over 60m² in floor area or a "tiny home" which is a small purpose built home below 60m² in floor area that can be fixed and non-mobile (without wheels or trailer).

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5 Application

This policy applies to any transportable structure in the Residential, Rural Residential, Commercial and Special Use zones.

6 General Criteria

~~6.1 All applications for transportable structures shall be referred to adjoining landowners for comment for a period of not less than 24 days.~~

Commented [BW9]: This is addressed in another policy that is proposed to be located in Management Operational Directions. It is an unnecessary duplication

~~6.2 Transportable Structures that exceed any one or more of the criteria corresponding to the relevant zone in Table 1 of this Policy, or the relevant general criteria below, will not be recommended for approval, unless in Council's opinion the size, appearance, location and particulars of the subject site will not have a detrimental impact on the landscape and amenity of the area.~~

~~6.2.1 Transportable structures will only be permitted where they are of a high standard of repair, in the opinion of Council, prior to being brought onto a property.~~

~~6.3 The floor area of a transportable structure shall be calculated as a contribution to the total floor area of structures in accordance with the Town Planning Scheme and the Shire of Donnybrook-Balingup Outbuilding Control Policy 9.4.~~

~~6.4 A purpose built "tiny home" less than 60m² may be considered in the Residential zone where it can be demonstrated that:~~

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- ~~a) it is appropriately orientated to present a high quality frontage to the street;~~
- ~~b) supported by landscaping that includes features that adds shade, bulk and interest to the street frontage such as mature trees, screening shrubs, screening structures;~~
- ~~c) design measures are included to provide privacy behind the tiny home to ensure that the site presents a neat and tidy streetscape;~~
- ~~d) includes provision of open style front fencing;~~
- ~~e) is not located on a main street such as the South Western Highway, Collins Street, special character area.~~

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6.57 Applications for the placement of a transportable structure shall be in the form of an Application for Planning Consent and include the following:

- a) A site plan to scale showing all existing development on the lot, location of existing vegetation, and the proposed location of the transportable building.
- b) Current colour photographs of the transportable structure from all elevations.
- c) Details of proposed landscaping to screen the transportable structure from adjoining properties and the road.
- d) Details of what purpose the transportable structure will be used for and the length of time that the transportable structure will be on the lot.

0.67.2 This Policy relates only to the assessment of applications for transportable structures under the Shire's Local Planning Scheme No. 7. The placement of any transportable structures on a property is also subject to the provisions of the Building Code of Australia, and therefore a building license is required to be obtained in addition to Planning Consent.

TABLE 1 – TRANSPORTABLE STRUCTURE APPLICATIONS THAT WILL NOT BE APPROVED

Zoning:	Criteria:
Residential Commercial	Any transportable structure Where the transportable structure is to be located on the subject lot for more than 12 months if visible from the public realm, Is the only building proposed for the site.
Rural Residential	Where the transportable structure is to be located on the subject lot for more than 12 months; and/or Where the transportable structure is located outside of the Building Envelope; and/or Where more than 2 transportable structures are proposed
Special Use	Where the transportable structure is to be located on the subject lot for more than 12 months; and/or Where the transportable structure is located outside of the Building Envelope

Adopted:	28 May 2008
Last Amended:	17 December 2014
Last Reviewed:	1 May 2016
Next Review Date:	2017
Responsible Department:	Town Planning

Policy 9.17



Town Planning Policy
9.17 Industrial & Commercial Development Control

1. Purpose

To provide developers and the general public with a guide to Council's objectives for the development of industrial and commercial areas and buildings in the Shire of Donnybrook-Balingup.

2. Aims

- a) To improve the quality of industrial and commercial development within the Shire of Donnybrook-Balingup; and
- b) Encourage aesthetically attractive built form and streetscapes.

3. Objectives

To establish guidelines which will:

- a) Result in the construction of industrial and commercial development which is attractive in appearance and provides a safe, pleasant and efficient working environment.
- b) Conserve and enhance the amenity of the locality and neighbouring developments.
- c) Ensure the orderly development of industrial and commercial sites to minimise their environmental impact.

4. Application

- a) This Policy applies to any development of land within the Shire of Donnybrook-Balingup zoned Commercial, Light Industry, General Industry and Tourist.
- b) This Policy is to be read in conjunction with and is in addition to the Shire of Donnybrook-Balingup Local Planning Scheme No. 7. Where there is found to be a discrepancy between the Scheme and this Policy in relation to specific development control requirements, the Scheme shall prevail.
- c) For land zoned Commercial within the Balingup Townsite that is included in the Balingup Village Centre Special Character Area Policy & Design Guidelines (Balingup Village Centre Policy), the provisions of the Balingup Village Centre Policy shall take precedent.

5. Approval Requirements

- 5.1** All proposals for development on land zoned Commercial, Light Industry, General Industry and Tourist require Planning Approval.

- 5.2 Application is to be made on Council's standard Application for Planning Consent form together with the following information:
- a) A site plan or plans at a suitable scale (1:100 or 1:200 preferred) showing:
- i. The boundaries of the site, with dimensions and direction of grid north indicated accurately.
 - ii. The outline of proposed buildings on the site and distances from the boundaries. The purposes for which areas are proposed to be used shall be indicated. The site plan shall also show the location of buildings on adjacent sites and crossovers adjoining or adjacent to the site.
 - iii. Where a building will form part of a future complex of buildings, a staging plan to indicate the location, orientation and proposed use of future buildings and their relationships one to another.
 - iv. Refuse and waste disposal areas and the treatment thereof.
 - v. The location of individual car parking spaces and access driveways, including maneuvering areas with all dimensions.
 - vi. The location and dimensions of all loading and unloading areas, the means of access, and the screening and landscaping thereof.
 - vii. The location of any adjoining kerb and gutter, concrete footpath, electricity supply, telephone conduit, etc. and street trees.
 - viii. Details of existing ground levels and proposed finished levels of the site.
 - ix. The location of all proposed paving of hard standing areas and driveways, specifying the materials to be used for the surface finishes.
 - x. Proposed methods of stormwater disposal, including all proposed drainage lines and existing drainage.
 - xi. The location and type of signage.
- b) Floor plans and elevations of proposed buildings at a scale of 1:100 or other acceptable scale. The floor plan is to contain a concise description of the uses to which each section of each building is to be put.
- c) Full details of the construction material and colour of external walls and roof materials. Submission of samples of materials may also be required.

- 5.3 An application for a building licence will not be processed until the development approval of the Council has been granted.

6. Development Guidelines

6.1 Building Appearance

In keeping with the Council's aim of achieving an attractive and quality environment for commercial and industrial areas, every encouragement will be given to applicants who produce innovative and attractive building designs that are sensitive to the existing and intended surroundings and adjoining development.

The facades of buildings visible from public roads are to maintain a high standard of visual amenity. Facades addressing public areas shall include at least 2 of the following features:

- A variety of materials, colours and treatments;
- Incorporation of architectural features including gables, porticos, verandahs, windows, doors;
- A roof form that includes points of interest; and
- Stepping of vertical and horizontal elevations.

For development within the Commercial zone, the following requirements shall apply.

- A minimum enclosed floor area of 40m² for the primary building on the site
- Transportable or "donger" style structures will only be supported where they are ancillary to an established main building and where they are not visible or have very limited visibility from a public road or public place.
- Metal sheeting or other cladding that can reasonably be associated with shed style development being limited to a maximum surface area of 20% on any elevation fronting a street or public realm
- Sheds and other ancillary structures only being supported where they are not visible or have limited visibility from the street or public realm.

- The primary building on site to reflect the bulk and scale of immediately surrounding properties. New buildings shall be no less than 70% of the scale of the smallest immediately abutting primary building.

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Commented [BW10]: This is to ensure that buildings generally match the scale of existing buildings and will not adversely impact local streetscape.

6.2 Landscaping

Landscaped areas are to be provided to enhance the appearance of the development from adjoining land uses and public areas. A landscape plan or working drawing will be

required to be submitted with the Planning Application and should show the following detail:

- (a) General site layout;
- (b) Species or plant type;
- (c) Earthworks and contours;
- (d) Paved and grassed areas;
- (e) Non-plant landscape elements; and
- (f) Areas to be landscaped, including verges.

The landscape plan will be assessed as an element of the Planning Application.

6.3 Energy Efficiency

The development of ecologically sustainable commercial and industrial environments which maximise energy efficiency and conservation of resources through building design and construction is encouraged by Council in the following ways:

- (a) Passive solar design measures are encouraged to be incorporated into a building's design where practicable.
- (b) Ceiling insulation should be provided.
- (c) Buildings are to have windows that are appropriately sized and shaded to reduce summer heat load while permitting entry of winter sun.
- (d) The use of solar collectors for hot water heating and power is encouraged to reduce energy consumption.
- (e) The provision of rainwater tanks for non-potable use.
- (f) The use of grey-water recycling systems to conserve water.

Adopted:	24 October 2007
Last Amended:	November 2017
Last Reviewed:	November 2017
Next Review Date:	2018
Responsible Department:	Town Planning



Town Planning Policy 9.18 Residential Development Guidelines

1. Purpose

To provide flexible development controls in unique development precincts of the Shire.

2. Objectives

- To provide local development guidelines for specific residential precincts within the Shire to assist developers, landowners and Shire officers in the preparation and assessment of residential development.
- To ensure socially conscious decisions are made in respect to unique residential development areas of the Shire.
- To facilitate high quality residential development and maintain a high level of residential amenity.

3. Background

Development within several residential areas of the Shire is significantly constrained by contemporary planning standards.

To maintain consistent decision making it is important Council establish a policy document which provides for flexibility within designated residential precincts.

Where applicable, variations to the R-codes will enable positive development outcomes and facilitate the creation of a desirable residential amenity.

4. Statutory Environment

Under Part 7 of the Residential Design Codes, Local Planning Policies may contain provisions that amend or replace deemed to comply provisions set out in Part 5 and 6 of the Codes.:

Council may, with the approval of the WAPC, vary any other acceptable development provision within the R-codes where it can be demonstrated that there is a need specific to a particular region that warrants such a variation.

Local Planning Scheme No. 7 provides general requirements for land zoned "Residential". This Policy has been implemented to provide specific guidance for development in designated residential areas.

5. Application of Policy

The Policy shall apply to those precincts outlined below.

6. Interpretation

For the purpose of this Policy, words and expressions have the respective meaning given to them in Appendix 1 of the Residential Design Codes.

7. Approval Requirements

Where development within a designated residential precinct is consistent with the existing statutory framework and provisions of this Policy, a building licence application is required to be submitted to the Shire for approval.

Development at variance with the existing statutory framework and the provisions of this Policy will not be supported by the Shire.

8. Review

This Local Planning Policy shall be subject to review on an annual basis or as deemed necessary by Council.

9. "Residential East" Precinct

1. Background

On 22 March 1900, three-hundred and twenty-two (322) lots were created to the south-east of the Donnybrook townsite. These lots were obviously not subject to contemporary infrastructure requirements in respect to the provision of reticulated services and road access.

The land is identified as "Residential East Precinct in the Shire's Townsite Expansion Strategy (2009) and lacks services traditionally associated with contemporary residential development.

2. Application

The following design guidelines apply to all new residential development within the "Residential East Precinct".

3. Design Guidelines

3.1 Setbacks

- (i) Front setback - minimum of 4 metres, average of 6 metres;
- (ii) A zero lot line may be permitted on one side boundary;
- (iii) Where feasible, parapet walls shall be located adjacent to an existing neighbouring parapet wall.

3.2 Open Space

A minimum 50% of the total site area is required as open space.

3.3 Housing Style

- (i) Passive solar and energy efficient housing design is encouraged for all residential development in the Precinct;
- (ii) Plumbing fixtures, hot water systems, ground or wall mounted air conditioning units, garden sheds and clotheslines must not be visible from the street.

3.4 Landscaping

A detailed landscaping plan shall be submitted with the building licence application.

3.5 Infrastructure

- (i) The developer / owner shall construct and dedicate the adjacent road reserve to the Shire's satisfaction prior to issue of a building licence;
- (ii) The developer / owner shall construct all associated drainage infrastructure to the Shire's satisfaction prior to issue of a building licence;
- (iii) All development shall be connected to reticulated services (sewer, water, telecommunications) prior to issue of a building licence.

Adopted:	26 November 2008
Last Amended:	17 December 2014
Last Reviewed:	1 May 2016
Next Review Date:	2017
Responsible Department:	Town Planning



Town Planning Policy
9.19 Memorials and Public Art

1. **Purpose**

To provide general guidelines in respect to the development of memorials and public art within the Shire of Donnybrook-Balingup.

2. **Objectives**

To establish guidelines that will:

- Enhance the opportunities for cultural and heritage tourism through the presence of high quality works;
- Encourage the expression of identity and belonging by the community, highlighting cultural uniformity and diversity;
- Form meaningful places of cultural heritage that facilitate an understanding of identity, history and aspirations for future generations.

3. **Application**

This Policy applies to the proposed construction of a memorial or public art within the Shire of Donnybrook-Balingup that can be viewed in the public domain, including public open space, reserves vested in the Shire of Donnybrook-Balingup and on privately owned land visible from public areas.

4. **Approval Process**

- 4.1 All proposals will require the submission of an application for Planning Consent to the Shire.
- 4.2 Applications shall include the submission of an application for Planning Consent form together with the following information:

- a) A site plan or plans at a suitable scale (1:100 or 1:200 preferred) of the proposed location showing:
 - The boundaries of the site, with dimensions and direction of grid north indicated accurately.
 - The outline of proposed structures on the proposed site
 - Details of existing structures, landscaping and usage of the site.
- b) A detailed budget report including, inter alia: the most likely cost of design, construction, installation, ongoing maintenance
- c) A detailed design (ie. elevation, scale model) of the proposal, indicating proposed size, materials and plaque text.
- d) Full details of structural integrity, safety issues and perceived impact on environmental or cultural significance of the proposed site.

5. Advertising Requirements

All proposals will be advertised in accordance with Clause 8.2 of the Shire's Town Planning Scheme No. 4.

6. Development Guidelines

5.1 Location

Applicants must:

- provide a specific site and fully justify the reasoning beyond the proposed location;
- ensure the existing use of the site is not jeopardised by the proposed location; and
- consistent with plans adopted by Council for the proposed site.

5.2 Type

- proposals shall represent broad community interest and be mindful of future generations;
- applicants are encouraged to consider the rehabilitation of existing areas, including landscape and urban design features in lieu of a new proposal;
- proposals can be related to an individual or association that has made a significant contribution to the Shire of Donnybrook-Balingup, an important event in the Shire's history; and
- proposals for public art shall be at the discretion of Council or a delegated Committee/officer.

5.3 Design

- proposals must be of significance to present and future generations;
- the scale and character of a proposal should be complementary to the surrounding area; and
- the proposal shall contribute to the public domain in respect to construction and design.

6. Maintenance & Ownership

Should a proposal be approved, the applicant shall prepare (at their own cost) a Contractual Agreement with the Shire of Donnybrook-Balingup prior to commencement of works.

The Agreement shall outline insurance, ownership, maintenance and terms of construction associated with the approved development.

Any approved development shall be deemed to be owned and under the unconditional control of the Shire of Donnybrook-Balingup with the applicant providing the necessary funds in advance for the maintenance of the approved development, prior to commencement of works.

7. Funding

Whilst the Council may consider a contribution towards a proposal on a case by case basis, the cost of inter alia: community consultation, design, production, installation, site preparation, infrastructure works shall be financed by the applicant.

8. Review of Policy

A review of this Policy shall be undertaken within the first 12 months of adoption, and every two years thereafter.

Adopted:	25 February 2009
Last Amended:	
Last Reviewed:	1 May 2016
Next Review Date:	2017
Responsible Department:	Town Planning



Town Planning Policy

9.20 Ancillary Accommodation – Agricultural, Rural Small Holdings Rural and Rural Residential zones

Commented [BW11]: Reflects wording in LPS7

1. Purpose

To establish guidelines for the development of ancillary accommodation in the General Agriculture, Priority Agriculture, Rural Residential and Rural Small Holdings zones as defined in Local Planning Scheme No. 7.

2. Objectives

To facilitate the development of relative accommodation through the provision of a consistent framework for the assessment of such development in the rural and rural residential zones.

3. Background

~~Provisions 5.4.3 and 6.4.4 of~~ the Residential Design Codes of Western Australia provides for the development of ancillary accommodation in Residential areas of the Shire, however no such provisions exist in rural and semi-rural areas of the Shire.

This Policy has been prepared in the context of the lack of guidance, in addition to the number of proposals received for such development within the Scheme area.

Commented [BW12]: The Residential Design Codes have been updated recently and clauses changed. Ancillary accommodation within Residential zoned land no longer requires planning approval and is permitted as a right

4. Application of Policy

The Policy is applicable in the following zones as prescribed in Local Planning Scheme No. 7:

- General Agriculture;
- Priority Agriculture;
- Rural Small Holdings, and
- Rural Residential

5. Interpretation

For the purpose of this Policy ancillary accommodation means:

Self-contained living accommodation on the same lot as a single house that

may be attached or detached from the single house occupied by members of

the same family as the occupiers of the same dwelling.

6. Approval Requirements

An application for planning consent must be submitted to the Shire of Donnybrook-Balingup for all proposed ancillary accommodation development.

Development at variance with the existing statutory framework and the provisions of this Policy will not be supported by the Shire.

7. Development Provisions

- (i) Where a building envelope exists on-site, the proposed development must be wholly contained within the approved building envelope.
- (ii) Ancillary accommodation shall be in addition to an existing dwelling and does not fetter the development of a second dwelling or chalet(s) on General Agriculture, Priority Agriculture, Rural Small Holdings and Rural Residential zoned lots.
- (iii) The internal floor area of a proposed ancillary accommodation development shall not exceed 80m².
- ~~iv) The occupants of such development shall be members of the family occupying the main dwelling.~~

Commented [BW13]: This is no longer required in the definition of ancillary accommodation

8. Review

This Local Planning Policy shall be subject to review on an annual basis, as necessary.

Adopted:	25 February 2009
Last Amended:	17 December 2014
Last Reviewed:	1 May 2016
Next Review Date:	2017
Responsible Department:	Town Planning



Town Planning Policy
9.21 Balingup Village Centre – Special Character Area

1. Purpose

To provide guidance in respect to development and redevelopment of land within the Special Character Area (refer to Plan 1).

2. Objectives

- To preserve the unique character of Balingup;
- To guide future development in a manner that enhances the existing character;

3. Application

This Policy applies to all land within the Balingup Village Centre Special Character Area as depicted on Plan 1.

The Policy should be read in conjunction with the Shire of Donnybrook-Balingup Local Planning Scheme No. 7, the R-codes and relevant Council policy.

4. Policy Provisions

- (i) Proposed development in the Policy area should contribute to the recognised cultural and heritage values of the village centre by considering the following:
- (ii) Ensure the character and 'village' atmosphere of the town is preserved, particularly in regard to development size, form, height and scale;
- (iii) Ensure compatibility with existing development, particularly in respect to building materials, shop front design, front setbacks, use of colour, application of advertising signage and location and form of fencing;
- (iv) Where large frontages are planned, the façade is to be broken up by vertical elements and where possible new floor levels; window position and sizes; and verandahs shall complement the surrounds;

- (v) Proposed commercial development shall have a nil setback from the front property boundary, except where otherwise endorsed by the Shire;
- (vi) Parking areas shall be located at the rear of the building, where appropriate.

5. Review of Policy

A review of this Policy shall be undertaken every two years.

Plan 1 – Balingup Village Centre – Special Character Area



Adopted:	28 May 2008
Last Amended:	17 December 2014
Last Reviewed:	1 May 2016
Next Review Date:	2017
Responsible Department:	Town Planning



Town Planning Policy
9.22 Advertising of Planning Proposals

1. PRELIMINARY

The purpose of this policy is to assist Council in establishing the appropriate level of advertising that applies to specific planning proposals. This policy is to ensure consistency of approach and clarity for applicants on requirements that will apply.

2. APPLICATION OF THE POLICY

2.1 Definitions

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

Act means the Planning and Development Act 2005 (as amended);

Codes means the State Planning Policy 3.1 Residential Design Codes of Western Australia;

Regulations mean the Town Planning Regulations 1967 (as amended) or replacement regulations made under the Act;

Scheme means Shire of Donnybrook-Balingup Local Planning Scheme No.7;

Standard requirement means a requirement or provision of the Scheme, Local Planning Policy, Act, Regulations or Codes that does not require the exercise of a discretion for it to be implemented.

2.2 This Policy applies to:

- Applications for Planning Approval made under Part 90 of the Scheme;
- Advertising of Heritage Protection proposals made under Part 7 of the Scheme;
- Special Control Areas proposed under Part 6 of the Scheme;
- Local Planning Policies made under Part 20 of the Scheme; and

Commented [BW14]: This policy relates to internal procedures for assessing advertising requirements. It is more appropriately located in a Management Operational Directive (procedures manual)

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- ~~Amendments to the Scheme proposed under Part 5 Division 4 of the Act.~~

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2.3 Policy Exclusions

This Policy excludes the following types of proposals:

- Applications for Single House and Outbuilding Codes Approval made under Part 4 of the Codes, for which the process outlined in the Codes applies;
- Subdivision and amalgamation proposals made under Part 10 of the Act; and
- Extraordinary planning proposals, such as Local Planning Strategies, Townsite Expansion Strategies and Review of the Local Planning Scheme, for which specific advertising will be identified at the appropriate time.

3. PURPOSE OF THE POLICY

The purpose of this Policy is to:

- 3.1 Clarify the extent of advertising to be undertaken for the range of planning proposals considered by the local government; and
- 3.2 Provide guidance where the Scheme allows for the type and extent of advertising to be determined by the local government.

4. OBJECTIVES OF THE POLICY

The objectives of this Policy are to ensure:

- 4.1 Appropriate consultation occurs on planning proposals commensurate with the expectations of the community;
- 4.1 The level of advertising of similar types of proposals is consistent over time; and
- 4.1 Advertising of proposals is used as part of a meaningful community consultation process.

5. BACKGROUND / ISSUES

- 5.1 The Scheme and Act require the local government to advertise certain planning proposals. In many cases, the type and length of advertising is prescribed. However, there is usually a need for the local government to exercise discretion on the extent and the methods used to advertise a proposal.
- 5.2 The Policy will clarify the method and extent of advertising for various planning proposals in order to provide consistency in how proposals of a similar nature are dealt with by the local government.

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6.— POLICY MEASURES

6.1 Advertising Applications for Planning Approval

Table 6.1 shows the levels of advertising employed by this Policy for applications made under Part VIII of the Scheme.

Table 6.1—Levels of Advertising of Planning Applications under Part VIII of the Scheme

Advertising Required	Type of Advertising	Minimum Advertising Period
None	N/A	N/A
This level is used where no variation to a standard requirement is necessary in order to approve a Owners of properties that abut the proposal site or are located opposite and are affected by a variation to standard requirements such as a setback relaxation or relocation of a building envelope.	Postal	14 days
The intent of this level is to limit advertising to those immediately affected by a variation to a standard requirement rather than inform of a development or		
All owners of properties that abut or are located opposite the proposal site.	Postal	14 days
The intent of this level is to inform the immediate vicinity of an impending development.	Sign on Site (if a Use Not Listed in the Scheme)	
The immediate vicinity will generally be determined as those properties that share a common boundary with the proposal site, or would share a common boundary if	News pager if a Use Not Listed in	

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<p>All owners of properties in the nearby vicinity.</p> <p>The nearby vicinity will generally be determined as those properties either wholly or partly within:</p> <p>— 250m radius of the centre of the proposal site in urban areas; or</p> <p>— 500m radius of the centre of the proposal site in rural or rural residential areas; or</p>	<p>Postal</p> <p>Sign on Site (if 'A' use or an unnamed use in Scheme)</p> <p>Newspaper (if 'A' use or a use not listed in</p>	<p>14 days</p>
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Extractive	Postal	14 days
All owners of properties in the locality plus all owners of properties wholly or partly within 500m of the outer edges of the boundary of the locality.	Sign-on Site (if 'A' use in Scheme)	
The locality will generally be determined as those properties	Newspaper (if 'A')	

6.1.2 Table 6.2 outlines the level of advertising to be used for certain Applications for Planning Approval

Table 6.2—Advertising Levels for Particular Uses/Proposals

Use / Proposal	Advertising Level
Any use listed as 'P' in Table 1 of the Scheme and:	
• No variation to a standard requirement is proposed.	1
• A variation to setbacks, building height, retaining walls or similar—minor variation is proposed.	2
• A variation to car parking, landscaping, plot ratio or similar—significant variation is proposed.	3
• The proposal is for an Office or Professional Office.	2
• The proposal is for a Tourist Use.	3
• Where the proposal is for a development within the Commercial Zone with a value of greater than \$5 million.	4
Any use listed as 'A' in Table 1 or a use not listed in the Scheme and:	
• No variation to a standard requirement is proposed.	3
• Where one or more variations to standard requirements are proposed.	3
• The proposal is for a Cottage Industry, Home Occupation, Office or Professional Office.	2
• The proposal is for Storage.	2
• The proposal is for a Stable.	2
• The proposal is for a Tavern.	4
• Where a proposal is considered by the local government to have an effect upon the locality.	5
• Where the proposal is for Holiday Accommodation.	3
• Where the proposal is for an Extractive Industry.	4
• Relocation of an Approved Building Envelope.	3
• An application for Planning Approval affecting land within a Special Use Zone and	

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Use / Proposal	Advertising
Not requiring variation to the conditions of use	1
Requiring variation to the conditions of use	3
An Application for Planning Approval for a non-exempt advertisement	1
Extensions and Changes to a Non-Conforming Use	4
An Application for Planning Approval for the construction of a	2

6.2 Advertising of Places of Heritage Value

Additional consultation is to be undertaken where a place is publicly owned and is to be construed as the following:

- (i) Erection of a sign in accordance with clause 7.2 of this Policy;
- (ii) Publication of a notice in accordance with clause 7.3 of this Policy; and
- (iii) Inviting comment from the relevant local historical society or association (where one is in operation).

6.3 Advertising of Structure Plans

6.3.1 Structure Plans are to be advertised in accordance with clause 6.9 of the Scheme which is deemed to require:

- (i) All owners of land wholly or partly located within the Structure Plan area or wholly or partly located within 500m of the outer edge of a Structure Plan area are to be informed in writing of the proposal in accordance with clause 7.1 of this Policy;
- (ii) A sign is to be located on each street frontage of the Structure Plan area in accordance with clause 7.2 of this Policy;
- (iii) A notice is to be published in the newspaper in accordance with clause 7.3 of this Policy; and
- (iv) A full copy of the Structure Plan and supporting documentation in either hard copy or electronically is to be provided to those public authorities identified by the local government when adopting a structure plan for advertising.

6.3.2 Structure Plans are to be advertised for the following period of time:

- (i) 21 days for Structure Plans proposing less than 50 lots or where the Structure Plan is a substantial modification to an existing approved Structure Plan; or
- (ii) 28 days for Structure Plans proposing more than 50 lots.

6.4 Advertising of Local Planning Policies

6.4.1 Draft Local Planning Policies are to be advertised in accordance with Part 2 of the Scheme.

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6-4-7 Where a draft Local Planning Policy will affect a specific area of land, the following is to occur:

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- (i) Advertising in accordance with clause 2.4.1 of the Scheme;
- (ii) All owners of land wholly or partly located within the Local Planning Policy area are to be informed in writing of the proposal in accordance with clause 7.1 of this Policy; and
- (iii) Where practicable, a sign is to be located on each street frontage of the Local Planning Policy area in accordance with clause 7.2 of this Policy.

6.4.3 The comment and/or approval of the Western Australian Planning Commission is to be sought on Local Planning Policies that seek to vary the Residential Design Codes of Western Australia.

6.5 Advertising of Scheme Amendments

6.5.1 Scheme Amendments are to be advertised in accordance with the requirements of the Act and Regulations.

6.5.2 Where a Scheme Amendment relates to the rezoning of an area of land, owners of land wholly or partly within the rezoning area or wholly or partly within 500m of the outer edges of the rezoning area are to be notified in accordance with clause 7.1 of this Policy.

6.5.3 A full copy of the Scheme Amendment and supporting documentation in either hard copy or electronically is to be provided to those public authorities identified by the local government when initiating the Scheme Amendment.

7. ADMINISTRATION

7.1 Postal Advertising

7.1.1 Postal notifications will be addressed to the owner or owners at the postal details listed in the local government's rates database for the particular property as it exists on the date the notification is sent.

7.1.2 The Minimum advertising period will begin the working day following the date of postage.

7.1.3 Letters informing of a proposal are to be based upon Schedule No. 11 of the Scheme and include the following information:

- (i) Details of the development, including a copy of any plans or proposal that will assist in communicating the intent of the proposal;
- (ii) Explanation as to why the proposal is being advertised, such as the need to vary a standard requirement (giving details of the variation) or to meet the advertising requirements of the Scheme;
- (iii) The date by which any written comments are to be lodged;
- (iv) The local government officer to which enquiries may be made;
- (v) Notification that any submission made cannot be considered a confidential document and may be released to the public domain as part of the local-

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government's consideration of

the proposal, and

(vi) — Notification that not making a submission will be construed by the local government that the person or party has no objection to the proposal.

7.2 Sign on Site

7.2.1 Where required by the Policy or Scheme, a sign will be located on the street boundary of the proposal site for the entire length of advertising. The location should be easily seen by passers-by and located so as not to cause a traffic hazard or impede access to the lot.

7.2.2 The sign board will be painted 'post office' red with "SHIRE OF DONNYBROOK-BALINGUP PLANNING PROPOSAL" clearly shown in white block lettering 50mm high. The sign board is to be 750mm long x 500mm wide and erected to provide a minimum clearance of 600mm between ground level and the bottom of the sign board.

7.2.3 The notice placed on the sign shall be generally in accordance with Schedule No. 11 of the Scheme or in the case of a Scheme Amendment, the appropriate form of notice contained in the Planning and Development Regulations.

7.2.4 The local government is to photograph the sign once installed, ensuring the photograph is date stamped with the date of installation.

7.2.5 The applicant or owner of the proposal site is to undertake reasonable endeavours to ensure the sign remains visible at all times during the advertising period and to notify the local government in the event the sign is stolen or damaged.

7.3 Newspaper Notices

7.3.1 The Donnybrook-Bridgetown Mail published by Rural Press Regional Media will be construed by the Scheme, Act and Regulations as the newspaper that is circulated within the Scheme area and will be used for all notices, where practicable.

7.3.2 Newspaper notices shall be generally in accordance with Schedule No. 11 of the Scheme or in the case of a Scheme Amendment, the appropriate form of notice contained in the Regulations.

7.3.3 Where a newspaper notice is required as part of the advertising process, the advertising period for the proposal will begin from the date of first publication in the newspaper with this date also used for other forms of notification.

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7.4 Form of Submissions

7.4.1 Verbal submissions will not be considered by the local government.

7.4.2 Written submissions are to include the name and contact details of the person making the submission and identify the property affected by the proposal (if relevant).

7.4.3 Written submissions will be accepted by the local government via post, facsimile or email, subject to being received prior to close of business on the day submissions close.

7.4.4 The local government reserves the right to not publish or consider either wholly or in part a submission that it considers to be defamatory to any party.

7.4.5 Where a person or party has been informed of a planning proposal and no submission is received by the closing date for submissions, the local government will construe that the person or party has no objection to the proposal.

7.5 Consideration of Submissions

7.5.1 The local government will consider a planning proposal in the light of all submissions received during the advertising period.

7.5.2 Submissions will be considered by the local government against the matters to be considered contained in the Scheme and on generally accepted planning grounds.

7.5.3 Notwithstanding 7.5.1, submissions that contain matters that cannot be reasonably associated with a planning matter will not be considered by the local government.

7.5.4 Where a submission is received after the advertising period has ended, but prior to a decision being made on the proposal, the local government will note that the submission is late, but will make reasonable endeavours to consider the submission.

7.6 Acknowledgement of Submissions

7.6.1 The local government will notify each person that made a submission on a proposal of the decision made in relation to the proposal.

7.6.2 Notification under 7.6.1 is to be sent within five (5) working days of the date of decision.

7.6.3 Where the local government anticipates that a decision will not be taken for a period of greater than 28 days from the close of advertising, it will inform any person that has made a submission of the delay.

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7.6.4 Where a planning proposal is to be considered at an Ordinary or Special Meeting of the local government, each person who has made a submission is to be notified a minimum of five (5) working days prior to the date of meeting and provided with a copy of the report on the matter or alternatively, informed of where an online copy of the report can be obtained.

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7.6.5 The form of notification under this section can be either posted letter or email.

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7.6.6 Where a person or party informed of a planning proposal in accordance with clause 7.1 of this Policy has not made a written submission on it, the local government is not required to provide acknowledgement under this section.

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7.7 Guarantee of Receipt

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7.7.1 Where a notification is delivered by postal service under clause 7.1 of this Policy, the local government does not guarantee its delivery where the notification is addressed in accordance with the address details contained on its rates database.

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7.8 Advertising Costs

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7.8.1 Except where an applicant is required by the local government's schedule of fees and charges to pay certain advertising costs, costs associated with advertising are to be paid by the local government and offset by the application fee.

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7.9 Deemed Refusal

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7.9.1 All Applications for Planning Approval that require advertising under this Policy are deemed to be subject to a notice under clause 9.6 of the Scheme and subject to the 90-day deemed refusal period outlined in clause 10.10.2 of the Scheme.

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Adopted: 27 February 2013

Last Amended: 17 December 2014

Last Reviewed: 1 May 2016

Next Review Date: 2017

Responsible Department: Town Planning



Town Planning Policy
9.23 Animal Husbandry - Intensive

1. Purpose

To establish guidelines for "Animal Husbandry – Intensive" uses and specify information to be provided with applications

Aims

- a) To provide a clear set of principles to assist in interpreting when the definition of "Animal Husbandry – Intensive" will apply.
- b) To ensure that "Animal Husbandry – Intensive" uses are designed and operate in a way that is sympathetic with local rural landscape character and amenity.

2. Objectives

- a) To ensure "Animal Husbandry – Intensive" uses are suitably located.
- b) To ensure the use and development of land for "Animal Husbandry – Intensive" does not impact on the environment
- c) To protect and maintain rural amenity
- d) To encourage quality design and appropriate siting of intensive animal husbandry developments.

3. Development Guidelines

The following design guidelines are to be considered for the siting of such developments:

- a) That part of the site area which is developed with enclosures, yards or buildings used for the holding of animals should be suitably located;
- b) Enclosure design, location and management comply with relevant legislation, guidelines and codes of practice.
- c) No enclosures, yards or buildings in which animals are raised on an intensive raising system are to be within 30m of any road unless site topographical features conspire to make the use a prominent feature on the landscape. If

Council considers the site will adversely impact on local

landscape aesthetics, a greater setback and other landscape screening treatments shall be required to Council's satisfaction.

- d) Landscaping of the site should be undertaken so as to minimise any adverse visual impact of the development on the surrounding area. Landscaping shall include earthworks (where appropriate) and selection of plant species that can thrive in the conditions created by Animal Husbandry – Intensive⁷ uses;
- e) All manure and polluted run-off water from any enclosures, yards or buildings used in conjunction with any intensive animal husbandry, or any water otherwise contaminated as a result of such use, shall be treated and disposed of either within the boundaries of the site or in an alternative manner to the satisfaction of the Shire;
- f) Measures should be taken to the satisfaction of the Shire to ensure that the use and development proposed does not prejudicially affect the amenity of the locality by reason of appearance or emission of noise, smell, fumes, waste water, waste products or otherwise;
- g) Demonstrate compliance with buffers to wetlands, remnant vegetation and separation distances to groundwater as well as showing that measures are in place to ensure these areas are not impacted from nitrification/contamination, dust, spray drift or other similar disturbances.
- h) Where these guidelines are not met, the applicant should demonstrate that an equivalent or better outcome is achieved.

4. Information Required to Support Proposals

Each application should be accompanied by (in addition to any other information which a responsible authority may require) a plan at a legible scale showing:

- a) The dimensions and locations in relation to the boundaries of all existing and proposed new buildings and works, extensions or alterations on the site;
- b) Drainage lines through or for run-off water originated on the site through or along which water may be discharged from the site;
- c) The location of existing dwellings on the site and adjacent properties and the existing use of all other land within 0.5 kilometres of the site;
- d) Areas used or to be used for intensive animal raising, grazing, manure disposal and drainage disposal;
- e) Method of waste disposal;
- f) Source and capacity of water supply to the site;
- g) Design, location and arrangement of enclosures;
- h) Method to address potential land use conflict with future sensitive land uses such as future settlements, tourism or rural lifestyle;

- i) Compliance with established planning framework including the Local Planning Strategy and Statement of Planning Policy 2.5 Land Use Planning in Rural Areas; and
- j) Environmental Management Plan that details operations relating to transport, handling and storage, waste disposal and odour and pest controls.

5. Referral Comments

On receiving an application, the Shire shall refer the application to:

- the Department of Parks and Wildlife;
- Department of Health;
- Department of Water;
- Department of Environment and Regulation
- Department of Agriculture; and
- And any other agency considered appropriate.

Adopted:	March 25, 2015
Last Amended:	
Last Reviewed:	1 May 2016
Next Review Date:	2017
Responsible Department:	Town Planning



Town Planning Policy

9.24 Waiving of Planning Applications

6. Purpose

The purpose of this Policy is to identify the "exceptional circumstances" when the Chief Executive Officer, under delegated authority may waive planning application fees under clause 9.2.2 of the Scheme.

7. Objective

The objective of this Policy is to ensure there is a clear policy position on waiving of fees for planning applications lodged by sporting, charitable or other not-for-profit community groups.

8. Application of Policy

This Policy applies to all Applications for Planning Approval lodged in accordance with the Scheme.

The Policy is to be read in conjunction with the Scheme and any other relevant local Planning Policy.

If a provision of the Policy is inconsistent with the Scheme, the Scheme prevails.

9. Policy Background and Issues

Occasionally planning applications are lodged for developments with a clear community benefit. The town of Dumfries has a desire to ensure that these applications are provided with appropriate assistance. One area of assistance may be the waiving of regulatory fees.

Clause 9.2.2 of the Scheme allows the local government to waive part or all of a planning fee in exceptional circumstances.

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This Policy establishes the exceptional circumstances under which the Chief Executive Officer, exercising delegated authority from Council, will consider requests to waive planning fees.

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10. Policy/Measures

10.1 Request to be made

Any sporting, charitable or other community group shall make a request in writing to the Chief Executive Officer to waive a planning fee prior to the application being processed.

10.2 Group must be incorporated not-for-profit body

Any group making a request under clause 5.1 of this Policy must be an incorporated not-for-profit body.

10.3 Application must be for a development of community benefit

In order to qualify for the waiving of fees, an application must be considered by the Chief Executive Officer to be a development that will produce a community benefit.

10.4 Other Considerations

In addition to clauses 5.1 to 5.3, the Chief Executive Officer shall have due regard to the following considerations when determining a request for the waiving of planning fees:

- a) The level of contribution already made by the local government to the subject project;
- b) Whether other funding sources for the project provided for the payment of planning fees;
- c) The financial position of the body making the request;
- d) Whether an undesirable precedent for the waiving of planning fees would be created by approval of the request; and
- e) Any other matter the Chief Executive Officer considers relevant to the request.

6 Administration

6.1 Application not be processed until requested for waiver determined

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An application subject to a request for waiving of planning fees is not to be processed and determined until such time as the Chief Executive Officer has determined the request in accordance with clause 6.2 of this Policy.

6.2 Determination of Request for Waiver

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The Chief Executive Officer is to make a written determination on any request for the waiving of planning fees in accordance with this Policy.

In the event that refusal of the request is warranted, reasons for this are to be given.

6.3—Request referred to Council

In the event of a refusal, the body making the request may request that the matter be determined by Council. In the event of this occurring, the subject application is not to be processed and determined until Council considers the request unless the prescribed fee is paid.

Notwithstanding this Policy, the Chief Executive Officer may elect to table the request for the waiving of planning fees for the consideration of Council.

6.4 Delegation to Chief Executive Officer, Not to be Transferred

The delegation from Council to the Chief Executive Officer to determine requests for the waiving of planning fees is not to be transferred to another officer.

Adopted: 17 December 2014

Last Amended:

Last Reviewed: 1 May 2016

Next Review Date: 2017

Responsible Department: Town Planning

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