



Shire of Northam
Heritage, Commerce and Lifestyle

LOCAL PLANNING POLICY MANUAL

Local Planning Scheme No. 6

The Local Planning Policy Manual forms part of the Shire of Northam's Policy Manual which is divided into 9 categories. Section 5 is listed below.

| Amendments File Reference 2.3.1.2 | | | |
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| 18/12/2013 | C.2190 | New | LPP 1 - 15 |
| 18/02/2015 | C.2382 | New | LPP 16 |
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| 20/05/2015 | C.2442 | New | LPP 17 |
| 17/02/2016 | C.2641 | Review | LPP5 |
| 16/03/2016 | C.2663 | New | LPP19 |
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| 20/07/2016 | C.2761 | New | LPP18 |
| 15/02/2017 | C.2949 | Review | LPP11 LPP12 LPP13 LPP15 |
| 15/03/2017 | C.2973 | Review | LPP19 |
| 19/04/2017 | C.3003 | New | LPP21 |
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CONTENTS

| | |
|---|-----|
| GENERAL PROVISIONS | 5 |
| LPP 1 - OUTBUILDINGS (REVOKED) | 9 |
| LPP 2 - SITE CONSTRUCTION, GENERAL DEVELOPMENT AND SUBDIVISION GUIDELINES..... | 10 |
| LPP 3 - NEW TRANSPORTABLE, RELOCATED AND SECOND HAND DWELLINGS | 17 |
| LPP 4 - HOME EMPLOYMENT (HOME BUSINESS, HOME OCCUPATION, HOME OFFICE, HOME STORE, INDUSTRY-COTTAGE AND RURAL HOME BUSINESS) (REVOKED) | 24 |
| LPP 5 - USE AND CONTROL OF SEA CONTAINERS AND SIMILAR STORAGE CONTAINERS | 25 |
| LPP 6 - CONSTRUCTION OF ADDITIONAL DWELLINGS ON RURAL ZONED LAND | 30 |
| LPP 7 - DEVELOPMENT AND SUBDIVISION CONTRIBUTION..... | 33 |
| LPP 8 - RETROSPECTIVE PLANNING APPLICATIONS AND FEES | 45 |
| LPP 9 - NORTHAM AIRPORT DEVELOPMENT | 50 |
| LPP 10 - DEVELOPMENTS ABUTTING RIGHTS OF WAY | 54 |
| LPP 11 - TREE PRESERVATION - GREVILLEA STREET SUBDIVISION AREA.. | 60 |
| LPP 12 - ANIMAL ESTABLISHMENT | 69 |
| LPP 13 - ANCILLARY ACCOMMODATION..... | 78 |
| LPP 14 - FARMSTAY ACCOMMODATION AND BED AND BREAKFAST ESTABLISHMENTS | 82 |
| LPP 15 - ROAD AND SUBDIVISION REQUIREMENTS IN THE RURAL RESIDENTIAL ZONE..... | 89 |
| LPP 16 - ADVERTISING SIGNS..... | 94 |
| LPP 17 - AVON INDUSTRIAL PARK GUIDELINES | 109 |
| LPP 18 - HERITAGE PRECINCTS | 113 |
| LPP 18 – DEVELOPMENT GUIDELINES FOR THE FITZGERALD STREET HERITAGE PRECINCT (APPENDIX 1)..... | 129 |
| LPP 18 – DEVELOPMENT GUIDELINES FOR THE GORDON STREET RESIDENTIAL HERITAGE PRECINCT (APPENDIX 2) | 148 |
| LPP 19 - RESIDENTIAL DESIGN GUIDELINES FOR THE RURAL RESIDENTIAL AND RURAL SMALLHOLDING ZONES..... | 166 |
| LPP 20 - ADVERTISING OF PLANNING PROPOSALS | 177 |
| LPP21 - EXTRACTIVE INDUSTRY | 186 |

| | |
|---|-----|
| LPP22 – UNALLOCATED | 193 |
| LPP 23 - OUTBUILDINGS IN THE RESIDENTIAL & MIXED USE ZONES | 194 |
| LPP 24 - OUTBUILDINGS IN THE RURAL RESIDENTIAL, RURAL SMALLHOLDING & RURAL ZONES | 200 |

GENERAL PROVISIONS

Relationship of a Policy to Local Planning Scheme No 6 (“the Scheme”)

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

A Local Planning Policy is not part of the Scheme and does not bind the Local Government in respect of any application for planning approval but the Local Government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

Note: Local Planning Policies are guidelines used to assist the Local Government in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme, they must be consistent with, and cannot vary, the intent of the Scheme and the provisions of the Residential Design Codes (“RDC”). In considering an application for planning approval, the Local Government must have due regard to relevant Local Planning Policies.

Requirement for Planning Consent

Determination

All applications for planning consent within the Shire will be assessed against these Policies prior to a decision being made under the provisions of the Scheme.

In determining an application for planning consent, the Shire may:

- (a) Approve the application with conditions; or
- (b) Refuse the application, giving reasons for the refusal.

Planning consent is valid for a period of two (2) years from the date of consent, during which time, the development must be substantially commenced or the consent is extinguished.

Need for a Building Permit

Notwithstanding that planning consent may be granted by the Shire, where an application is proposing the location of a sea container, relocated building and/or the construction of a structure or building, a building permit is required to be sought and issued by the Shire’s building surveyor prior to the construction or the erection/placement commencing including any site works.

Advertising

The Shire may require any application to be advertised in accordance with Clause 9.4 of the Scheme if deemed necessary.

Information to be Supplied with an Application

Applications submitted to the Shire are to be made by completing an Application for Planning Consent form and checklist. The Application for Planning Consent form must be signed by the applicant(s) and the owner(s) of the land. To enable timely determination of the application, the following information must be provided:

Development Applications for the Construction of a Structure or Building

- (a) A cover letter with a description of the development such as oversize or over height outbuilding, metal clad dwelling, relocated dwelling, reduced setbacks to building, what the structure is proposed to be used for etc;
- (b) Accurate details of dimensions of the proposed development in square metres including floor area, roof area, wall height, wall length, ridge height etc;
- (c) Details of the construction and cladding material to be used for roof and walls, including colour etc;
- (d) Three (3) copies of a **SCALED** (1:100, 1:200 or 1:500) site plan of the property showing distance of the proposed development from property boundaries, existing structures and effluent disposal systems;
- (e) Three (3) copies of **SCALED** elevations of all sides of the development, showing height of the wall and roof ridge measured from natural ground level;
- (f) Three (3) copies of **SCALED** floor plan(s) of the proposed development;
- (g) Details of any trees to be removed to allow construction of the development;
- (h) Details of any existing or proposed crossover, verge treatment and/or traffic control devices within the vicinity of the development;
- (i) Details of drainage management for the development; and
- (j) Any other information the Shire may reasonably require to enable the application to be considered by the Shire of Northam.

The information listed above is also listed in the application Checklist issued with each application for planning approval.

All Other Applications for the usage of land such as Home Occupations, Change of Use, Rural Pursuit, Animal Establishment etc

- (a) A cover letter to include a detailed description of the use proposed, construction of any buildings or structures, existing uses, proposed motor vehicles etc;
- (b) If a structure or building is proposed to be constructed as part of the use proposed the following information is required to be submitted with the application: Accurate **SCALED** details of dimensions of any proposed development including floor area, roof area, wall height, wall length, ridge height etc;
 - i. Details of the construction and cladding material to be used for roof and walls, including colour etc;
 - ii. Three (3) copies of **SCALED** elevations of all sides of the development, showing height of the wall and roof ridge measured from natural ground level; and
 - iii. Three (3) copies of **SCALED** floor plan(s) of the proposed development.
 - iv. Three (3) copies of **SCALED** (1:100, 1:200 or 1:500) site plan of the property showing distance of the proposed development from property boundaries, existing structures and effluent disposal systems;
- (c) Details of any trees to be removed to allow for the commencement of the use or for the construction of any associated development; and
- (d) Any other information the Shire may reasonably require to enable the application to be determined.

Failure to provide the information requested above will result in the application for planning approval being returned to the applicant as incomplete.

Fees

The fees payable for applications under these policies are set by the Shire each year in accordance with its budgetary process and in accordance with the *Planning and Development Regulations 2009*.

Should an application for planning approval be returned to the applicant as incomplete to due lack of information provided, all fees paid to the Shire will be forfeited.

Variation of Requirements and Standards

If the Shire is satisfied that a requirement or standard specified in or arising out of this or any succeeding clause of this text is unreasonable or undesirable in the

circumstances of a particular case, the Shire may, at its discretion, permit a variation from that requirement or standard for the purpose of that case subject to such conditions as it thinks fit.

Before permitting a variation from any requirement or standard, the Shire may require that the owner and/or developer enter into a legal agreement with the Shire to use or develop the building or land in a particular manner and, in case of a breach of the legal agreement or of any conditions imposed by the Shire, in addition to any other remedies open to the Shire in respect of such breach, the Shire may enforce the requirements of the Scheme as to any requirement or standard varied.

The Shire shall not, in any event, vary a requirement or standard, unless it has been requested to do so by an applicant in connection with a proposal to commence or carry out development.

Delegated Authority

The Executive Manager, Development Services has delegated authority to approve applications which do not comply with any local planning policy subject to no objections being received from adjoining landowners upon completion of an advertising period as prescribed under Clause 9.4 of the Scheme.

Should objections be received from adjoining landowners, the application shall be presented to Council for determination.

LPP 1 - OUTBUILDINGS (REVOKED)

REVOKED AT THE ORDINARY COUNCIL MEETING HELD ON 21ST JUNE 2017.

LPP 2 - SITE CONSTRUCTION, GENERAL DEVELOPMENT AND SUBDIVISION GUIDELINES

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|-----------------|---|
| POLICY NO: | LPP 2 |
| POLICY SUBJECT: | SITE CONSTRUCTION, GENERAL DEVELOPMENT AND SUBDIVISION GUIDELINES |
| ADOPTION DATE: | 18 December 2013 |
| LAST REVIEW: | 17 April 2013 |

OBJECTIVES

The primary objectives are to:

- (a) Ensure that no development adversely impacts upon the amenity of the area or upon vistas from public roads;
- (b) Provide certainty for landowners of the requirements within the Shire and guidance to the Shire's officers by ensuring that all development issues are considered when applying for planning approval and that the rural nature of the Shire is maintained; and
- (c) Limit the impact of development by specifying general guidelines for development and site works.

DEFINITIONS

The following are definitions that may be used as part of this policy in addition to the definitions included in Local Planning Scheme No 6:

“Building Envelope” means an area of land within a lot marked on a plan approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained.

“Carport” means a roofed structure designed to accommodate one or more motor vehicles unenclosed except to the extent that it abuts a dwelling or a property boundary on one side, and being without a door unless that door is visually permeable.

“Council” means the elected members of the Shire.

“Dwelling” means a building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family.

“Garage” means any roofed structure, other than a carport, designed to accommodate one or more motor vehicles and attached to the dwelling or where not attached,

provided for the sole use of the dwelling. Garages that are included under the main roof of the residence are not subject to this policy.

“Earthworks” means the movement of earth on land which is carried out in conjunction with the construction of a structure or independently and exceeds 0.5m in height at any given point.

“LPS 6” means Local Planning Scheme No 6.

“Outbuilding” has the same meaning given to it in the Residential Design Codes and is also a structure used for the housing/storage of machinery or household items which may be provided with power and water and incorporates such structures as sheds, garages and barns. An outbuilding also means a Class 10A building as defined by the Building Code of Australia, which class 10 refers to a “non-habitable” building.

“Residential Design Codes” or **“RDC”** means State Planning Policy 3.1 issued by the Department of Planning.

“Scheme” means Local Planning Scheme No 6.

“Second Hand Materials” means any construction materials that have previously been used in the construction of any other structure.

“Setback” means the distance from boundaries as defined in LPS 6 or the RDC.

“Shire” means the Shire of Northam.

STATUTORY POWERS

This Local Planning Policy is made pursuant to clause 2.2 of the Shire’s Scheme.

POLICY STATEMENT

General Development Guidelines

All buildings in the “Rural Residential”, “Rural Smallholdings” and “Rural” zones intended for use as a residential dwelling, except those occupied on a temporary basis, must provide for the catchment and storage of at least 92,000 litres of water unless it can be shown that the residence can be connected to and supplied from an existing reticulated water supply or to an alternative supply of potable water.

No building shall be so constructed, finished or left unfinished so that its external appearance would, in the opinion of the Shire, create glare or in any other way whatsoever significantly detract from the amenity of the locality. All premises shall be so used and maintained so as to preserve the local amenity to the satisfaction of the Shire.

The roof of carports and garages are to be of the same materials and, where possible, pitch as the roof of the dwelling.

Dwellings are encouraged to be designed and oriented to the North, address all available street and parkland frontages, and East and West facing windows be protected with wide eaves.

In all cases where earthworks and retaining are to be “by owner”, a separate building permit shall be required to be applied for by the owner and issued to the owner simultaneously with the builder being issued with a building permit to construct the dwelling. An application for planning approval will be required in addition to a building permit if earthworks are undertaken prior to building approval.

Setbacks for Residential Buildings

Setbacks in the “Residential” Zone shall comply with the provisions of the RDC. Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the RDC is to conform to the provisions of those Codes.

Setbacks in the “Rural”, “Rural Smallholdings” and “Rural Residential” zones for all buildings shall comply with the provisions of Clause 5.5 of the Scheme, which requires that the minimum setback for any building to be in accordance with the below table.

Table 4 – Setbacks for Residential Buildings

| Zone | Setback From | Minimum Distance |
|---------------------|--------------|------------------|
| Rural Residential | Front | 15m |
| | Side | 10m |
| | Rear | 10m |
| Rural Smallholdings | Front | 25m |
| | Side | 20m |
| | Rear | 20m |
| Rural | Front | 25m |
| | Side | 20m |
| | Rear | 20m |

Building Materials

Where a residential dwelling is proposed to be clad in factory applied, non reflective painted steel or non-painted steel, an application for planning approval will be required to be lodged with the Shire. Non-painted steel is not permitted as a wall cladding material.

Minimum Roof Pitch

All residential dwellings shall have a minimum roof pitch of 15 degrees unless otherwise approved by the Shire.

Building On Boundaries

When buildings on boundaries comply with the acceptable development requirements of the RDC, applicants shall have plans signed by affected neighbours, prior to submission of a building permit application, certifying that the neighbour has been consulted and has no objection to the proposed wall on the common boundary.

Where applicants seek the Shire's determination of a building on a boundary under the performance criteria of the RDC, an application for planning approval shall be submitted for determination by the Shire, prior to a building licence application being made.

Should a planning application be received, the Shire will consult affected neighbours to comment on any building proposed on a boundary in all cases where their agreement has not been submitted with the application for planning approval. If the neighbour objects, the builder, the owner and the objector will be requested to negotiate a mutually acceptable outcome, and submit an amended proposal if necessary, prior to the Shire determining the application.

When there is a dispute between the neighbour and applicant about the wall facing the neighbour's property, the wall shall be finished to the satisfaction of the Shire.

Car Parking In Residential, Rural Residential and Rural Smallholdings Zones

In the "Residential" zone, carparking shall comply with the provisions of the RDC.

In the "Rural Residential" and "Rural Smallholdings" zones, designated carparking facilities shall be provided either by a carport attached or detached from the dwelling or contained within an outbuilding or garage unless otherwise approved by the Shire.

Earthworks, Retaining Walls and Fencing

If earthworks are not being undertaken as a component of the building permit then separate planning approval for earthworks are to be obtained. Earthworks should be contained within the setbacks applicable to each lot or within the designated building envelope (if applicable).

Any earthworks or retaining walls, whether proposed separately or under a building permit, in the "Rural Residential" or "Rural Smallholdings" zones that exceed 1000mm in height will be required to be submitted to the Shire for approval.

All fencing, including privacy and screen fencing shall comply with the Shire's Fencing Local Laws and the Dividing Fences Act. The Shire encourages residents to maintain street verges outside their homes in accordance with Shire Policy.

In the interests of streetscape amenity, the Shire will require fences along street frontages and forward of the building line within the Residential zone to be limited to a height of 1200mm.

The Shire may permit fences above the height specified above provided they do not exceed a height of 1800mm and are visually permeable above 1200mm to provide a clear view between buildings and the street.

Grouped Dwellings

The Shire has powers under the provisions of Clause 5.3 of the Scheme to permit development at the higher density for those lots designated as dual coded. Density bonuses will be considered in dual coded areas where the proposed developments:

- (a) Are designed for aged persons' accommodation, or provide a variety of housing types for an identified market;
- (b) Are connected to the Water Corporation's sewerage system;
- (c) Justify the density bonus through good quality and innovative design; and
- (d) Are located outside of SCA-1 Avon and Mortlock River Special Control Area.

A density bonus may be allowed subject to compliance with provisions of the RDC and the Shire's design guidelines.

Use Of Second Hand Materials

The use of second hand building materials are generally not supported within the "Residential", "Rural Residential", "Rural Smallholdings", "Tourist", "Mixed Use" and "Commercial" zones and require the specific approval of the Shire of Northam.

The use of second hand material within the "General Industry", "Light and Service Industry" and "Rural" zones may be considered by the Shire providing the following criteria are met:

- (a) The location of the development proposed to utilise second hand material is not visually prominent and is not easily seen from a public road;
- (b) All materials must be near new in appearance and be free of rust, damage and be of the same colour or finish;
- (c) All cladding is to be of the same profile and colour. If the same colour can not be achieved or the colours have significantly faded then the cladding is to be painted to the satisfaction of the Shire;

- (d) As a component of the building permit application the Shire's Building Surveyor will inspect the materials prior to any approval being granted.

Setback Of Smaller Lots Within The Rural Zone

For those lots less than 6,000m² that are located within the "Rural" zone the setbacks shall be as provided for in the RDC (refer to Tables 1 & 2 of RDC) corresponding to the applicable lot size the subject of the application.

Development On Land Identified As Possibly Having Unexploded Ordnance

Any application for development proposal or subdivision in an area which may be considered a high danger area for unexploded ordnance, the following conditions over and above determined conditions will apply:

- (a) The area to be searched by the Western Australian Police Force (UXO) Branch and clearance given;
- (b) The purchasers of blocks within a proposed subdivision are to be made aware of the history of the land and the likelihood of unexploded ordnance;
- (c) A restricted covenant being placed on the title explaining the area may be subject to unexploded ordnance; and
- (d) Statutory Declaration from the land owner, both current and future, that a restricted covenant placed on the land recognises the implications of the restricted covenant and that it is understood.

Battleaxe Subdivision

Rural, Rural Residential and Rural Smallholding Zones

Extensive use of the battleaxe configuration in the subdivision of new or broad acre areas is not favoured. Proposed battleaxe subdivision of lots shall be recommended for refusal on the following grounds:

- (a) Creation of this type of subdivision results in not being able to provide for two-way access and egress to residents and emergency services;
- (b) Creation of long battleaxe legs in areas with particular physical or topographical constraints is inappropriate; and / or
- (c) Not be used within areas that are bush fire prone areas.

In any event, should the WAPC approve a battleaxe subdivision which the Shire has not supported, the Shire shall, as a minimum, require a 6 metre wide sealed and

drained access leg with truncation at the front property boundary to allow for access sightlines.

Additionally, it is important to note that any refusals for battleaxe subdivision will be provided with the Shire's advisory comments.

LPP 3 - NEW TRANSPORTABLE, RELOCATED AND SECOND HAND DWELLINGS

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|-----------------|--|
| POLICY NO: | LPP 3 |
| POLICY SUBJECT: | NEW TRANSPORTABLE, RELOCATED AND SECOND HAND DWELLINGS |
| ADOPTION DATE: | 18 December 2013 |
| LAST REVIEW: | 17 April 2013 |

OBJECTIVES

The primary objectives are to:

- (a) Ensure that no development adversely impacts upon the amenity of the area or upon vistas from public roads;
- (b) Provide certainty for landowners of the requirements within the Shire and guidance to the Shire's officers by ensuring that all development issues are considered when applying for planning approval and that the rural nature of the Shire is maintained;
- (c) Limit the impact of development by specifying general guidelines for new transportable, relocated and second hand dwellings; and
- (d) To promote high quality sustainable housing within the Shire of Northam.

DEFINITIONS

The following are definitions that may be used as part of this policy in addition to the definitions included in Local Planning Scheme No 6:

"Building Envelope" means an area of land within a lot marked on a plan approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained.

"Carport" means a roofed structure designed to accommodate one or more motor vehicles unenclosed except to the extent that it abuts a dwelling or a property boundary on one side, and being without a door unless that door is visually permeable.

"Council" means the elected members of the Shire.

"Dwelling" means a building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family.

“Donga” means a transportable building typically utilised as workers’ accommodation throughout the mining industry and/or utilised as site offices and/or has the general appearance of mine site accommodation.

“Garage” means any roofed structure, other than a carport, designed to accommodate one or more motor vehicles and attached to the dwelling or where not attached, provided for the sole use of the dwelling.

“Earthworks” means the movement of earth on land which is carried out in conjunction with the construction of a structure or independently and exceeds 0.5m in height at any given point.

“LPS 6” means Local Planning Scheme No 6.

“Outbuilding” has the same meaning given to it in the Residential Design Codes and is also a structure used for the housing/storage of machinery or household items which may be provided with power and water and incorporates such structures as sheds, garages and barns. An outbuilding also means a Class 10A building as defined by the Building Code of Australia, which class 10 refers to a “non-habitable” building.

“Residential Design Codes” or **“RDC”** means State Planning Policy 3.1 issued by the Department of Planning.

“Scheme” means Local Planning Scheme No 6.

“Second Hand Materials” means any construction materials that have previously been used in the construction of any other structure.

“Second Hand Relocated Dwelling” means a dwelling which has previously been located on another site other than on the lot upon which it is to be placed, has previously been used for human habitation and includes a skid mounted transportable unit, donga and/or a light weight prefabricated building.

“Setback” means the distance from boundaries as defined in the Scheme or the RDC.

“Shire” means the Shire of Northam.

“Transportable Dwelling” means any dwelling which is designed and constructed to be transported in one or more parts from its place of construction to its intended location and has not previously been utilised for human habitation or located or erected on a land parcel, other than its construction origin, prior to application.

STATUTORY POWERS

This Local Planning Policy is made pursuant to clause 2.2 of the Shire’s Scheme.

POLICY STATEMENT

Transportable Dwellings

All new purpose built transportable dwellings under 100m² require planning approval.

No Planning Application is required for new purpose built transportable dwellings, if not constructed of sea containers or dongas, are over 100m² in size and if all other planning considerations are met.

The Shire considers that the location of a new transportable building (consisting of dongas or sea containers) can be detrimental to the amenity of the area in which it is located. The Shire does not support this form of construction.

The location of new transportable dwellings constructed of dongas is not supported in the “Residential”, “Rural Residential”, “Rural Smallholdings”, “Rural” (under 40ha) and “Development” zones.

The Shire will consider Planning Applications on their merits for new transportable buildings, including those constructed of dongas, in the “Rural” (over 40ha) zone. In considering whether or not to grant planning approval for a transportable building, the Shire shall have regard to, but not be limited to, the Policy provisions and objectives and Clause 10.2 of LPS 6.

Design Criteria for New Transportable Dwellings

All transportable dwellings:

- (a) shall be designed to reflect the existing character of development surrounding the subject site;
- (b) shall have a minimum roof pitch of 15° if the majority of the surrounding dwellings are of similar design;
- (c) shall have cladding of materials to the satisfaction of the Shire. Finishes such as brick vaneer, hardiplank sheets, spray render and factory painted steel are acceptable materials. Other finishes will require consideration by the Shire.
- (d) where deemed necessary by the Shire, verandah(s), carports and/or painting/recladding shall be undertaken to enhance the dwelling;
- (e) where deemed necessary by the Shire, landscaping shall be undertaken around the dwelling;
- (f) where the Shire requests any work to be carried out to enhance the appearance of the building and/or its surrounds, it may seek the payment of a bond/bank guarantee to ensure that such works are completed; and

- (g) within 8 weeks of the building being located on the approved site, an Officer of the Shire will carry out a final inspection to ensure that all the conditions of approval have been complied with. If these have not been met, then the Shire may consider issuing an order to have the building removed from the site.

Relocated Dwellings (Second Hand Dwellings)

Application for Planning Approval under the Scheme shall be a prerequisite to a building permit for relocated (second hand) dwellings. The application is to be accompanied by plans, photographs of each elevation and a report of the condition of the dwelling to be relocated.

When considering applications for planning approval, particular attention will be paid to the impact of relocating a dwelling on the amenity of the area, and the extent to which similar housing exists. This emphasis is in addition to all other matters the Shire is to consider under Clause 10.2 of the Scheme.

Second hand dongas will not be supported for relocation within the “Residential”, “Rural Residential”, “Rural Smallholdings”, “Rural” (under 40ha) and/or “Development” Zones.

The Shire will consider Planning Applications on their merits for second hand transportable buildings, including those constructed of dongas, in the “Rural” (over 40ha) zone. In considering whether or not to grant planning approval for a second hand transportable building, the Shire shall have regard, but not be limited to the Policy provisions and objectives and Clause 10.2 of Local Planning Scheme No 6.

Preservation of Amenity

The Shire may refuse to approve the transportation of a relocated second hand dwelling if, in its opinion, the proposed building would have an adverse effect on the amenity of the locality. The Shire shall have regard to, but not limited to, the following:

- (a) The external appearance of the second hand dwelling and any associated structures and landscaping;
- (b) Whether the structure is a donga;
- (c) The design of all elevations of the second hand dwelling where applicable, particularly those visible from a public road;
- (d) The dimensions and proportions of the second hand dwelling;
- (e) The use of compatible building and landscape materials, taking into consideration tone, texture, scale, shape and colour;
- (f) The effect on existing buildings on nearby properties and on the occupants of those buildings;

- (g) The environment resulting from the second hand dwelling itself and the effect of that environment, on the occupants of the building and the Shire's intentions for the development of the surrounding locality;
- (h) The effect of the building on existing and future services and community facilities. In particular, drainage, sewerage, water reticulation and existing or proposed community facilities such as schools, parks, civic buildings and pedestrian links;
- (i) The effect on the landscape and environment generally; and
- (j) Any other matter which, in the opinion of the Shire, is relevant to the amenity of the locality.

Removal of Asbestos

Removal of asbestos materials from any dwelling(s) is to be carried out in compliance with the Health (Asbestos) Regulations 1992, by a licensed contractor and at the expense of the applicant/landowner.

Should the dwelling require transport from a location outside of the Shire boundaries, all asbestos materials are to be removed from the dwelling prior to transport.

Should the dwelling require transport from a location within the Shire, every reasonable effort must be made to remove the asbestos materials from the dwelling prior to transport. If the removal of asbestos materials prior to transport is not possible, permission from the Shire must be obtained prior to transport of the dwelling.

All asbestos materials disposed within the Shire shall be at a Shire authorised disposal facility and at the cost of the applicant.

Legal Agreement requiring the payment of bonds

For second hand relocated dwellings in the "Residential", "Rural Residential", "Rural Smallholdings" and "Development" zones, a legal agreement, at the cost of the applicant, is required to be entered into to ensure that there is a bank guarantee of \$30,000 relating to specific stages of the building project that will need to be subsequently completed. Upon completion of the specific stages outlined below, the bond amount can be progressively extinguished, as follows:

Stage One:

Release \$6,000 if, within 6 months of the date of planning approval being issued:

- (a) The dwelling is correctly positioned on site as depicted on the approved plan issued with the Shire's planning approval;

- (b) The dwelling is correctly stumped or suitably affixed to the ground and the site is filled and/or drained satisfactorily, such that it is structurally adequate in accordance with the engineer's certification; and
- (c) The dwelling is up to lock up stage (all external windows, doors and fittings/fixtures installed/repaired).

Stage Two:

Release \$6000 if, within 8 months of the date of planning approval being issued:

- (a) All gutters, fascia and downpipe work is completed to the satisfaction of the Shire
- (b) All roof end/roofing work is completed (flashings on ridge and gable ends installed); and
- (c) All external surfaces are painted or reclad to a tradesman like standard in accordance with the painting and building approvals (including wall, doors, windows surrounds, sills etc).

Stage Three:

Release \$12,000 if, within 10 months of the planning approval being issued:

Compliance with planning conditions has taken place;

- (a) An approved effluent disposal system has been installed. The system has been inspected by the Shire's Environmental Health Officer and a permit to use has been issued;
- (b) Completion and certification of all electrical work;
- (c) Completion and certification of all plumbing work;
- (d) All wet area tiling completed in accordance with the Building Code of Australia;
- (e) Kitchen fit-out completed (cupboards/benches and stove/hotplate installed etc); and
- (f) Building has reached practical completion stage.

Stage Four:

Release \$6,000 if, within 12 months of the planning approval being issued:

- (a) Landscaping is planted and established to the Shire's satisfaction.

- (b) Landscaping has measures in place to ensure its maintenance to the Shire's satisfaction.

Note: Landscaping may not be required if the second hand relocated dwelling is located in the "Rural Smallholdings" or "Rural" zones. Land size and prevailing landuse will govern whether the landscaping component is applicable and is at the discretion of the Shire. Should landscaping be determined to be irrelevant in the circumstances, the \$6,000 applicable to stage four will be refunded at the completion of stage 3 or may not be required at all.

Compliance with Planning Conditions

Shire officers shall ensure that the progress and maintenance of all conditions imposed on any approval for the relocation of a second hand dwelling are fully advanced and in accord with the intent of the Policy.

The relocated dwelling must be completed to the satisfaction of the Shire within twelve (12) months of the date of planning approval.

The Shire shall ensure that the progress and maintenance of all landscaping requirements associated with the Approval are fully advanced, and in accord with the intent of the Policy.

Time Limit of Works and Forfeiture of Bond

The time for completion of all work is twelve (12) months from the relocation of the dwelling or prior to occupation, whichever comes first. Should the Shire not be satisfied with works undertaken to date at the time of expiry of the time limit, the Shire will take measures to ensure the works are completed as soon as is practicable. These measures may include the use of the bond to complete outstanding works.

Failure to comply with all conditions placed by the Shire on the planning consent will result in forfeiture of the bond and removal of the building unless otherwise determined by the Shire. The Legal Agreement in relation to the Bond is required to contain a clause relating to forfeiture of the bond to the Shire for failing to comply with conditions imposed.

**LPP 4 - HOME EMPLOYMENT (HOME BUSINESS, HOME OCCUPATION,
HOME OFFICE, HOME STORE, INDUSTRY-COTTAGE AND RURAL
HOME BUSINESS) (REVOKED)**

REVOKED AT THE ORDINARY COUNCIL MEETING HELD ON 19TH APRIL 2017.

LPP 5 - USE AND CONTROL OF SEA CONTAINERS AND SIMILAR STORAGE CONTAINERS

LOCAL PLANNING SCHEME NO.6

LOCAL PLANNING POLICY NO.5

- Use and Control of Sea Containers and Similar Storage Containers -

1. PRELIMINARY

1.1 Authority to prepare and adopt a Local Planning Policy

Schedule 2, Part 2, clause 3(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) allows Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Shire's Local Planning Scheme No.6 (the Scheme) area.

This policy will be made effective once Council has completed the process stipulated in clause 4(1) up to and including clause 4(4) of the Regulations.

1.2 Relationship of this Policy to the Scheme

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

This Local Planning Policy is not part of the Scheme and does not bind Council in respect of any application for development approval. However, Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

2. APPLICATION OF THE POLICY

2.1 Purpose

The purpose of this Local Planning Policy is to guide and control the use of sea containers and other similar storage containers.

2.2 Application

This policy applies to all zoned land in the whole district of the Shire of Northam.

2.3 Exemptions

This Policy does not apply to sea containers and similar storage containers located on Crown Reserves and road reserves.

2.3.1 Building and Subdivisional Work - Sea containers and other similar storage containers located on private land used for temporary storage during the conduct of building works are exempted on the proviso that:

- Building construction must commence prior to bringing a sea container or other similar storage container onto the premises;
- The sea container or other similar storage container must be located on the land in accordance with Scheme setback requirements.

- The sea container or other similar storage container must be removed once the building works are complete; and
- The sea container or other similar storage container must be sited to avoid any impacts on surrounding neighbours and the amenity of the area.

Note - Under Section 64 of the *Building Regulations 2012*, builders may apply for a verge licence when carrying out building and/or demolition works. In order to gain approval to use the verge, a Verge Permit Application form must be submitted to the local government and approved with a site plan indicating the exact location of the sea container or other similar storage container.

2.3.2 Delivery and Collection of Goods - The local government may exempt a sea container or other similar storage container from requiring Development Approval where the sea container is used for temporary purposes for up to seven days associated with the delivery and collection of goods directly related to the approved use of a property. The sea container or other similar storage container must be located on the private property and cannot be located within a road reserve.

2.3.3 Revocation of Exemptions - The local government may revoke its exemption for a landowner using a sea container or similar storage container if the local government considers the temporary use has –

- extended beyond a reasonable period of time; or
- the sea container / similar storage container is adversely impacting the amenity of an area and/or for any other reasons considered relevant by the local government.

In these cases, the local government may require either Development Approval for the sea container / similar storage container be sought by the landowner/contractor, or immediate removal of the sea container or other similar storage container from the premises.

If the sea container or other similar storage container is not removed the local government can issue a Planning Infringement Notice (PIN) or commence prosecution for illegal development under the *Planning and Development Act 2005* and LPS6, or issue a Direction Notice.

2.4 Relationship of this Policy to other Local Planning Policies

This Policy is to be read in conjunction with the following Local Planning Policies:

- Local Planning Policy No.1 'Outbuildings';
- Local Planning Policy No.2 'Site Construction, General Development and Subdivision Guidelines';
- Local Planning Policy No.19 'Residential Design Guidelines for the Rural Residential and Rural Smallholding Zones'.

3. **POLICY OBJECTIVES**

The primary objectives of this Policy are to –

- To ensure an acceptable quality of development is achieved that does not detrimentally affect the amenity and streetscape of the locality; and
- Establish guidelines for the placement of sea containers or other similar storage containers on land within the district of the Shire of Northam.

4. APPROVAL REQUIREMENTS

4.1 Delegated Development Approval

Clause 5.23 of the Scheme require the local government's Development Approval to relocate any sea containers to any lot.

Where a sea container / similar storage container is proposed that meets the requirements of this Policy, it will be granted Development Approval by Council's Chief Executive Officer or Council's Executive Manager Development Services under Delegated Authority from Council.

An Application for Development Approval is required to be lodged in accordance with Council's requirements and the scheduled fee paid.

Council's Chief Executive Officer or the Executive Manager Development Services may place conditions on the approval to ensure relevant provisions of this Policy are met by the development.

In considering an Application for Development Approval, the local government will consider the proposed location and condition of the sea container / similar storage container against the following criteria:

- The scale and bulk of existing buildings on the property to reduce the visual impact of the sea container or similar storage structure;
- The location of the sea container / similar storage container on the property and the ability of existing buildings, fencing and landscaping to reduce the visual impact of the sea container or other similar storage structure; and
- Ensuring the sea container / similar storage structure does not lead to a detrimental impact on the character or visual amenity of the locality.

Approval of the Development Approval application will be required prior to issue of a Building Permit and on-site works commencing.

4.2 Full Council Development Approval required for all other proposals

Where a sea container / other similar storage container is proposed that does not meet one or more requirements of this Policy, the application will require the approval of full Council. An Application for Development Approval is required to be lodged in accordance with Council's requirements and the scheduled fee paid. A written justification of the variation to the Policy sought is required to be lodged for consideration together with the Application.

Where Council considers the proposed variation will adversely impact on the amenity of the locality and adjoining properties, it may place conditions on the approval to ensure the development complies with this Policy or refuse the application outright.

Approval of the application by full Council will be required prior to issue of a Building Permit and on-site works commencing.

4.3 Need for a Building Permit

A Building Permit is required to be sought and issued for any structures prior to on-site works commencing. Building Permit fees and levies are payable in accordance with the current Shire of Northam Fees and Charges.

5. POLICY MEASURES

5.1 Residential Zone

Sea containers and similar storage containers are **not** permitted on any land zoned 'Residential' by Shire of Northam Local Planning Scheme No.6.

5.2 Rural Residential and Rural Smallholding Zones

The Local Government may grant temporary development approval for a period of up to 12 months, or permanent approval, for the use of sea containers or similar storage containers on any land zoned 'Rural Residential' or 'Rural Smallholding' subject to the following conditions:

- 5.2.1 A maximum of one (1) sea container up to 6m in length per Certificate of Title;
- 5.2.2 The sea container or other similar storage container to be located in accordance with the boundary setback and building envelope provisions for outbuildings for the particular property;
- 5.2.3 The sea container or other similar storage container shall not be located in front of the building setback and shall be screened from view of the street, including secondary streets and adjoining properties;
- 5.2.4 The sea container or other similar storage container shall be painted in a colour that is similar to or complementary to the colour of existing buildings on the property; and
- 5.2.5 The sea container or other similar storage container to be used for domestic storage purposes only.

5.3 Rural Zone, General Industry and Light and Service Industry Zones

The local government may grant Development Approval for the use of sea containers and other similar storage containers on any land zoned 'Rural' subject to the following conditions:

- 5.3.1 A maximum of one (1) sea container or other similar storage container up to 12m in length per Certificate of Title;
- 5.3.2 The sea container shall not be between the building and the street boundary and shall be screened from view of the street, including secondary streets and adjoining properties;
- 5.3.3 The sea container or other similar storage container to be located in accordance with the boundary setback provisions for outbuildings for the particular property; and
- 5.3.4 The sea container or other similar storage container shall be painted in a colour that is similar to or complementary to the colour of existing buildings on the property.

5.4 Commercial, Mixed Use and Tourism Zones

In order to protect the visual amenity and streetscape of the locality, there is a **general presumption** against the use and location of sea containers and other similar storage containers on land zoned 'Commercial', 'Mixed Use' and 'Tourist'.

Sea containers and similar storage containers will generally not be permitted in these zones except where it can clearly be demonstrated, to the satisfaction of the local government, that –

- the need for a sea container or other similar storage container on the property is absolutely necessary; and

- the sea container will be used in association with the approved commercial enterprise on the property; and
- the sea container will not be detrimental to the visual amenity and streetscape of the locality.

In such cases the local government may grant **Temporary** Development Approval for a period of up to 12 months subject to the following conditions:

- 5.4.1 A maximum of one (1) sea container or other similar storage container up to 12m in length per Certificate of Title;
- 5.4.2 The sea container or other similar storage container is to be used in association with the approved commercial enterprise on the property. Sea containers for domestic storage associated with a residential use is not permitted;
- 5.4.3 The sea container or other similar storage container shall not be located in front of the building setback and shall be screened from view of the street, including secondary streets and adjoining properties;
- 5.4.4 Development Approval will be issued for a period of up to 12 months only. Should the sea container or other similar storage container be required after this date, the landowner is to seek a new Development Approval. The local government will consider the granting of a new approval in the light of the prevailing legislative environment and the appropriateness of the sea container or other similar storage container to remain in use on the site; and
- 5.4.5 The sea container or other similar storage container shall be painted in a colour that is similar to or complementary to the colour of existing buildings on the property.

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|-----------------------|--|
| <i>Date Adopted:</i> | <i>18 December 2013</i> |
| <i>Date Reviewed:</i> | <i>17 February 2016 (effective 24 February 2016)</i> |
| <i>Next Review:</i> | <i>February 2017</i> |

LPP 6 - CONSTRUCTION OF ADDITIONAL DWELLINGS ON RURAL ZONED LAND

| | |
|-----------------|--|
| POLICY NO: | LPP 6 |
| POLICY SUBJECT: | CONSTRUCTION OF ADDITIONAL DWELLINGS ON RURAL ZONED LAND |
| ADOPTION DATE: | 18 December 2013 |
| LAST REVIEW: | 17 April 2013 |

OBJECTIVES

The primary objectives are to:

- (a) Ensure that no development or use adversely impacts upon the amenity of the area, upon vistas from public roads and/or primary agricultural functions of land;
- (b) Provide certainty for landowners of the requirements within the Shire by ensuring that all development issues are considered when applying for planning approval and that the rural nature of the Shire is maintained;
- (c) Limit the impact of development by specifying such things as maximum number of additional dwellings;
- (d) Allow sufficient scope for the siting of buildings sympathetic with landscape features, distance from neighbouring properties and roads; and
- (e) Provide guidance to the Shire's officers when considering applications made under these policies.

DEFINITIONS

The following are definitions that may be used as part of this policy in addition to the definitions included in Local Planning Scheme No 6:

"Council" means the elected members of the Shire.

"Dwelling" means a building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family.

"Donga" means a transportable building typically utilised as workers' accommodation throughout the mining industry and/or utilised as site offices and/or has the general appearance of mine site accommodation.

“LPS 6” means Local Planning Scheme No 6.

“Scheme” means Local Planning Scheme No 6.

“Setback” means the distance from boundaries as defined in Local Planning Scheme No 6.

“Shire” means the Shire of Northam.

STATUTORY POWERS

This Local Planning Policy is made pursuant to clause 2.2 of the Shire’s Scheme.

POLICY STATEMENT

On land zoned “Rural”, the Shire may permit the construction of an additional dwelling provided that:

- (a) The lot has an area of not less than 50 hectares;
- (b) The total number of dwelling houses on the lot will not exceed two; and
- (c) Where the second dwelling is to be used for purposes other than rural worker accommodation, the Shire is satisfied that:
 - (i) The additional dwelling is to be occupied only by an owner of the land or a member of the family;
 - (ii) The land does not have a high or very high capacity for agricultural activities;
 - (iii) The lot is capable of accepting a second dwelling by reason of soil type and stability, access to adequate roads and services, drainage, disposal and absorption of effluent and such other matters as shall be deemed appropriate by the Shire in the circumstances of the case.

Notwithstanding subclause (a) above, the Shire may approve a second dwelling on a lot of less than 50 hectares, but not less than 40 hectares, in an area where the Shire is satisfied that the second dwelling is to be used solely for the purposes of worker accommodation.

In considering an application for a second dwelling, the Shire shall have regard for the maintenance and enhancement of the rural landscape and shall take into consideration:

- (a) The location of the second dwelling on the lot;
- (b) Compliance with minimum construction guidelines;

- (c) The type and colour of exterior building materials;
- (d) The requirement for a second dwelling in any area to be located or screened so as not to be visible from a public street or way and are not encroaching on the relevant boundary setbacks; and
- (e) Such other matters as shall be deemed appropriate by the Shire in the circumstances of the case.

In assessing the capability of the land for agricultural activities, the Shire may seek advice from appropriate Authorities and may have regard for land capability studies prepared by such Authorities.

The Shire may refuse its consent or grants its consent with or without conditions.

The grant of consent by the Shire to the erection of a second dwelling does not, in any way, indicate that the Shire considers or will consider the subject land to be suitable for future subdivision.

A third or more dwellings may be permitted on a property where it can be shown and proved to the Shire the development will not be detrimental to the aesthetics to the area. In considering an application for more than two dwellings, the following must be taken into consideration:

- (a) The lot to have an area of 100 hectares or more;
- (b) The dwellings must be so located as to ensure they are not obtrusive and are not encroaching on the relevant boundary setbacks;
- (c) The dwellings should not create “ribbon development” on any road within the Shire or “residential” style development;
- (d) The type of construction and the size of the dwellings;
- (e) Approval to allow more than two dwellings is not a prelude or indication that subdivision would be supported; and
- (f) The accessibility to water and the provision of adequate water supply either by way of supply from a reticulated water supply or tank with at least 90,000 litre storage.

A donga is not an acceptable form of dwelling for the purposes of this Policy and will not be permitted as a second dwelling.

LPP 7 - DEVELOPMENT AND SUBDIVISION CONTRIBUTION

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|-----------------|--|
| POLICY NO: | LPP 7 |
| POLICY SUBJECT: | DEVELOPMENT AND SUBDIVISION CONTRIBUTION |
| ADOPTION DATE: | 18 December 2013 |
| LAST REVIEW: | 17 April 2013 |

OBJECTIVES

The primary objectives are to:

- (a) to promote the efficient and effective provision of public infrastructure and facilities to meet the demands arising from new growth and development;
- (b) to ensure that development contributions are necessary and relevant to the development to be permitted and are charged equitably among those benefiting from the infrastructure and facilities to be provided;
- (c) to ensure consistency and transparency in the system for apportioning, collecting and spending development contributions;
- (d) to ensure the social well-being of communities arising from, or affected by, development.

DEFINITIONS

The following are definitions that may be used as part of this policy in addition to the definitions included in Local Planning Scheme No 6:

“Administrative costs” means such costs as are reasonably incurred for the preparation and (with respect to standard infrastructure items) implementation of the development contribution plan.

“Administrative items” means the administrative matters required to be carried out by or on behalf of the local government in order to prepare and (with respect to standard infrastructure items) implement the development contribution plan, including legal, accounting, planning engineering, and other professional advice.

“Cost apportionment schedule” means a schedule prepared and distributed in accordance with State Planning Policy 3.6 - Development Contributions for Infrastructure.

“Cost contribution” means the contribution to the cost of infrastructure and administrative costs.

“Council” means the elected members of the Shire.

“Development contribution area” means shown on the scheme map as DCA with a number and included in Schedule 13 to the Scheme.

“Development contribution plan” means a development contribution plan prepared in accordance with the provisions of *State Planning Policy 3.6 Development Contributions for Infrastructure* and the provisions of this Policy.

“Development contribution plan report” means a report prepared and distributed in accordance with State Planning Policy 3.6 - Development Contributions for Infrastructure.

“Infrastructure” means the standard infrastructure items (services and facilities set out in appendix 1 to State Planning Policy 3.6 - Development Contributions for Infrastructure) and community infrastructure, including recreational facilities; community centres; child care and after school centres; libraries and cultural facilities and such other services and facilities for which development contributions may reasonably be requested having regard to the objectives, scope and provisions of this policy.

“Infrastructure costs” means such costs as are reasonably incurred for the acquisition and construction of infrastructure.

“LPS 6” means Local Planning Scheme No 6.

“Owner” means an owner of land that is located within a development contribution area.

“Scheme” means Local Planning Scheme No 6.

“Shire” means the Shire of Northam.

STATUTORY POWERS

This Local Planning Policy is made pursuant to clause 2.2 of the Shire’s Scheme.

POLICY STATEMENT

A contribution will be sought when development and subdivision of land within the Shire occurs for items of infrastructure that are necessary to support the orderly development of a specified area. Standard requirements include, but are not limited to, the provision of roads, water and sewerage facilities, utilities and public open space. Development contributions for infrastructure that does not fall within the standard requirements for community infrastructure may only be sought for such items to the extent that they have been identified in a development contribution plan which has been incorporated into the Shire’ Scheme, or otherwise through voluntary agreement with the relevant developer/s.

These guidelines (based on the Commission's State Planning Policy 3.6) set out the principles underlying development contributions and the form, content and process for the preparation of a Development Contribution Plan. Development contributions are necessary and relevant to the development being permitted and are charged equitably among those benefiting from the infrastructure and facilities that are to be provided.

Development contributions can be sought for:

- (i) A new item of infrastructure;
- (ii) Land for infrastructure;
- (iii) An upgrade in the standard of provision of an existing item of infrastructure;
- (iv) The total replacement of infrastructure once it has reached the end of its economic life; and
- (v) Other costs reasonably associated with the preparation, implementation and administration of a development contribution plan.

The contributions are for the initial capital requirements only and not for the ongoing maintenance and/or operating costs of the infrastructure. Developers will only fund the infrastructure and facilities which are reasonable and necessary for the development and to the extent that infrastructure and facilities are necessary to service the development.

Development Contribution Plans

Development Contribution Plans need to identify growth trends based on service catchment areas, translate these trends into the infrastructure and facilities necessary to meet these increasing needs within the catchment and allocate the costs of meeting these increasing needs to existing residents and new residents proportional to their contribution to the need for the infrastructure and facilities. Development Contribution Plans must have a strategic basis and be linked to the Local Planning Strategy and strategic infrastructure plan and program which identify the infrastructure and facilities required over the next 5-10 years and the cost and revenue sources for the provision of the infrastructure.

Development Contributions

For development and/or subdivision of land resulting in 1- 5 lots, the Shire will require the developer/subdivider to pay a contribution aligned with the Shire's Schedule of Fees and Charges. For developments/subdivisions resulting in more than 5 lots the Shire will require the developer/subdivider to submit a development contribution plan that addresses the following criteria:

- (a) The development contribution area to which the development contribution plan applies;
- (b) The infrastructure and administrative costs to be funded through the development contribution plan;

- (c) The method of determining the cost contribution of each owner; and
- (d) The priority and timing for the provision of infrastructure.

A Development Contribution Plan may specify the period during which it is to operate.

Where a Development Contribution Plan is required to be made, the Shire is **not** to:

- (a) Consider or recommend approval for subdivision; or
- (b) Consider or approve development of land within a development contribution area until:
 - (i) A Development Contribution Plan is in effect; or
 - (ii) The owner who has applied for subdivision or development approval has made arrangements for the payment of the owner's cost contribution.

Where a Development Contribution Plan is not in effect, the Shire may support subdivision or approve development where the owner has made other arrangements, satisfactory to the Shire, with respect to the owner's contribution towards the provision of infrastructure and administrative costs in the development contribution area.

Principles underlying Development Contributions

Development contributions may be charged in accordance with the following principles:

(a) Need and the nexus

The need for the infrastructure included in any development contribution plan must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).

(b) Transparency

Both the method for calculating the development contribution and the manner in which it is applied should be clear, transparent and simple to understand and administer.

(c) Equity

Development contributions should be charged from all developments within a development contribution area, based on their relative contribution to need.

(d) Certainty

All development contributions should be clearly identified and methods of accounting for escalation agreed upon at the commencement of a development.

(e) Efficiency

Development contributions should be justified on a whole of life capital cost basis consistent with maintaining financial discipline on service providers by precluding over recovery of costs.

(f) Consistency

Development contributions should be applied uniformly across a development contribution area and the methodology for applying contributions should be consistent.

(g) Right of consultation and review

Land owners and developers have the right to be consulted on the manner in which development contributions are determined. They also have the opportunity to seek a review by an independent third party if they believe the contributions are not reasonable.

(h) Accountability

There must be accountability in the manner in which development contributions are determined and expended.

Land Excluded

In calculating both the area of an owner's land and the total area of land in a development contribution area, the area of land provided in that development contribution area for:

- (a) Roads designated as Primary Regional Roads and Other Regional Roads;
- (b) Existing public open space;
- (c) Government primary and secondary schools; and
- (d) Such other land as is set out in the development contribution plan is to be excluded.

Cost Apportionment Schedule

Within 90 days of the gazettal date of the endorsed development contribution plan, the Shire is to make available a Cost Apportionment Schedule to all owners in the development contribution area. The Cost Apportionment Schedule shall set out in detail the calculation of the cost contribution for each owner in the development contribution area. The Cost Apportionment Schedule does not form part of the Scheme.

COST APPORTIONMENT SCHEDULE - example

| LANDOWNER CONTRIBUTIONS FOR DC1 – AAAAA | | \$ est. |
|---|--|---------|
| Land acquisition costs | | |
| <i>District Community Centre</i> | | \$ |
| Planning and design costs | | |
| <i>District Community Centre</i> | | \$ |
| Construction costs | | |
| <i>District Community Centre</i> | | \$ |
| Landscaping costs | | |
| <i>District Community Centre</i> | | \$ |
| Parking provisions | | |
| <i>District Community Centre</i> | | \$ |
| Etc | | |
| Administration costs | | |
| <i>Costs to prepare the plan (and for standard infrastructure items) and administer</i> | | |
| <i>Costs to prepare and review estimates</i> | | |
| <i>Costs to prepare the cost apportionment schedule</i> | | |
| <i>Total projected demand for the district community</i> | | XX,XXX |
| <i>Less demand from existing residents</i> | | X,XXX |
| <i>Less demand from external users</i> | | XXX |
| <i>Less future demand outside of the development contribution plan timeframe</i> | | X,XXX |
| Total demand associated with development contribution plan | | X,XXX |

| Lot Description | Demand generated | Infrastructure requirement | Percentage of total demand % |
|-----------------|------------------|----------------------------|------------------------------|
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |

Cost Contributions Based on Estimates

The value of infrastructure and administrative costs is to be based on the amounts expended, but when expenditure has not occurred, it is to be based on the best and latest estimated costs available to the Shire. Where a Cost Apportionment Schedule contains estimated costs, such estimated costs are to be reviewed at least annually by the Shire:

- (a) In the case of land to be acquired, in accordance with determination of the value of land acquired;
- (b) In all other cases, in accordance with the best and latest information available to the Shire; and
- (c) Until the expenditure on the relevant item of infrastructure or administrative costs has occurred.

The Shire is to have such estimated costs independently certified by an appropriately qualified person and must provide such independent certification to an owner where requested to do so.

Where any cost contribution has been calculated on the basis of an estimated cost, the Shire:

- (a) Is to adjust the cost contribution of any owner in accordance with the revised estimated costs; and
- (b) May accept a contribution, based on estimated costs, as a final cost contribution and enter into an agreement with the owner accordingly.

Where an owner's cost contribution is adjusted, the Shire, on receiving a request in writing from an owner, is to provide the owner with a copy of estimated costs and the calculation of adjustments.

Valuation of Land

If an owner objects to a valuation made by the valuer, the owner may give notice to the Shire requesting a review of the amount of the value, at the owner's expense, within 28 days after being informed of the value.

If the valuer does not change the value of the land to a figure acceptable to the owner, the value is to be determined:

- (a) By any method agreed between the Shire and the owner; or
- (b) If the Shire and the owner cannot agree, by arbitration in accordance with the *Commercial Arbitration Act 1985*.

Liability for Cost Contributions

An owner is required to make a cost contribution in accordance with the applicable Development Contribution Plan. An owner's liability to pay the owner's cost contribution to the Shire arises on the earlier of:

- (a) The Commission endorsing its approval on the Diagram or Plan of Survey or the subdivision of the owner's land within the development contribution area;

- (b) The commencement of any development or commencing any new or extended use on the owner's land within the development contribution area;
- (c) The time of applying to the Shire or Commission for approval of any development or new or extended use, on the owner's land within the development contribution area; or
- (d) At the expiry of the Development Contribution Plan.

Notwithstanding the above, an owner's liability to pay the owner's cost contribution does not arise if the owner commences development of the first single house or outbuildings associated with that first single house on an existing lot which has not been subdivided since the gazettal of the Development Contribution Plan.

Payment of Cost Contribution

The owner, with the agreement of the Shire, is to pay the owner's cost contribution by:

- (a) Cheque or cash;
- (b) Transferring to the Shire, or a public authority, land in satisfaction of the cost contribution;
- (c) Some other method acceptable to the Shire; or
- (d) Any combination of these methods.

The owner, with agreement of the Shire, may pay the owner's cost contribution in a lump sum, by instalments or in such other manner acceptable to the Shire.

Payment by an owner of the cost contribution, including a cost contribution based on estimated costs, constitutes full and final discharge of the owner's liability under the Development Contribution Plan.

Charge of Land

The amount of any cost contribution for which an owner is liable, but has not paid, is a charge on the owner's land to which the cost contribution relates and the Shire may lodge a caveat, at the owner's expense, against the owner's title to that land. The Shire, at the owner's expense and subject to such other conditions as the Shire thinks fit, is to withdraw a caveat lodged to permit a dealing and may then re-lodge the caveat to prevent further dealings. If the cost contribution is paid in full and, if required to do so by the owner, the Shire, at the expense of the owner, is to withdraw any caveat lodged.

Administration of Funds

The Shire is to establish and maintain a reserve account in accordance with the Local Government Act 1995 for each development contribution area into which cost contributions for that development contribution area will be credited and from which all payments for the cost of infrastructure and administrative costs within that development contribution area will be paid. The purpose of such a reserve account or the use of money in such a reserve account is limited to the application of funds for that development contribution area. Interest earned on cost contributions credited to a reserve account is to be applied in the development contribution area to which the reserve account relates. The Shire is to publish an audited annual statement of accounts for that development contribution area as soon as practicable after the audited annual statement of accounts becomes available.

Shortfall or Excess in Cost Contributions

If there is a shortfall in the total cost contribution when all cost contributions have been made or accounted for in a particular development contribution area, the Shire may:

- (a) Make good the shortfall;
- (b) Enter into agreements with owners to fund the shortfall; or
- (c) Raise loans or borrow from a financial institution.

But nothing listed above restricts the right or power of the Shire to impose a differential rate to a specified development contribution area in that regard.

If there is an excess in funds available to the development contribution area when all cost contributions have been made or accounted for in a particular development contribution area, the Shire is to apply the excess funds for the provision of additional facilities or improvements on that development contribution area.

Powers of the Shire

The Shire, in implementing the Development Contribution Plan, has the power to:

- (a) Acquire any loan or buildings within the Scheme area under the provisions of the *Planning and Development Act 2005*; and
- (b) Deal with or dispose of any land which it has acquired under the provisions of the *Planning and Development Act 2005* in accordance with the law and, for such purpose, may make such agreements with other owners as it considers fit.

Arbitration

Any dispute between an owner and the Shire in connection with the cost contribution required to be made by an owner is to be resolved by arbitration in accordance with the *Commercial Arbitration Act 1985*.

Stages of Creating Structured Development Contributions

There are three stages to the creation of development contributions.

(a) Formulated and agreed

A Development Contribution Plan is used to prescribe the cost contribution for owners in a development contribution area. Areas requiring a Development Contribution Plan, and the infrastructure needs and costs for such area, will generally be identified as part of the process of developing or amending planning schemes.

(b) Calculated and applied

Development contributions may be calculated and applied as:

- (i) standard conditions of subdivision or strata subdivision;
- (ii) conditions of development.

Alternatively, contributions can be implemented through voluntary legal agreements. This applies to subdivisional works such as roads, drainage, and the provisions of power, water and utilities. They may also be applied as conditions of development. The calculation will be to apply the detail of the Developer Contribution Plan to the development, including any offsets for the ceding of land or construction of infrastructure.

(c) Due and Payable

Development contributions become due and payable as part of the subdivision clearance process or prior to the commencement of development. Clearance of deposited plans, or strata plans as the case may be, to enable the issue of titles, should not occur until full payment, as calculated and applied, has been finalised. Development contributions are only payable on the proportion of land within a plan being requested for clearance in a development.

Process for Determining Development Contributions for Community Infrastructure

The Shire requirements for development contributions for community infrastructure are to be calculated on the basis of:

- (a) the need for that infrastructure based on analysis of the demand;
- (b) the nexus where the relationship between the need for infrastructure and the new development is clearly established;

- (c) catchment areas that the infrastructure would service, identifying both existing demand and new demand that is associated with the development; and
- (d) the cost of providing the infrastructure, which should be based on the latest or best estimates available to the Shire and should include provision for regular adjustments to account for cost escalation over time.

Where the Shire is seeking contributions for community infrastructure, these need to be supported by:

- (a) a community infrastructure plan for the area, identifying the services and facilities required over the next 5 to 10 years (supported by demand analysis and identification of service catchments);
- (b) a capital expenditure plan (with at least 5 out years), which identifies the capital costs of facilities and the revenue sources (including capital grants) and programs for provision;
- (c) projected growth figures, including the number of new dwellings to be created at catchment level (suburb or district); and
- (d) a methodology for determining the proportion of costs of community infrastructure to be attributed to growth and the proportion to be attributed to existing areas.

Forms of Contributions

Conditions relating to development contribution requirements can be satisfied by:

- (a) the ceding of land for roads, public open space, school sites, drainage and other reserves;
- (b) construction of infrastructure works which are transferred to public authorities on completion;
- (c) monetary contribution to acquire land or undertake works by or on behalf of public authorities; or
- (d) a combination of the above.

The Application of a Credit in a Development Contribution Plan

A Development Contribution Plan may identify infrastructure that:

- (a) needs to be actioned with the first development in a development contribution area, such as a major road extension/connection;

- (b) is predominantly located on the developer's land, such as construction of a recreation facility to service the larger development contribution area.

The Shire may mandate that this work is undertaken, creating an in-kind contribution above that identified in the development contribution plan for that area (for example, the provision of physical infrastructure). In this instance, the developer and the Shire must negotiate a fair and reasonable outcome in relation to this credit. Appropriate negotiated outcomes may include:

- (a) Where a developer has other land holdings in the area, the credit is held by the Shire until it is required to be used by the developer to offset future contributions.
- (b) Where a developer has no further holdings in the area, the amount is held by the Shire as a credit to the developer until payments into the development contribution plan are received from subsequent developers. The credit is then reimbursed to the developer.
- (c) Where the development contribution plan is in credit from developer contributions already received, the credit should be reimbursed on completion of the works/ceding of land.

Any indexing of the Developer Contribution Plan should be equally applied to such credits.

Implementation

Implementation of Development and Subdivision Contribution to Community Infrastructure will be undertaken by local planning strategies, structure plans and local planning schemes and the day-to-day consideration of zoning, subdivision, strata subdivision and development proposals and applications, together with the actions and advice of agencies in carrying out their responsibilities.

LPP 8 - RETROSPECTIVE PLANNING APPLICATIONS AND FEES

| | |
|-----------------|--|
| POLICY NO: | LPP 8 |
| POLICY SUBJECT: | RETROSPECTIVE PLANNING APPLICATIONS AND FEES |
| ADOPTION DATE: | 18 December 2013 |
| LAST REVIEW: | 17 April 2013 |

OBJECTIVES

The primary objectives are to:

- (a) Ensure that no development or use adversely impacts upon the amenity of the area or upon vistas from public roads;
- (b) Provide certainty for landowners of the requirements within the Shire by ensuring that all development issues are considered when applying for retrospective planning approval and that the rural nature of the Shire is maintained;
- (c) Ensure that constructed developments are not utilised illegally; and
- (d) Provide guidance to the Shire's officers when considering applications made under this policy.

DEFINITIONS

The following are definitions that may be used as part of this policy in addition to the definitions included in Local Planning Scheme No 6:

“**Act**” means the Planning and Development Act 2005.

“**Council**” means the elected members of the Shire.

“**LPS 6**” means Local Planning Scheme No 6.

“**Owner**” means an owner of land that is located within a development contribution area.

“**Scheme**” means Local Planning Scheme No 6.

“**Shire**” means the Shire of Northam.

STATUTORY POWERS

This Local Planning Policy is made pursuant to clause 2.2 of the Shire's Scheme.

POLICY STATEMENT

All applications for the retrospective approval of land use and/or development will be assessed against this policy prior to a decision being made under the provisions of the Scheme. Where an application is deemed to be consistent with the objectives and provisions of the Policy, consent may not be required from Council.

In determining the application, the Shire may:

- (a) Approve the application; or
- (b) Approve the application with conditions; or
- (c) Refuse the application and require removal of the unapproved development or cessation of the unapproved landuse; and/or
- (d) Initiate legal prosecution against the landowner.

Planning consent is valid for a period of two (2) years from the date of consent, during which time, a Certificate of Building Compliance must be obtained or the consent will be extinguished.

Need for a Certificate of Building Compliance

Notwithstanding that retrospective planning approval may be granted by the Shire, a Certificate of Building Compliance is required to be sought and issued by the Shire's building surveyor within twenty one (21) days of retrospective planning approval being issued.

Advertising

All applications for retrospective planning approval are required to be advertised in accordance with Clause 9.4 of the Scheme.

Approval Without Referral to Council

Development that complies with the criteria as set out in Table 1 may be approved by delegated authority without referral to Council.

Referral to Council

Development that fits one or more of the criteria outlined in Table 2 will be referred to Council for determination.

Table 1 - Development That May be Approved Without Referral to Council

| Development Type | Zone | Design/Location |
|------------------|-----------|--|
| Structures | All Zones | Where the development: (a) Complies with a permissible or discretionary use under the Scheme; (b) Complies with the provisions of the Scheme and/or the provisions of any Local Planning Policy created under that Scheme; (c) Following advertising, no objections based on planning grounds, in the opinion of the delegated officer, are received; and (d) In the opinion of the delegated officer does not warrant the attention of Council. |
| Keeping of Stock | All Zones | (a) Where the keeping of stock is a permissible or discretionary use under the Scheme; (b) Where the keeping of stock complies with the provisions of the Scheme and the provisions of any Local Planning Policy created under that Scheme; (c) No environmental damage has occurred in the opinion of the Shire; (d) The applicant submits an acceptable stock management plan; (e) Following advertising, no objections based on planning grounds, in the opinion of the delegated officer, are received; and (f) In the opinion of the delegated officer, does not warrant the attention of Council. |
| Change of Use | All Zones | Where the land use: (a) Complies with a permissible or discretionary use under the Scheme; (b) Complies with the provisions of the Scheme and/or the provisions of any Local Planning Policy created under that Scheme; (c) Following advertising, no objections based on planning grounds, in the opinion of the delegated officer, are received; and (d) In the opinion of the delegated officer, does not warrant the attention of Council. |
| Earthworks | All Zones | Where the earthworks: (a) Do not exceed 1m of fill; (b) Does not comprise more than one third of the total land area; (c) Would be consistent with the requirements, in the opinion of the Shire's Executive Manager Development Services, under the building program; and (d) In the opinion of Shire staff, does not constitute negative amenity impact to the local area or to adjoining landowners. |

Table 2 - Development That Will be Referred to Council for Determination

| Development Type | Zone | Design/Location |
|-------------------------|-------------|--|
| Structures | All Zones | Where the development: (a) Is not a permissible or discretionary use under the Scheme; (b) Does not comply with the provisions of the Scheme and/or the provisions of any Local Planning Policy created under that Scheme; (c) Following advertising, objections based on planning grounds, in the opinion of the delegated officer, are received; and (d) In the opinion of the delegated officer, does warrant the attention of Council. |
| Keeping of Stock | All Zones | (a) Where the keeping of stock is not a permissible or discretionary use under the Scheme; (b) Where the keeping of stock does not comply with the provisions of the Scheme and/or the provisions of any Local Planning Policy created under that Scheme; (c) Where environmental damage has occurred in the opinion of the Shire; (e) Following advertising, objections based on planning grounds, in the opinion of the delegated officer, are received; and (d) In the opinion of the delegated officer, does warrant the attention of Council. |
| Change of Use | All Zones | Where the landuse: (a) Is not a permissible or discretionary use under the Scheme; (b) Does not comply with the provisions of the Scheme and/or the provisions of any Local Planning Policy created under that Scheme; (c) Following advertising, objections based on planning grounds, in the opinion of the delegated officer, are received; and (d) In the opinion of the delegated officer, does warrant the attention of Council. |
| Earthworks | All Zones | Where the earthworks: (a) Exceeds 1m of fill; (b) Comprises more than one third of the total land area; (c) Would not be consistent with the requirements, in the opinion of the Shire's Executive Manager Development Services, under the building program; and (d) In the opinion of Shire staff, constitutes negative amenity impact to the local area or to adjoining landowners. |

Part 13 - Division 3 of the Act - Infringement Notices

The Shire, at its discretion, may issue an infringement notice to the landowner for the commencement of unapproved development as prescribed in the *Planning and Development Act 2005*.

Fees

The fees payable for applications under this policy are set by Council each year in accordance with its budgetary process and in accordance with the *Planning and Development Regulations 2009*.

Retrospective fees (twice the original designated application fee) are also applicable to any application assessed against this policy.

Legal prosecution and/or a planning infringement notice may also be initiated against the landowner for any unapproved development and/or land use undertaken in the Shire without prior approval of the local government as provided for under the Scheme.

LPP 9 - NORTHAM AIRPORT DEVELOPMENT

| | |
|-----------------|-----------------------------|
| POLICY NO: | LPP 9 |
| POLICY SUBJECT: | NORTHAM AIRPORT DEVELOPMENT |
| ADOPTION DATE: | 18 December 2013 |
| LAST REVIEW: | 17 April 2013 |

OBJECTIVES

The primary objectives are to:

- (a) provide certainty for lease holders at the Northam Airport in terms of private and commercial hangar development by ensuring that all development issues are considered when applying for planning approval and that the amenity of the Northam Airport is preserved;
- (b) ensure that private and commercial hangars are constructed with appropriate materials;
- (c) ensure that private and commercial hangars proposed to be constructed are assessed against minimum design standards as set out in this policy; and
- (d) provide guidance to Council and Council's officers when considering applications made under this policy.

DEFINITIONS

The following are definitions that may be used as part of this policy in addition to the definitions included in Local Planning Scheme No 6:

"Council" means the elected members of the Shire.

"Owner" means an owner of land that is located within a development contribution area.

"Scheme" means Local Planning Scheme No 6.

"Shire" means the Shire of Northam.

STATUTORY POWERS

This Local Planning Policy is made pursuant to clause 2.2 of the Shire's Scheme.

POLICY STATEMENT

Private Hangar Development

Setbacks

Private hangars shall comply with the following minimum building setbacks:

Front: Nil Setback
Rear: Nil Setback
Sides: 0.5m Setback

Building Materials to be Used

All private hangars are to be clad to a minimum standard of factory applied non reflective painted steel to the walls and roof.

Building Height

All private hangars are to have a maximum wall height of 4.5 metres.

Car Parking

All vehicles are to be parked entirely within the leased area or in the public car parking area provided on the Northam Airport site.

Fuel Storage

Aviation fuel and combustible chemicals are to be stored in accordance with established guidelines/regulations from the Department of Consumer & Employment Protection (Dangerous Goods Safety). No more than 410 litres of aviation fuel is to be stored on a lease area without Shire approval.

Ablutions

Developers of private hangars are not obligated to provide private ablution facilities within the hangar. There are public ablution facilities at the Northam Airport site that can be accessed.

Storage of Equipment

Storage of all equipment used in the operation of the private hangar is to be contained within the hangar(s) at all times.

Maintenance of Buildings and Surrounds

The owners of private hangar sites shall maintain the hangar in a neat and tidy manner and ensure the surrounding lease site is kept free of disused materials and rubbish.

Use of Hangar

No person shall use a private hangar site for commercial or industrial purposes or for human habitation.

Rainwater Tank

A minimum of 2,000 litre rain water tank is to be installed within the leased area.

Commercial Hangar Development

Setbacks

Commercial hangars shall comply with the following minimum building setbacks:

Front: Nil Setback
Rear: Nil Setback
Sides: 0.5m Setback

Building Materials to be Used

All commercial hangars are to be clad to a minimum standard of factory applied non reflective painted steel including walls and roof.

Building Height

All commercial hangars are to have a maximum wall height of 4.5 metres.

Car Parking

Car Parking bays are to be provided within the leased area at a minimum rate of one bay per employee. The general public utilising the services of the commercial hangar are to use the public car parking facility unless additional car parking is provided.

Fuel Storage

Aviation fuel and combustible chemicals are to be stored in accordance with established guidelines/regulations from the Department of Consumer & Employment Protection (Dangerous Goods Safety). No more than 410 litres of aviation fuel is to be stored on a lease area without Shire approval.

Ablutions

A minimum of one unisex, accessible toilet is to be provided per commercial hangar, as per the requirements of the BCA.

Storage of Equipment

Storage of all equipment pertaining to the operation of the commercial hangar is to be fully contained within the hangar(s) at all times.

Signage

Prior to any signage being erected on a commercial hangar site, a signage application is to be submitted to and approved by the Shire.

Maintenance of Buildings and Surrounds

The owners of commercial hangar sites shall maintain the hangar in a neat and tidy manner and ensure the surrounding lease site is kept free of disused materials and rubbish.

Use of Hangar

No person shall use a commercial hangar site for industrial purposes or for human habitation.

Advisory Notes for all Applicants

All applicants proposing development at the Northam Airport should be made aware of the limitations in relation to the supply of water pressure.

No hangar site, private or commercial, is to be used for the purpose of human habitation.

LPP 10 - DEVELOPMENTS ABUTTING RIGHTS OF WAY

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|-----------------|-------------------------------------|
| POLICY NO: | LPP 10 |
| POLICY SUBJECT: | DEVELOPMENTS ABUTTING RIGHTS OF WAY |
| ADOPTION DATE: | 18 December 2013 |
| LAST REVIEW: | 17 April 2013 |

OBJECTIVES

The primary objectives are to:

- (a) Ensure that no development or use adversely impacts upon the amenity of the area or upon vistas from public roads;
- (b) Provide certainty for landowners of the requirements within the Shire by ensuring that all development issues are considered when applying for planning approval and that the rural nature of the Shire is maintained;
- (c) Ensure the provisions of the Laneway Strategy are accommodated and accomplished;
- (d) Allow sufficient scope for the siting of buildings sympathetic with landscape features, distance from neighbouring properties and roads;
- (e) Provide guidance to the Shire's officers when considering applications made under these policies.

DEFINITIONS

The following are definitions that may be used as part of this policy in addition to the definitions included in Local Planning Scheme No 6:

"Council" means the elected members of the Shire.

"LPS 6" means Local Planning Scheme No 6.

"Owner" means an owner of land that is located within a development contribution area.

"Residential Design Codes" or "RDC" means State Planning Policy 3.1 issued by the Department of Planning.

"ROW" means any Right of Way or Laneway.

"Scheme" means Local Planning Scheme No 6.

“**Shire**” means the Shire of Northam.

STATUTORY POWERS

This Local Planning Policy is made pursuant to clause 2.2 of the Shire’s Scheme.

POLICY STATEMENT

Unless otherwise stated in the Scheme, where there is a conflict between this policy and other policies this policy shall prevail. The following standards are in addition to the Acceptable Development standards contained in the Residential Design Codes of Western Australia (“R-codes”).

This Policy applies to all developments abutting a Rights of Way (“ROW”) or a dedicated road which was originally created as a ROW. Reference to ROW hereinafter includes ROW and includes dedicated laneways that were recognised by the Shire’s Laneway Strategy adopted by Council on 17th August 2011.

The Shire is seeking to promote the use of some ROWs for primary access. (Reference to ‘primary access’ in this policy means a road or ROW which provides the principal access to the major entry (front door) of a dwelling.)

General Development Provisions

In assessing an application for planning approval for development abutting all ROW the following provisions shall apply:

- (a) Provide sufficient reversing and manoeuvring area for vehicular access to the satisfaction of the Shire (as per Australian Standards AS/NZS 2890);
- (b) Provide a minimum 1.5 metre wide pedestrian / service access to the pre-existing primary street where a development uses a ROW for primary access (Refer to ‘Service Access’ section below);
- (c) Provide a visual truncation to provide a sight line to allow safe reversing for all developments utilising a ROW for vehicular access or abutting a development utilising a ROW for vehicle access;
- (d) Provide corner truncations free of costs to the Crown for corner lots abutting ROW including:
 - (i) 3.0m x 3.0m corner truncation for lots at the intersection of two ROW for ROW at least 6.0 m wide;
 - (ii) 2.0m x 2.0m corner truncations for lots at the intersection of a ROW at least 6.0m wide and a street;
 - (iii) Corner truncations to Shire’s satisfaction for ROW less than 6.0 metres wide; and
 - (iv) Provide sealing and drainage to ROW to the satisfaction of the Shire where a development utilises an unmade ROW for vehicle access.

Specific Development Provisions

Commercial Developments

Commercial Developments are required to provide lighting in parking areas accessed from the ROW. Commercial developments providing parking areas accessed from the ROW will be encouraged and may be required to provide pedestrian access from parking areas to the commercial property. Commercial developments providing parking areas accessed from the ROW will be required to integrate this with parking of abutting commercial properties, wherever possible. . The location of multi-storey car parking adjacent to a ROW is not permitted.

Consideration of the impact of the development potential and streetscape of the ROW will be required in location and design of abutting buildings, fencing, bin stores, storage etc. Bin stores along ROW with residential land opposite should be screened, well maintained and managed to limit noise, odour emissions and pests.

Residential Developments

Residential developments involving residential infill are required to use the ROW for primary access;

Where residential developments abut commercial development across a ROW, applications will be assessed on their merits to ensure that residential amenity is protected and traffic problems are avoided. This may involve the relaxation of some or all of the provisions below including the requirement to orientate to the ROW. In particular, where a ROW is dominated by commercial developments or where the significant majority of abutting lots have no development potential, setbacks will be assessed on a case by case scenario;

Where a development uses a ROW for primary access, the R-Codes provisions relating to primary streets shall apply, except where they conflict with the provisions below. This includes the requirement to ensure adequate surveillance between the dwelling and the ROW, but excepting provisions relating to setbacks from that street. Setbacks are specified below; and

Residential developments utilising a ROW for vehicle and/or pedestrian access are required to provide adequate porch or carport light, preferably sensor activated.

Setbacks

All buildings are to be setback from the ROW:

- (a) A minimum of 2.0 m at ground floor level;
- (b) A minimum of 3.0 m at upper storey level;

- (c) Carports, garages and car-bays to residential developments using a ROW are to be setback a minimum of 5.5 m (to allow for casual visitor parking within the setback area as parking is not permitted in a ROW). A reduced setback of 2.0m may be acceptable where primary access to the dwelling is available from the primary street (note: primary access via a pedestrian access leg does not qualify for setback reduction); and
- (d) Carports, garages and car-bays to non-residential developments are to be setback a minimum of 2.0 m.

All setback provisions from the ROW are to be determined after allowing for any ROW widening requirement from the lot;

Where a development orientates to the ROW, the location of courtyards in the ROW setback will generally not be permitted, because of the need for these to have the ability to be adequately fenced and screened;

These setbacks apply to commercial developments, single houses and strata developments (grouped and multiple dwellings). Averaging of setbacks is not permitted. All other setbacks are as per the R-Codes. The setback provisions apply to all developments abutting a ROW even if it is not used for access. In case of lots abutting more than one ROW or a ROW and a secondary street, the secondary street setbacks specified in the R-Codes apply to the ROW not used for access;

Where a development on a corner lot has direct frontage to a street, the garage / carport setback to the ROW may be reduced to comply with the secondary street setback provision of the R-Codes, whether or not it orientates to the street or the ROW, provided that sufficient maneuvering space is provided to the Shire's satisfaction;

Setback to shading structures such as pergolas, patios and sails that are open on the 3 sides closest to the ROW may be reduced to a minimum of 1.0m from the ROW where a 2.0m setback is unreasonable or impossible due to the location of an existing building. In such cases, the roof component must be setback at least 1.0 m from the ROW.

Landscaping

Where a development uses a ROW for primary access, a significant component of soft landscaping within the setback of the ROW will be required to contribute to the creation of an attractive streetscape.

Commercial developments whether utilising the ROW for access or not, are required to provide a significant component of soft landscaping within the ROW setback area where the ROW also provides primary access to residential developments.

Fencing & Gates

Where a development uses a ROW for primary access, fencing within the ROW setback area is generally not permitted in order to contribute to the creation of an open and attractive streetscape.

Any fencing within the ROW setback area must be in accordance with Fencing Local Law 2010.

No fencing or gates are to be constructed in front of garages, carports or parking bays in such a fashion as to prohibit casual visitor parking.

Where a development does not use the ROW for primary access, a feature fence is required (to compensate for the loss of streetscape), fibro cement, metal deck, concrete slot-in and untreated pine timberlap fencing are not acceptable. The inclusion of a visually permeable section of fencing to facilitate passive surveillance is encouraged.

All fencing and retaining walls are to be setback a minimum of 0.5m from the ROW boundary unless land has been ceded from the lot for the widening of the ROW or the ROW is at least 6.0m wide.

Up-Grading of ROW

Developments are required to comply with the relevant construction and/or development contribution requirements of the Shire in terms of the following:

- (a) Where a ROW is sealed and drained, Council seeks a cash-in-lieu contribution at subdivision/development stage equivalent to the cost of paving and drainage a 3.0m width of ROW abutting the development.
- (b) If a ROW is unsealed, owners/developers are required, at the time of development or subdivision, to seal and drain the ROW adjacent to their lot and make trafficable to the nearest street.
- (c) Developments which do not front the ROW (i.e. ROW not used as primary access) are also required to make a cash-in-lieu contribution.
- (d) Widening is sought for the majority of ROW to a width of 6.0m.

Service Areas

Notwithstanding whether a ROW has been dedicated or not, adequate provision for service access and rubbish collection must be made. In most instances, where a development utilises a ROW for primary access, this is required through provision of a 1.5m wide pedestrian access leg to the street.

Council *may* waive this requirement where all the following conditions are met:

- (a) The ROW is dedicated and sealed in its length;
- (b) The ROW is at least 6.0m wide;
- (c) The ROW has direct vehicular access to a normal public street at both ends (i.e. it is not at a 'T junction' with another ROW or a dead end); and
- (d) The ROW is less than 100m long or the walking distance from the development to the nearest full-width public street is not more than if the pedestrian access leg was provided.

A reduction in the width of the pedestrian access leg to 1.0m *may only* be considered where it is required to allow the retention of an existing house.

Variations

Only Council, subject to previous Council determinations, may vary any provisions contained within this policy.

LPP 11 - TREE PRESERVATION - GREVILLEA STREET SUBDIVISION AREA

LOCAL PLANNING SCHEME NO.6

LOCAL PLANNING POLICY NO.11

- TREE PRESERVATION - GREVILLEA STREET SUBDIVISION AREA -

1. PRELIMINARY

1.1 Authority to prepare and adopt a Local Planning Policy

Schedule 2, Part 2, clause 3(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) allows Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Shire's Local Planning Scheme No.6 (the Scheme) area.

This policy will be made effective once Council has completed the process stipulated in clause 4(1) up to and including clause 4(4) of the Regulations.

1.2 Relationship of this Policy to the Scheme

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

This Local Planning Policy is not part of the Scheme and does not bind Council in respect of any application for development approval. However, Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

2. APPLICATION OF THE POLICY

2.1 Definitions

The following are definitions that may be used as part of this Policy in addition to the definitions included in the Scheme:

“Building Envelope” means the area identified on Schedule B to this policy as the building envelopes applicable to the GSSA.

“Grevillea Street Subdivision Area” (“GSSA”) means the area delineated on Schedule A to this policy.

“Tree Protection Zone” (“TPZ”) means an area identified and applied to specific trees in the GSSA to ensure preservation of those trees.

2.2 Application

This Policy applies to the GSSA identified within the attached Schedule “A” to protect 8 trees recommended for retention, situated on Lots 2, 6, 9, 12, 13, 14 and 15 Grevillea Street, Wundowie.

3. POLICY OBJECTIVES

The primary objectives of this Policy are to:

1. Protect 8 trees recommended for retention within the Policy Area.
2. Implement Tree Protection Zones (TPZs) with a view to ensure that damage to above ground and below ground parts of identified trees is limited to what the trees can reasonably be expected to tolerate by regulating activities around the trees in a way that avoids onerous remedial measures being imposed on responsible parties.

4. POLICY STATEMENT

During assessment and development of plans to subdivide land within the GSSA, a number of trees worthy of retention were identified. These trees were identified as habitat and feed supply for Black Cockatoos, and were identified as a priority for retention.

The successful preservation of the selected trees will rely on the measures identified within this policy. This policy has been formulated to provide advice to purchasers and landowners of the lots affected by the Policy.

5. TREE TYPES

Three Types of trees affect various lots within the subdivision area (see attached "Schedule A"):

| Tree Type | Tree ID | Lot/s Affected |
|--------------------------------------|-------------|----------------|
| Eucalyptus wandoo (Wandoo) | A | 2 |
| Eucalyptus Marginata (Jarrah) | B, C & D | 6, 9 & 12 |
| Corymbia calophylla (Marri) | E, F, G & H | 13, 14 & 15 |

Tree Type - Eucalyptus wandoo (Wandoo)

The *Eucalyptus wandoo (Wandoo)* located on Lot 2 has been retained and incorporated into the GSSA based on its health, structure and the significance of the tree to the native fauna; in particular the native Black Cockatoo.

Wandoo is highly susceptible to root zone disturbance however, there are measures that can be taken to utilise space within the TPZ, without further compromising the tree. These measures are specific to the site (and how it will be utilised), and would require site specific arboricultural input for appropriate recommendations.

Tree A



| | |
|-----------------------|------------------|
| Tree Location: | Lot 2 |
| Lots affected by TPZ: | Lot 2 |
| Recommended TPZ: | 9.1 meter radius |

Tree Type - *Eucalyptus marginata* (Jarrah)

The *Eucalyptus marginata* (Jarrah) trees located on Lots 6, 9 and 12 have been retained and incorporated into the GSSA based on their health, structure and the significance of the tree to the native fauna; in particular the native Black Cockatoo.

Jarrah is highly susceptible to root zone disturbance however, there are measures that can be taken to utilise space within the TPZ, without further compromising the tree. These measures are specific to the site (and how it will be utilised), and would require site specific arboricultural input for appropriate recommendations.

Tree B



| | |
|-----------------------|------------------|
| Tree Location: | Lot 6 |
| Lots affected by TPZ: | Lot 6 |
| Recommended TPZ: | 8.2 meter radius |

Tree C



| | |
|-----------------------|------------------|
| Tree Location: | Lot 9 |
| Lots affected by TPZ: | Lot 9 |
| Recommended TPZ: | 7.9 meter radius |

Tree D



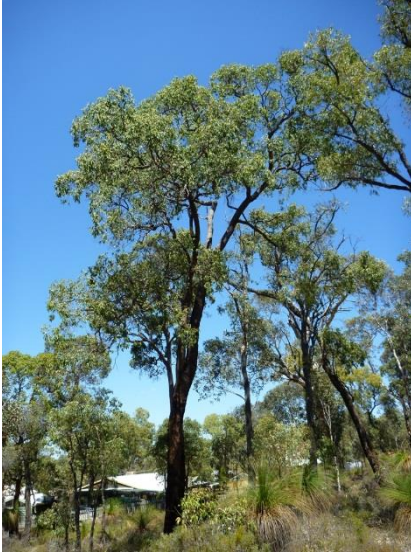
| | |
|-----------------------|-------------------|
| Tree Location: | Lot 12 |
| Lots affected by TPZ: | Lot 12 |
| Recommended TPZ: | 12.8 meter radius |

Tree Type - *Corymbia calophylla* (Marri)

The *Corymbia calophylla* (Marri) located on Lot 13 has been retained and incorporated into the GSSA based on its health, structure and the significance of the tree to the native fauna; in particular the native Black Cockatoo.

Marri is highly susceptible to root zone disturbance however, there are measures that can be taken to utilise space within the TPZ, without further compromising the tree. These measures are specific to the site (and how it will be utilised), and would require site specific arboricultural input for appropriate recommendations.

Tree E



| | |
|-----------------------|------------------|
| Tree Location: | Lot 13 |
| Lots affected by TPZ: | Lot 13 |
| Recommended TPZ: | 7.6 meter radius |

Tree F



| | |
|-----------------------|------------------|
| Tree Location: | Lot 13 |
| Lots affected by TPZ: | Lot 13 |
| Recommended TPZ: | 8.2 meter radius |

Tree G



| | |
|-----------------------|------------------|
| Tree Location: | Lot 14 |
| Lots affected by TPZ: | Lot 14 |
| Recommended TPZ: | 9.3 meter radius |

Tree H



| | |
|-----------------------|------------------|
| Tree Location: | Lot 15 |
| Lots affected by TPZ: | Lot 15 |
| Recommended TPZ: | 7.2 meter radius |

6. TREE PROTECTION MEASURES

6.1 Tree Protection Penalties

Any event that leads to the irreversible damage or death of an identified tree shall result in action being taken by the Shire, and penalties may be applicable. Penalties under the Planning and Development Act can be up to \$250,000, with ongoing fines of \$25,000 per day.

6.2 Clearing on Lots Affected by this Policy

- 6.2.1 All lot clearing (if required) shall be undertaken outside of the specified TPZ. All care is to be taken during clearing operations to avoid any damage to the trees canopy or activities that could result in the loss of limbs.

6.2.2 No mechanical grubbing out shall occur within the TPZ. If required, removal of organics within the TPZ should be undertaken by hand and limited to the top 100mm of soil only. No mechanical equipment to be utilised without the prior written advice of an Arboriculturist being provided to and approved by the Shire.

6.2.3 All grubbing or removal of roots and/or removal of deleterious material below ground that is within 1 meter of the TPZ boundary, shall be preceded by root pruning consistent with written advice from an Arboriculturist being provided to and approved by the Shire [see Policy provision 6.4].

6.3 Development on Lots Affected by This Policy

All development, including, but not limited to, dwellings, outbuildings, animal shelters etc. shall be contained within the building envelopes specified in "Schedule B". No development will be permitted outside of the building envelope without written advice from an Arboriculturist being provided to and approved by the Shire prior to the construction of the development.

6.4 Root Pruning

All trenches and excavations near the TPZ boundary of trees should be preceded by root pruning where the diameter of the root(s) exceed 20mm. Root pruning shall be undertaken in five (5) stages as follows:-

6.4.1 *A dissecting cut* – a preliminary cut made at a distance away from the intended final root pruning alignment. Dissection cut made to relieve pressures on the individual roots.

6.4.2 *Localised excavation around the individual root* - This is the removal of soils such that any tearing of bark can be observed to its source on the tree side of the root and the final cut zone made accessible for cutting with the pruning implement being used (Including sharp secateurs, loppers, handsaw or chainsaw that is fit for the purpose).

6.4.3 *Final cut* - Made with a sharp pruning tool (i.e. sharp secateurs, loppers, handsaw or chainsaw that is fit for the purpose) at the position where the bark is attached around the circumference of the root. The final cut is not governed by the root pruning alignment if the tearing of the bark extends toward the tree and goes beyond the intended alignment. However, should the final cuts end up being closer to the tree than the intended alignment, the methodology should be modified such that steps (i) and (ii) are carried out further away from the intended alignment and the final cut made at the intended alignment.

6.4.4 *Cover the exposed roots* - On completion of the final cut, the root(s) are to be covered with either soil (backfilled immediately following pruning), or a layer of hessian (or alike material approved by the Arboriculturist), that is secured and draped over the root exposed area. This cover should be put in place progressively with the root pruning (within hours), and the hessian regularly moistened as directed by the Arboriculturist.

6.5 Services

No services, excavation or trenching shall pass through the specified TPZ without the prior written advice from an Arboriculturist being provided to and approved by the Shire.

This includes trenching or excavation required for reticulation and garden lighting.

This advice will be at the landholders' expense, and the Shire will not be liable for any costs associated with this advice.

6.6 Boundary Fencing

Boundary fencing that is required to pass through the TPZ should be post and rail type. Locations for footings within the TPZ shall be subject to exploratory excavations to avoid damage or loss of roots exceeding 20mm diameter.

It is recommended that the advice of an Arboriculturist is obtained and submitted to the Shire for approval prior to construction of any fencing within the TPZ.

6.7 Canopy Pruning

Pruning or removal of any part of the canopy shall not be undertaken without the prior written advice from an Arboriculturist being provided to and approved by the Shire.

All pruning works to comply with the Australian Standards AS 4373 "*Pruning of amenity trees*" 2007.

6.8 TPZ restrictions

Restricted activities within the TPZ:

- Traversing and/or Parking of plant machinery or vehicles;
- Storage for construction or deleterious materials;
- Vehicle refuelling;
- Storage of surplus fill;
- Preparation of chemicals and/or cement products;
- Areas to dump construction and general waste;
- Wash down or cleaning;
- Locations for site offices or toilets;
- Or activities that may harm or injure the tree above or below ground.

6.9 Landscaping

No Landscaping shall occur within TPZ without written advice from an Arboriculturalist being submitted to and approved by the Shire prior to any landscaping works commencing.

Landscaping advice will be at the landholders' expense, and the Shire shall not be liable for any costs associated with this advice.

Arboricultural input shall form part of any landscaping design for any of the properties affected by this policy. Of particular concern will be issues such as (but not limited to):

- Soil level changes;
- Landscape lighting;
- Irrigation methods;
- Hard landscaping;
- Retaining walls;
- Footings;
- Fencing;

- Turf;
- Placement and location of sheds;
- Drainage implications.

6.10 Arboricultural Inspections

The long term welfare of the tree and its safety would best be served by undertaking regular Arboricultural inspections (approximately 3-4 years) by a suitably qualified Arborist to assess, identify and report any change or tree related problems that may cause future issues.

It is recommended that landholders undertake regular inspections of the nominated trees.

These inspections and advice will be at the landholders' expense, and the Shire will not be liable for any costs associated with this advice.

6.11 Unavoidable TPZ encroachments

No encroachment into a TPZ is permitted without written advice from an Arboriculturalist being submitted to and approved by the Shire prior to any works commencing.

This advice will be at the landholders' expense, and the Shire will not be liable for any costs associated with this advice.

Where encroachment into the TPZ is unavoidable, variations to the TPZ may be possible subject to compensation measures being afforded the tree and appropriate Arboricultural advice being provided. i.e. increasing area of the TPZ elsewhere and/or via remedial arboricultural works within the TPZ area.

| | |
|------------------------|-------------------------|
| <i>Date Adopted:</i> | <i>18 December 2013</i> |
| <i>Date Effective:</i> | <i>11 January 2014</i> |
| <i>Date Reviewed:</i> | <i>15 February 2017</i> |
| <i>Next Review:</i> | |

LPP 12 - ANIMAL ESTABLISHMENT

LOCAL PLANNING SCHEME NO.6

LOCAL PLANNING POLICY NO.12

– ANIMAL ESTABLISHMENT –

1. PRELIMINARY

1.1 Authority to prepare and adopt a Local Planning Policy

Schedule 2, Part 2, clause 3(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) allows Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Shire's Local Planning Scheme No.6 (the Scheme) area.

This policy will be made effective once Council has completed the process stipulated in clause 4(1) up to and including clause 4(4) of the Regulations.

1.2 Relationship of this Policy to the Scheme

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

This Local Planning Policy is not part of the Scheme and does not bind Council in respect of any application for development approval. However, Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

2. APPLICATION OF THE POLICY

2.1 Definitions

The following are definitions that may be used as part of this Policy in addition to the definitions included in the Scheme:

“Animal Establishment” means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry - intensive or veterinary centre.

“Building Envelope” means an area of land within a lot marked on a plan approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained.

“Cattery” means the keeping of five or more cats over the age of six months for the purpose of boarding, breeding or training whether for commercial sale or for domestic purposes.

“Council” means the elected members of the Shire.

“Equine Facility” means the keeping, agistment or breeding of horses outside of the recommended Stocking Rates for commercial or domestic purposes and also includes a riding school or training facility.

“Horse(s)” means any breed or size of equine animal including donkeys, mules or ponies.

“Kennel” means the keeping of five or more dogs over the age of three months for the purpose of boarding, breeding or training whether for commercial sale or for domestic purposes.

“Large Animal” includes, but is not limited to, alpacas, llamas, goats, cattle, deer, sheep, poultry, camels, birds, emus and ostriches.

“Other Establishment” means the keeping of any other large animal for commercial purposes.

“Stables” and “stabling” shall be taken to mean facilities for the accommodation of horses or other large animals where each animal is housed or kept within an individual loose box, stall or yard.

2.2 Application

This Policy applies to all animal establishments in the Shire of Northam.

3. **POLICY OBJECTIVES**

The primary objectives of this Policy are to:

3. Ensure that animal establishments are undertaken in a sustainable manner;
4. Ensure that animal establishments do not have a significant negative impact on the natural environment; and
5. Ensure that animal establishments do not impact detrimentally on the amenity of adjoining landowners.

4. **POLICY STATEMENT**

The Shire supports small business as part of a vibrant and diverse community and has a responsibility to regulate animal establishments to ensure these land uses are carried out in a safe and sanitary manner whilst preventing nuisances to neighbours and the surrounding environment. Compliance with this Policy will assist in providing a safe and sanitary service.

Kennels, Catteries, Equine Facilities and Other Establishments are classed as Animal Establishments and are not permitted in the Shire except in the “General Industry”, “Rural”, “Rural Smallholdings” and “Rural Residential” zones where they are a discretionary use under LPS6.

The Shire will not permit the establishment or maintenance of an animal establishment in any area if, in its opinion, such an establishment would adversely affect the environment, be a nuisance to or in any way be detrimental or prejudicial to adjoining residents and land.

An application for an animal establishment in the “Rural Residential” zone will be carefully scrutinised and may be refused due to the size of the land. An animal establishment will not be approved on land zoned “Rural Residential” if it is located within 1 kilometre of any “Residential” zoned land.

Nothing in this policy precludes compliance with the relevant State Government Legislation eg: the *Dog Act 1976*, the *Dog Regulations 1976*, the *Cat Act 2011* and the *Cat Regulations 2012* this includes the issuing of a licence for a kennel, cattery or a stable under the Shire Local Law as well as obtaining planning approval.

Applicants are reminded of general environmental responsibilities, as required by the *Environmental Protection Act 1986*, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm or a detriment to the locality.

5. DEVELOPMENT APPROVAL

In considering an Application for Development Approval, the Shire will require the following:

- A cover letter to include:
 - The breed of animal proposed for the Animal Establishment;
 - The number of animals proposed to be housed in the Animal Establishment;
 - Whether the Animal Establishment is for boarding or breeding purposes or both;
- If a structure or building is proposed to be constructed as part of the application the following information is required to be submitted with the application:
 - Accurate **SCALED** (1:100, 1:200 or 1:500) floor plans incorporating the specific design criteria contained in this Policy including what materials are proposed to be utilised;
 - Three (3) copies of **SCALED** (1:100, 1:200 or 1:500) elevations of all sides of the structure, showing height of the wall and roof ridge measured from natural ground level;
- Three (3) copies of **SCALED** (1:100, 1:200 or 1:500) site plan of the property showing distance of any proposed structure from property boundaries, existing structures and effluent disposal systems.
- Details of any trees to be removed to allow for the commencement of the use or for the construction of any associated development.
- Any other information the Shire may reasonably require to enable the application to be determined.

6. POLICY MEASURES

6.1 Kennels

6.1.1 *Design Criteria for a Kennel*

The following describes the minimum standard of construction for a Kennel within the Shire:

- The walls of each kennel shall be constructed of concrete, brick, stone or steel framing sheeted internally and externally with good quality factory painted non-reflective steel sheeting or fibrous cement sheeting or other durable material approved by the Shire.
- Dogs are to be housed singularly within walk in modules with an exercise yard attached to the module.
- All internal and external surfaces are to be impervious and maintained as impervious.
- The lowest internal height of any kennel shall be 2.4 metres from the floor.
- The upper surface of the kennel floor shall be at least 10 centimetres above the surface of the surrounding ground, be constructed of concrete with a smooth impervious acid resistant finish graded to not less than 1:100 to a drain which shall be properly laid, ventilated and trapped in accordance with the effluent the wastewater disposal guidelines contained in this Policy.
- Each yard for any kennel shall be kept securely fenced with a fence not less than 2 metres in height constructed of link mesh or netting, galvanised iron or timber.
- Each kennel shall have a floor area of not less than 2.5 square metres for every dog kept therein over the age of three months.
- All painted external surfaces shall be kept in good condition and be repainted with good quality paint every three years.
- Gates for each yard shall be provided and fitted with proper catches or means of secure fastening.
- The area of the yard adjacent to a kennel or group of kennels shall not be less than three times the area of the kennel or group of kennels.
- Kennels are to be provided with adequate natural light and ventilation.
- Kennels are to be designed and constructed to eliminate noise nuisance.
- A separate food room is required. This room is to contain a sink of sufficient size to wash equipment, sealed to prevent vermin and fly access and have an external fly screened window for ventilation. The food is to be stored in metal cabinets and or refrigerators installed a minimum of 50mm above the finished floor level.
- Kennels must have an isolation room to quarantine any sick or injured animals.
- Kennels must have a separate “maternity” section to accommodate females and their litters.

6.1.2 Kennels Operation

The Shire will require that where an Applicant seeks to keep dogs in a kennel, the Applicant shall demonstrate to the satisfaction of the Shire:

- That the kennel and yards are appropriate for the breed or kind of dog, sited and maintained in accordance with the requirements of public health and sufficiently secured.

- That the dogs will be prevented to escape from the kennel or yard in which it is kept nor wander at large except for the purpose of reasonable exercise whilst under the control of a person.

6.1.3 *Kennel Management Plans*

An application for a Kennel must be accompanied by a Management Plan which demonstrates that:

- The kennel, the yards, feeding and drinking vessels are to be maintained in a clean condition and be cleaned and disinfected at least once per day.
- Reticulated water is available at the Kennel at all times via a properly supported stand pipe and hose cock for the hosing down of the Kennel and floored yard.
- Bedding for all dogs must be a minimum 300mm above the finished floor level.
- A person in charge of the dogs must either reside on the Kennel establishment premises or within such reasonable close proximity as to enable effective control over the dogs.
- Every part of the Kennel establishment must be maintained in a hygienic and clean condition, free from odour, flies, fleas, ticks and vermin.
- Fire extinguishers are present within the Kennel.
- All refuse, faeces and food wastes will be disposed of and how this will be achieved. All waste must be disposed of daily into an approved apparatus.

6.2 Catteries

6.2.1 *Design Criteria for a Cattery*

The following describes the minimum standard of construction for a cattery within the Shire:

- The walls of each cattery shall be constructed of concrete, brick, stone or steel framing sheeted internally and externally with good quality factory painted non-reflective steel sheeting or fibrous cement sheeting or other durable material approved by the Shire.
- Cats may be housed in walk-in modules that include a sleeping compartment and an exercise area or in colony pens. Cats may be multiple housed in colony pens. Each cat should have a floor area of two square metres plus an individual sleeping area. Only sterilised compatible cats should be housed in this type of accommodation.
- Walk-in modules must have minimum floor areas of 1.5 square metres and contain at least two levels including raised sleeping quarters. This size is for one cat only and an additional one square metre floor space is required for a second cat. No more than two cats may be housed together in this type of accommodation.
- All internal and external surfaces are to be impervious and maintained as impervious.
- The lowest internal height of any cattery shall be 2.4 metres from the floor.
- The upper surface of the cattery floor shall be at least 10 centimetres above the surface of the surrounding ground, be constructed of concrete with a smooth

impervious acid resistant finish graded to not less than 1:100 to a drain which shall be properly laid, ventilated and trapped in accordance with the effluent the wastewater disposal guidelines contained in this Policy.

- Each yard for any cattery shall be kept securely fenced with a fence not less than 2 metres in height constructed of link mesh or netting, galvanised iron or timber and be securely and completely roofed with link mesh or solid materials.
- All painted external surfaces shall be kept in good condition and be repainted with good quality paint every three years.
- Gates for each yard shall be provided and fitted with proper catches or means of secure fastening.
- The area of the yard adjacent to a cattery or group of catteries shall not be less than three times the area of the cattery or group of catteries.
- Catteries are to be provided with adequate natural light and ventilation.
- Catteries are to be designed and constructed to eliminate noise nuisance.
- A separate food room is required. This room is to contain a sink of sufficient size to wash equipment, sealed to prevent vermin and fly access and have an external fly screened window for ventilation. The food is to be stored in metal cabinets and or refrigerators installed a minimum of 50mm above the finished floor level.
- Catteries must have an isolation room to quarantine any sick or injured animals.
- Catteries must have a separate “maternity” section to accommodate females and their litters.

6.2.2 Catteries Operation

The Shire will require that where an Applicant seeks to keep cats in a cattery, the Applicant shall demonstrate to the satisfaction of the Shire:

- That the cattery and yards are appropriate for the breed or kind of cat, sited and maintained in accordance with the requirements of public health and sufficiently secured.
- That the cats will be prevented to escape from the kennel or yard in which it is kept nor wander at large except for the purpose of reasonable exercise whilst under the control of a person.

6.2.3 Cattery Management Plans

An application for a Cattery must be accompanied by a Management Plan which demonstrates that:

- The cattery, the yards, feeding and drinking vessels are to be maintained in a clean condition and be cleaned and disinfected at least once per day.
- Reticulated water is available at the Cattery at all times via a properly supported stand pipe and hose cock for the hosing down of the cattery and floored yard.
- Bedding for all cats must be elevated a minimum of 1.2m from the ground for higher level bedding and 300mm above the finished floor level for lower level bedding.

- A person in charge of the cats must either reside on the Cattery establishment premises or within such reasonable close proximity as to enable effective control over the cats.
- Every part of the Cattery establishment must be maintained in a hygienic and clean condition, free from odour, flies, fleas, ticks and vermin.
- Fire extinguishers are present within the Cattery.
- All refuse, faeces and food wastes will be disposed of and how this will be achieved. All waste must be disposed of daily into an approved apparatus.

6.3 Equine Facility

When considering an application for an Equine Facility, the Shire requires the following information, in addition to the information described in this Policy:

- A letter describing the specific activities proposed for the Equine Facility eg: training, agistment, riding school etc.
- For a riding school, a copy of the current Public Liability Insurance held.
- Any additional equipment that is proposed to be utilised by the activity such as carriages, floats, jumps etc.

Paddock stocking levels are to be in accordance with the Department of Agriculture and Food Western Australia's Stocking Rate Guidelines for Rural Small Holdings. This document is applied to all land zoned "Rural" under the Scheme.

When the proposed Equine Facility exceeds the stocking rates contained within the Stocking Rate Guidelines for Rural Small Holdings, a Stock Management Plan must be lodged which contains the following information:

- Insect and odour management.
- Stock rotation.
- Erosion management.
- Paddock recovery measures.
- Identification of any remnant vegetation or exclusion zones required to be fenced.
- Stable management.
- Manure collection and removal
- High quality fencing
- Landscaping including windbreaks, tree planting with double-fencing, constructed horse paths.
- Dust management.
- Nutrient/runoff management plan.
- Horse exercise program.
- Neighbour liaison.

6.4 Other Establishment

When considering an application for Other Establishments, the Shire requires the following information, in addition to the information described in this Policy:

- A letter describing the specific activities proposed for the Establishment including what type of animal, how many animals, purpose of keeping the animals eg: fur/wool production, meat production, domestic pets etc.
- For an Establishment involving attendance by members of the public, a copy of the current Public Liability Insurance held.

Paddock stocking levels are to be in accordance with the Department of Agriculture and Food Western Australia's *Stocking Rate Guidelines for Rural Small Holdings*. This document is applied to all land zoned "Rural" under the Scheme.

When the proposed Other Establishment exceeds the stocking rates contained within the *Stocking Rate Guidelines for Rural Small Holdings*, a Stock Management Plan must be lodged which contains the following information:

- Insect and odour management.
- Stock rotation.
- Erosion management.
- Paddock recovery measures.
- Identification of any remnant vegetation or exclusion zones required to be fenced.
- Manure collection and removal.
- High quality fencing.
- Landscaping including windbreaks, tree planting with double-fencing, constructed horse paths.
- Dust management.
- Nutrient/runoff management plan.
- Horse exercise program.
- Neighbour liaison.

6.5 Pigs

Pigs are not permitted on any land within the Shire unless applied for under the provisions of the Scheme as "Animal Husbandry - Intensive".

6.6 Effluent & Waste Water Disposal

Effluent includes sewerage from toilets and staff facilities, floor waste water, cleaning rinse water and animal excrement. This waste must be treated and retained within the property.

If the anticipated waste water flow, including cleaning rinse water is less than 5,000 litres per day, a permit is required from the Shire to install and use a septic tank system.

Waste water from dog kennels and catteries will be high in organic matter, suspended solids, animal hair and cleaning chemicals which can be harmful to the environment. To prevent waste water harming soil and plants or posing disease risks the following effluent disposal method is required:

- Any floor waste water or cleaning rinse water should be passed through a septic tank or other holding tank such as a grease trap to remove solids and animal hair.
- This waste water should then be disposed on site using subsoil absorption trenches or leach drains to prevent odours, mosquitoes and the risk of disease transmission.
- Silt traps should be installed before the septic tank or grease trap to stop animal hair and solids blocking the tanks or absorption trenches.
- Waste water cannot be used for drip or spray irrigation unless it meets EPA requirements and is treated in an approved ATU.
- Animal excrement should be regularly collected and disposed of onsite by burial or composting.

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|------------------------|-------------------------|
| <i>Date Adopted:</i> | <i>18 December 2013</i> |
| <i>Date Effective:</i> | <i>11 January 2014</i> |
| <i>Date Reviewed:</i> | <i>15 February 2017</i> |
| <i>Next Review:</i> | |

LPP 13 - ANCILLARY ACCOMMODATION

LOCAL PLANNING SCHEME NO.6

LOCAL PLANNING POLICY NO.13

– ANCILLARY DWELLINGS –

1. PRELIMINARY

1.3 Authority to prepare and adopt a Local Planning Policy

Schedule 2, Part 2, clause 3(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) allows Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Shire's Local Planning Scheme No.6 (the Scheme) area.

This policy will be made effective once Council has completed the process stipulated in clause 4(1) up to and including clause 4(4) of the Regulations.

1.4 Relationship of this Policy to the Scheme

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

This Local Planning Policy is not part of the Scheme and does not bind Council in respect of any application for development approval. However, Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

2. APPLICATION OF THE POLICY

2.3 Definitions

"Ancillary dwelling" has the same meaning given to it in the R-Codes, namely *a self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house.*

"R-Codes" means State Planning Policy 3.1 Residential Design Codes.

2.4 Application

This Policy applies to proposals for ancillary dwellings in the Shire of Northam within the Rural, Rural Residential and Rural Smallholding zones.

Development proposals for ancillary dwellings on lots subject to the R-Codes, are dealt with under the R-Codes.

3. POLICY OBJECTIVES

The primary objectives of this Policy are to:

6. Establish appropriate criteria for the consideration of applications for the development of ancillary dwellings in areas not subject to the R-Codes.
7. Provide flexibility and assistance in providing accommodation to family members within the same lot to meet the needs of local residents.
8. Ensure ancillary dwellings do not compromise the amenity of the surrounding properties and the streetscape by remaining at a scale that is ancillary to the main dwelling.

4. POLICY STATEMENT

Ancillary dwellings (known also as 'granny flats') is seen as an appropriate way of providing alternative accommodation to traditional housing within the Shire. Council is supportive of such development, provided it is adequately planned and serviced.

This Policy, therefore, provides for the assessment of ancillary dwellings in zones of the Scheme that are not subject to the R-Codes, namely the 'Rural', 'Rural Residential' and 'Rural Smallholding' zones.

5. POLICY MEASURES

- 5.1 Not more than one (1) ancillary dwelling shall be approved on any lot;
- 5.2 The maximum floor area of the ancillary dwelling shall not exceed 100m²; The 100m² is the total living area only and does not include verandahs, patios, pergolas, alfresco areas or carports / garages;
- 5.3 The ancillary dwelling is to be located within 50m to the main dwelling;
- 5.4 The ancillary dwelling should not be located between the street setback and the main residence unless otherwise approved by the local government;
- 5.5 Materials and colours used on external walls and roof shall complement the main dwelling;
- 5.6 One uncovered or covered hardstand car parking bay shall be provided;
- 5.7 The ancillary dwelling must be appropriately located within the approved building envelope for the property (where one exists);
- 5.8 The ancillary dwelling shall share the same driveway as the main dwelling unless otherwise required under State Planning Policy 3.7 – Planning in Bushfire Prone Areas;
- 5.9 The sole occupant or occupants of the ancillary dwelling are to be members of the family of the occupiers of the main dwelling.

When approving an ancillary dwelling, the local government may impose conditions including but not limited to the following:

"The ancillary dwelling shall not be used other than as accommodation for dependant member(s) of the family of the occupier(s) of the principal dwelling on the same lot."

When approving ancillary accommodation dwellings, the local government will provide advice notes, including but not limited to the following:

“The landowner is advised that approval and construction of the ancillary dwelling shall not be regarded as a basis for subdivision of the property.”

- 5.10 The use of second-hand and relocated buildings as ancillary dwellings is controlled by Local Planning Policy No.3 ‘New Transportable, Relocated and Second Hand Dwellings’. All relevant provisions of this Policy are to be read in conjunction with Local Planning Policy No.3.
- 5.11 Ancillary dwellings located in identified bushfire-prone areas shall be constructed to AS3959.
- 5.12 An application for development approval within an identified bushfire-prone area must be accompanied by a bushfire attack level assessment, which informs how development must respond to bushfire risk.

| | |
|------------------------|--|
| <i>Date Adopted:</i> | <i>18 December 2013</i> |
| <i>Date Effective:</i> | <i>11 January 2014</i> |
| <i>Date Amended:</i> | <i>20 April 2018 (effective 3 July 2018)</i> |

TABLE 1

| ZONING | CRITERIA |
|--|--|
| Residential R20 and higher | <ul style="list-style-type: none"> • Minimum lot size of 450m² • Maximum floor area shall be up to 70m². • Distance between the ancillary accommodation and the main dwelling shall be no greater than 10 metres. • Maximum of 1 bedroom, 1 living room, 1 laundry, 1 kitchen and 1 bathroom. |
| Residential R10 and R15 | <ul style="list-style-type: none"> • Maximum floor area shall be up to 70m². • Distance between the ancillary accommodation and the main dwelling shall be no greater than 10 metres. • Maximum of 1 bedroom, 1 living room, 1 laundry, 1 kitchen and 1 bathroom. |
| Residential R5 and lower | <ul style="list-style-type: none"> • Maximum floor area shall be up to 70m². • Distance between the ancillary accommodation and the main dwelling shall be no greater than 10 metres. • Maximum of 1 bedroom, 1 living room, 1 laundry, 1 kitchen and 1 bathroom. |
| Rural Residential | <ul style="list-style-type: none"> • Maximum floor area shall be up to 120m². • Distance between the ancillary accommodation and the main dwelling shall be no greater than 20 metres. • Maximum of 2 bedrooms, 1 living room, 1 laundry, 1 kitchen and 1 bathroom. |
| Rural Smallholdings or Rural up to 40ha | <ul style="list-style-type: none"> • Maximum floor area shall be up to 150m². • Distance between the ancillary accommodation and the main dwelling shall be no greater than 20 metres. • Maximum of 2 bedrooms, 1 living room, 1 laundry, 1 kitchen and 1 bathroom. |
| Rural over 40.1ha | <ul style="list-style-type: none"> • Maximum floor area shall be assessed on a case by case basis and in accordance with LPP 6 Construction of Additional Dwellings on Rural Zoned Land. • Distance between the ancillary accommodation and the main dwelling shall be no greater than 50 metres. • Maximum of 3 bedrooms, 1 living room, 1 laundry, 1 kitchen and 2 bathrooms. |

Date Adopted: 18 December 2013

Date Effective: 11 January 2014

Date Reviewed: 15 February 2017

Next Review:

LPP 14 - FARMSTAY ACCOMMODATION AND BED AND BREAKFAST ESTABLISHMENTS

| | |
|-----------------|---|
| POLICY NO: | LPP 14 |
| POLICY SUBJECT: | FARMSTAY ACCOMMODATION AND BED AND BREAKFAST ESTABLISHMENTS |
| ADOPTION DATE: | 18 December 2013 |
| LAST REVIEW: | 17 April 2013 |

OBJECTIVES

The primary objectives are to:

- (a) Support a diversity of accommodation within the Shire;
- (b) Provide an effective framework of guidelines within the Shire to develop Farmstay Accommodation and Bed & Breakfast Establishments;
- (c) Ensure the maintenance of a satisfactory standard of facility, which has planning as well as Environmental Health and Building approval;
- (d) Maintain the amenity of both the property and the neighbourhood/locality where Farmstay Accommodation or Bed and Breakfast Establishment is located;
- (e) Ensure the facility is adequately signposted as required;
- (f) Ensure the appropriate location of Farmstay Accommodation and Bed & Breakfast Establishments so as to increase the safety of motorists and guests.

DEFINITIONS

The following are definitions that may be used as part of this policy in addition to the definitions included in Local Planning Scheme No 6:

“**BCA**” means the Building Code of Australia.

“**Bed and Breakfast**” means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short term commercial basis and includes the provision of breakfast;

“**Farmstay**” means self-contained accommodation, with separate kitchen and bathroom facilities or non-self-contained accommodation, with shared facilities, for two persons, which may be either attached to or detached from a dwelling and includes chalet accommodation.

“Dwelling” has the same meaning as the Residential Design Codes of Western Australia;

“Scheme” means Local Planning Scheme No 6.

“Short Term Stay” means where the room or bed is not occupied for more than 90 days in any 12 month period by the same guest.

STATUTORY POWERS

This Local Planning Policy is made pursuant to clause 2.2 of the Shire’s Scheme.

POLICY STATEMENT

General Provisions

All Bed and Breakfast establishments are required to be applied for by lodging an application for planning approval. As part of the Bed and Breakfast, an application for a Food Premises License will be required to be applied for and be granted by the Shire. This Food Premises License will be valid for one year and will be required to be renewed annually.

All Farmstay Accommodation are required to be applied for by lodging an application for planning approval for a use not listed under the Scheme. Farmstay Accommodation will also be required to submit an application for a Food Premises License. This Food Premises License, if granted, will be valid for one year and will be required to be renewed annually.

Bed and Breakfast establishments are not permitted in the “Commercial”, “Tourist”, “General Industry” and “Light and Service Industry” zones.

Farmstay Accommodation is a use not listed under the Scheme and will only be permitted in the “Tourist”, “Rural” and “Rural Smallholdings” zones. Farmstay Accommodation will not be permitted in the “Residential”, “Rural Residential”, “Commercial”, “Mixed Use”, “General Industry” or “Light and Service Industry” zones.

Establishments must be accessible via a constructed and sealed road as determined by the Shire.

Off street parking is to be provided at a rate of one car bay for every guestroom, in addition to the 2 bays required by the resident, car bays to be easily accessible by patrons and of a standard and location deemed suitable by the Shire.

Appearance of the dwelling shall remain predominantly residential and any additional structures forming part of a Farmstay shall be sympathetic to the existing dwelling.

Signage size restrictions shall apply as 2m² for “Residential” zoned proposals and 4m² for proposals in zones other than “Residential” zone.

Adequate fire fighting equipment is recommended ie 1kg BE Extinguisher and 1 x 1m fire blanket, close to kitchen or power board, hose for external use.

Change of ownership will not forfeit Shire approval. However, notification to the Shire of the intentions of the new owners will be required to enable Shire records to be updated.

Refuse disposal to be adequate to prevent nuisance being created or bin(s) being overloaded.

Permission must be given for an Environmental Health Officer to inspect the premises used for food preparation at any reasonable time with reasonable notice.

Advertising

All applications for Bed and Breakfast Establishments and Farmstay Accommodation are to be advertised in accord with Clause 9.4 of the Scheme.

The Shire is to seek the views of relevant Government agencies, as appropriate.

Any application for a proposal abutting a highway reserve is to be referred to Main Roads Western Australia.

Bed and Breakfast Establishments in Residential Areas

Building Requirements

- Maximum of 3 bedrooms for guest purposes.
- The dwelling is to be of acceptable standard for tourist use.
- Separate guestrooms shall comply with size, light and ventilation requirements as outlined in the Shire’s Health Local Laws relating to lodging houses.
- Building is to be in compliance with the BCA. If the accommodation was built after 1997, this includes smoke alarms in every bedroom.
- Any building extensions or alterations will require building approval and modification of the annual licence.

Health Requirements

Sanitary Facilities

- Separate toilet, hand basin and shower or bath is to be supplied, where practical as determined by the Shire. Any shared bathroom and WC are to be provided with lockable doors.

- All wastewater to be directed to an acceptable effluent treatment system to the satisfaction of the Shire's Environmental Health Officer. Upgrading of the existing system may be required if it is deemed inadequate by the Shire's Environmental Health Officer.
- Bathroom/WC to be kept clean at all times.
- Clean linen is to be provided for every new guest and at least once per week if no change of guest.

Kitchen

- The kitchen is to be kept clean and tidy at all times, and in good order and repair.
- Suitable facilities for hygienic preparation, storage and cooking of food shall be provided, including hand basin and sinks.
- An adequate supply of potable water to the satisfaction shall be provided.
- An adequate supply of hot and cold water shall be provided.
- A basic knowledge of safe food handling principles must be demonstrated.
- Preparation of breakfast to be undertaken by the keeper of the accommodation only.
- No domestic animals to have access into the establishment.
- Food preparation only to be undertaken in areas approved by the Shire.
- Children under the age of 5 years and persons not employed in the food preparation are to be excluded from the food preparation area during times of food preparation.
- Premises to be fully sealed to control vermin, including rodents.
- All food is to be protected from contamination, such as dust and flies.

Bed and Breakfast and Farmstay Accommodation in Areas Other than Residential

Bed and Breakfast Establishments

Building Requirements

- Maximum of 5 bedrooms for guest purposes.
- The dwelling is to be of acceptable standard for tourist use.
- Separate guestrooms shall comply with size, light and ventilation requirements as outlined in the Shire's Health Local Laws relating to lodging houses.
- Building is to be in compliance with the BCA. If the accommodation was built after 1997, this includes smoke alarms in every bedroom.
- Any building extensions or alterations will require building approval and modification of the annual licence.

Sanitary Facilities

- Separate toilet, hand basin and shower or bath is to be supplied, where practical as determined by the Shire. Any shared bathroom and WC are to be provided with lockable doors.
- All wastewater to be directed to an acceptable effluent treatment system to the satisfaction of the Shire's Environmental Health Officer. Upgrading of the existing system may be required if it is deemed inadequate by the Shire's Environmental Health Officer.
- Bathroom/WC to be kept clean at all times.
- Clean linen is to be provided for every new guest and at least once per week if no change of guest.

Kitchen

- The kitchen is to be kept clean and tidy at all times, and in good order and repair.
- Suitable facilities for hygienic preparation, storage and cooking of food shall be provided, including hand basin and sinks.
- An adequate supply of potable water to the satisfaction of the Shire shall be provided.
- An adequate supply of hot and cold water shall be provided.
- A basic knowledge of safe food handling principles must be demonstrated.
- Preparation of breakfast to be undertaken by the keeper of the accommodation only.
- No domestic animals to have access into the establishment.
- Food preparation only to be undertaken in areas approved by the Shire.
- Children under the age of 5 years and persons not employed in the food preparation are to be excluded from the food preparation area during times of food preparation.
- Premises to be fully sealed to control vermin, including rodents.
- All food is to be protected from contamination, such as dust and flies.

Farmstay Accommodation

In the "Rural Smallholdings" zone, the minimum lot size for farmstay accommodation is 8ha and the maximum density is one suite/chalet for each two hectares, in addition to a dwelling occupied by the landowner.

In "Rural" zone, the minimum lot size for rural tourist accommodation is 20ha and the maximum density is one suite/chalet per hectare, in addition to a dwelling occupied by the landowner.

Farmstay accommodation in the "Tourist" zone is assessed on a case by case basis.

Building Requirements

- Building of acceptable standard for tourist use and must be fully self contained or provided with detached ablution facilities.

- Buildings are required to be in compliance with the BCA.
- Any building extensions or alterations will require building approval and modification of the annual licence.

Health Requirements

Sanitary Facilities

- Separate toilet, hand basin and shower or bath is to be supplied, where practical as determined by the Shire. Any shared bathroom and WC to be provided with lockable doors.
- All wastewater to be directed to an acceptable effluent treatment system to the satisfaction of the Environmental Health Officer. Upgrading of the existing system may be required if it is deemed inadequate by the Environmental Health Officer.
- Bathroom/WC/ablution facilities to be kept clean at all times.
- Clean linen is to be provided for every new guest and at least once per week if no change of guest.

Kitchen

- Kitchen to be kept clean and tidy at all times, and in good order and repair.
- Suitable facilities for hygienic preparation, storage and cooking of food shall be provided, including hand basin and sinks.
- An adequate supply of potable water to the satisfaction of the Shire shall be provided.
- An adequate supply of hot and cold water to be provided.
- A basic knowledge of safe food handling principles must be demonstrated.
- Preparation of breakfast to be undertaken by the keeper of the accommodation only.
- No domestic animals to have access into the dwelling occupied by the landowner.
- Food preparation only to be undertaken in areas approved by the Shire's Environmental Health Officer.
- Children under the age of 5 years and persons not employed in the food preparation are to be excluded from the food preparation area during times of food preparation.
- Premises to be fully sealed to control vermin, including rodents.
- All food is to be protected from contamination, such as dust and flies.

ADDITIONAL INFORMATION SHEET TO ACCOMPANY AN APPLICATION FOR A
HOME BUSINESS OR RURAL HOME BUSINESS (BED AND BREAKFAST
ESTABLISHMENT OR FARMSTAY ACCOMMODATION)

Location of premises: _____

Materials of construction: _____

Maximum number of lodgers to be accommodated: _____

Number of rooms used to accommodate lodgers: _____

| Description of room to be used by lodgers as a sleeping apartment | Measurement in metres – length, width, height | Cubic capacity in metres | No. of boarders |
|---|--|--------------------------------|--------------------|
| | | | |
| | | | |
| | | | |
| | | | |

Signature: _____

Address: _____

Date: _____

LPP 15 - ROAD AND SUBDIVISION REQUIREMENTS IN THE RURAL RESIDENTIAL ZONE

LOCAL PLANNING SCHEME NO.6

LOCAL PLANNING POLICY NO.15

- ROAD AND SUBDIVISION REQUIREMENTS IN THE RURAL RESIDENTIAL ZONE -

1. PRELIMINARY

1.1 Authority to prepare and adopt a Local Planning Policy

Schedule 2, Part 2, clause 3(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) allows Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Shire's Local Planning Scheme No.6 (the Scheme) area.

This policy will be made effective once Council has completed the process stipulated in clause 4(1) up to and including clause 4(4) of the Regulations.

1.2 Relationship of this Policy to the Scheme

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

This Local Planning Policy is not part of the Scheme and does not bind Council in respect of any application for development approval. However, Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

2. APPLICATION OF THE POLICY

2.1 Definitions

The following are definitions that may be used as part of this Policy in addition to the definitions included in the Scheme:

"Consulting Engineer" or **"Consultant"** means the Engineer appointed by the subdivider to design, document and supervise construction of the works.

"Council" means the Council of the Shire of Northam (Local Government Act 1995)

"Council's Engineer" or **"Engineer"** means the Shire Engineer or firm of Consulting Engineers, or their representatives, appointed by Council from time to time to act on its behalf.

"Developer" has the same meaning as owner.

"Highway" means Great Eastern Highway within the Shire.

"Executive Manager Engineering Services" means the person appointed by the Shire of Northam to that position or his nominated representative

“Major Road” means those roads as shown on the Scheme Map and Legend thereto.

“Road” means the road reserve, inclusive of pavement, shoulders, drains, bridges, fords and verges.

“Subdivider” has the same meaning as owner.

“Street” shall have the same meaning as the definition of the term contained in the Local Government Act 1995 which reads:

“Street” includes a highway and a thoroughfare which the public are allowed to use and includes every part of the highway or thoroughfare, and other things including bridges and culverts, appurtenant to it.”

2.2 Application

This Policy applies to subdivision in the Rural Residential zone.

3. **POLICY OBJECTIVES**

The primary objectives of this Policy are to:

- To provide a safe, efficient and effective road system for Rural Residential subdivisions;
- To facilitate the upgrading of existing Rural Residential roads to preferred widths, alignments and standards of construction;
- To enable the protection of remnant roadside vegetation and the provision of roadside landscaping treatments;
- To create a visually appealing streetscape for Rural Residential subdivisions;
- To provide sufficient road reserve width to accommodate all required public utilities required as part of a Rural Residential subdivision; and
- To provide a rational and consistent basis for the construction of Rural Residential roads and any financial contributions required for such construction.

4. **POLICY STATEMENT**

All Rural Residential road works are to be carried out to the complete satisfaction of the Shire and in accordance with best accepted engineering practice. As a guide, developers should refer to the Shire’s adopted policies:

- General Engineering Requirements for Subdivisions; and
- Technical Specifications for Construction of Roads and Drainage.

5. **POLICY PROVISIONS**

5.1 Road Reserve Widths & Pavement

Rural Residential pavements shall be subject to a seal width of 6.2 metres with 1.5 metre road shoulders on a 20 metre road reserve (Local Access Road) and a seal width of 7.2 metres with 1.5 metre shoulders on a 30 metre road reserve (Local Distributor) and have constructed embayments required for any public transport stops, stipulated by the Shire of Northam.

All road reserve widths are subject to the lands topography, the existing and proposed vegetation and site specific analysis to ensure the road reserve width proposed is sufficient and able to incorporate drainage infrastructure.

Verges shall have sufficient width for the provision of trunk and reticulation services and property connections, and shall be a minimum width of 5.0m unless noted otherwise.

Any Geotechnical Report must include any existing and/or proposed service locations to verge/reserves including depth and orientation.

Where roadside drainage, by nature of contour, flows at a rate exceeding 1 metre per second in an unlined drain or 2 metres per second in a lined drain, a Shire approved treatment is to be employed to restrict flows to below these limits.

5.2 Road Design

Rural Residential roads should generally be designed in accordance with relevant Austroads (NAASRA) and ARRB guidelines and publications which include:

- Guide to Traffic Engineering Practice – Parts 1 to 14 (Austroads);
- Turning Path Templates (Austroads, 1995);
- Sealed Local Roads Manual (ARRB);
- Rural Road Design – Guide to the Geometric Design of Rural Roads (Austroads, 1989);
- Policy for Installations of Public Utility Authorities within the Road Reserve;
- Pavement Design – A guide to the Structural Design of Road Pavements (Austroads 1995); and
- Street (Road) Lighting Code AS 1158

Other aspects to be considered include the design of roads to minimise environmental impacts, designing road grades as close to existing contours as practicable and the provision of adequate lot access.

The minimum design speed for access roads shall be 60km/h, collector roads 70 km/h and arterial roads 90km/h.

Road signage denoting aspects of road design are to be incorporated where applicable to indicate changes in road alignments or junctions eg: “T”, “Floodways”, “S” for sharp turns, “Crest”, Street Names, “No Through Road” for cul-de-sac configuration etc.

The preliminary design and final design drawings for all Rural Residential roads must be prepared by a qualified Civil Engineer or suitably qualified or experienced person (as approved by the Manager Engineering Services). Design drawings and specifications should be to the extent and in accordance with that recommended in Council’s adopted Policies:

- General Engineering Requirements for Subdivisions; and
- Technical Specifications for Construction of Roads and Drainage.

5.3 Road Access

Every Rural Residential lot is entitled to one access where it adjoins a public road, provided that:

- access is to be located considering vehicular safety factors, to the satisfaction of the Shire;

- access to Great Eastern Highway is to be to the satisfaction of Main Roads Western Australia;
- where the property has two road frontages, access is to be to the road of lesser importance as determined by the Council's Engineer; and
- only one access to each property is permitted unless otherwise approved by the Shire.

Rural Residential roads shall be designed to enable access to lots at an absolute maximum grade of 16%.

All crossovers to Rural Residential lots are to be constructed in accordance with the Shire's specifications. It is recommended that contact be made with the Shire in respect to crossover design and construction standards and requirements.

5.4 Road Upgrading Conditions

Council may request contributions for construction to upgrade existing roads as a condition of approval of adjoining applications for:

- subdivisions, when any additional lots are created; and
- development, other than single dwellings and outbuildings.

If the proposed Rural Residential subdivision is located some distance along an unsealed road, the developer will be required to contribute to connect the road construction to a sealed road in the immediate locality including services and drainage.

5.5 Construction Standards

All construction works shall be carried out in accordance with the approved engineering drawings and specifications and shall be subject to inspection at various stages of the works by the Council's Engineer. Final approval of the road works shall only be given when the whole of the works have been constructed to the true meaning and intent of the approved engineering drawings and specifications and to the satisfaction of the Council's Engineer.

5.5.1 Clearing & Stripping

The clearing and stripping of land for Rural Residential roads shall only be to the minimum extents necessary to accommodate the proposed road works and public utility services. Any excessive clearing beyond the necessary limits shall be rehabilitated at the Subdivider's expense.

Adequate precautions must be taken to ensure that no damage occurs to trees, vegetation, fences, services and other installations outside the designated areas of the road works. Any survey pegs or marks which are disturbed shall be reinstated by a licensed land surveyor at the Subdivider's cost.

5.5.2 Earthworks

Earthworks shall be performed in a safe manner at all times. No material shall be obtained from borrow pits within road reserves and no surplus material shall be disposed of in road reserves.

All fill used in earthworks shall be clean, granular material obtained from general and road works excavations and shall not be contaminated with roots or other impurities. The fill shall be placed in even layers not greater than 300mm thick and each layer

shall be compacted to at least 93% of the modified maximum dry density (MMDD) of the material.

Traffic control devices, sign posts, guide posts, street nameplates, guide signs and warning signs shall be provided by the subdivider in accordance with AS 1742 to the satisfaction of the Council's Engineer.

The Shire Engineer and/or the Manager Engineering Services will direct all notices, requests, instructions and approvals to the Consulting Engineer, except in urgent circumstances when they may be given directly to other parties involved in the subdivision.

5.5.3 *Geotechnical Report*

A geotechnical report is required to determine "best practice" for aspects of subdivision drainage plans and outcomes. Rural Residential drainage design is the responsibility of the developer and must be designed and constructed in an accepted engineering manner with Shire approved outcomes. A geotechnical report should be considered prior to preparation of subdivision engineering drawings.

5.5.4 *Street Lighting*

Street Lighting is a requirement at intersections, roundabouts and cul-de-sac heads. A street lighting design plan is required to comply with:

- (a) AS 1158.3.1 - 1999 pedestrians or later editions; and/or
- (b) AS 1158.2.1 - 1999 traffic or later editions;

and is required as part of subdivision submission.

| | |
|------------------------|-------------------------|
| <i>Date Adopted:</i> | <i>18 December 2013</i> |
| <i>Date Effective:</i> | <i>11 January 2014</i> |
| <i>Date Reviewed:</i> | <i>15 February 2017</i> |
| <i>Next Review:</i> | |

LPP 16 - **ADVERTISING SIGNS**

| | |
|-----------------|-------------------|
| POLICY NO: | LPP 16 |
| POLICY SUBJECT: | ADVERTISING SIGNS |
| ADOPTION DATE: | 18 February 2015 |
| LAST REVIEW: | |

OBJECTIVES

The primary objectives are to:

- (a) Provide a consistent approach to signage within the Shire of Northam.
- (b) Ensure the type and size of signs is appropriate for the location.
- (c) Reduce the proliferation of advertisements.
- (d) Ensure advertisements do not adversely impact on traffic circulation and management, or pedestrian safety.
- (e) Ensure advertisements are generally erected on land where advertised business or sale of goods or service being carried out.
- (f) Ensure signs are constructed and maintained to the essential standards of public safety.

DEFINITIONS

The following are definitions that may be used as part of this policy in addition to the definitions included in Local Planning Scheme No 6:

“Advertisement” means the same as sign.

“Amenity” means all those factors which combine to form the character of an area and include the present and likely future amenity.

“Council” means the elected members of the Shire.

“Scheme” means Local Planning Scheme No 6.

“Shire” means the Shire of Northam.

“Sign” means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of

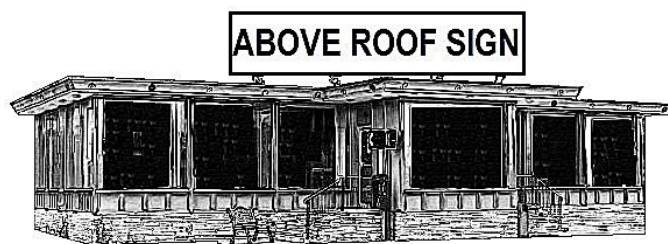
advertisements. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising.

“Sign Infill” means a panel which can be fitted into a pylon sign framework

“Verandah” for the purposes of this policy includes cantilever verandahs and balconies whether over thoroughfares or over private land

Sign Types

“Above roof sign” means a sign which is affixed to a building and protrudes above the eaves or parapet of the building with little or no relation to the architectural design of the building.



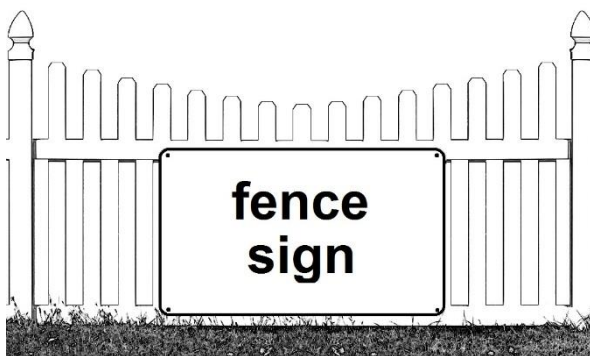
“Bill” means the sticking of a bill or painting, stencilling or affixing any advertisement on a building, structure, fence, wall, signpost, pole, blind or awning, so as to be visible to any person in a street, public place, reserve or other land.

“Billboard” see “Hoarding”.

“Created Roof Sign” means a sign which is affixed to the fascia or roof of the building and compliments the architectural design of the building but does not include an above roof sign.



“Fence Sign” means a sign attached to a fence.



“Fly Posting” means advertising by means of placing posters on fences, walls, trees, buildings and like structures.

“Hoarding” means a large, freestanding or detachable structure that is erected for the sole purpose of displaying a sign or signs, and which has an overall height less than the sign’s horizontal dimension, and includes a poster panel, a wall panel and an illuminated panel, but does not include a pylon sign or a remote sign.



“Monolith sign” means a freestanding sign where the overall height is greater than the horizontal dimension of the sign, and portions of the sign face are less than 1.2m above ground level; and may include a number of modules or sections.

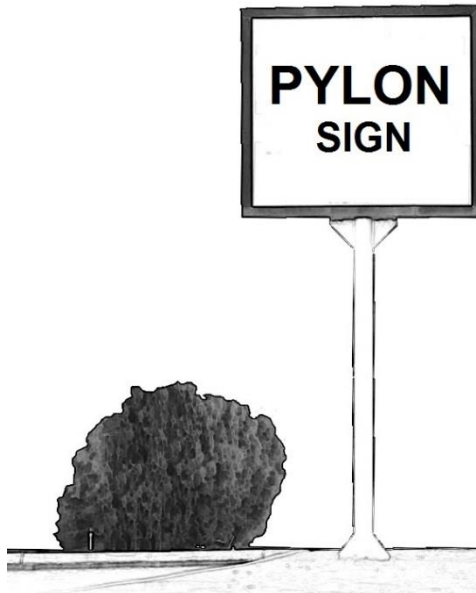


“Portable Sign” means a freestanding sign that is not permanently installed in its location and can be moved.

“Projecting Sign” means a sign which is attached to and protrudes more than 200mm perpendicular from a building or structure below the eaves or parapet of the building, but does not include a fence sign.



“Pylon Sign” means a freestanding sign supported by one or more piers where the overall height (including piers) is greater than the horizontal dimension of the sign, and all portions of the sign face are more than 1.2m above ground level; and includes a detached sign framework supported by one or more piers to which sign infills may be added.



“Remote Sign” means a sign located on private property but not directly related to the business being carried out on that property.

“Tethered Sign” means a sign which is suspended from or tethered to any structure, pole or tree (with or without supporting framework) and made of paper, fabric, plastic or similar materials. The term includes inflatables, bunting, banners, flags and similar.

“Under Verandah Sign” means a sign which is located under a verandah or awning and placed perpendicular to the façade of the building.



“Verandah Sign” means a sign fixed to the face or underside of a verandah or awning, but does not include an under verandah sign.



“Wall Sign” means a sign attached to or painted directly onto an external wall or fascia of a building, and does not project more than 200mm from the wall or fascia to which it is attached and no part of which is above the lowest point of the eaves of the building.



“Window Sign” means a sign attached to or painted directly on to the internal or external surface of a window, or located within 0.5m of a window inside the building for the purpose of advertising to the street.

STATUTORY POWERS

This Local Planning Policy is made pursuant to clause 2.2 of the Shire’s Local Planning Scheme No 6.

POLICY STATEMENT

1. Application

- 1.2 The policy applies to all signage or advertising devices on private property located within the Shire of Northam which can be viewed from a public place, thoroughfare or adjoining property, with the exception of:
- (a) Existing and proposed signage or advertising devices to be located within a Heritage Precinct;
 - (b) Existing and proposed signage or advertising devices to be located on land subject to adopted Design Guidelines for signage; and
 - (c) Advertising signs which are explicitly provided for in the Activities on Thoroughfares and Public Places and Trading Local Law 2008; and
 - (d) Existing approved signage in the Shire of Northam.
- 1.3 If a provision of this Policy is inconsistent with the Scheme, the Scheme prevails.

2. General Requirements

- 2.1 No person shall construct a sign within the Shire without first obtaining written approval of the Council subject to the restrictions within this policy, except where the sign is exempt from requiring planning approval in accordance with Schedule 5 of the Scheme.
- 2.2 Signs which are exempt from requiring planning approval in accordance with Schedule 5 of the Scheme are still required to comply with the provisions of this policy.
- 1.3 All advertising signs shall:
- (a) Not be erected or displayed in a position so as to obstruct access to or from a door, fire escape or window, other than a window designed for the display of goods;
 - (b) Not pose a threat to public health and safety;
 - (c) Be securely fixed to any structure which supports it;
 - (d) Be maintained in good order and clean condition;
 - (e) Not contain any offensive material; and
 - (f) Be compatible with the scale and architecture of the building and the character of the street.

3. Design Requirements

- 3.1 A sign shall be designed to be compatible with the proposed surroundings, including buildings, landscapes and other signs.
- 3.2 Every sign attached to buildings shall be incorporated into the architectural features of the building in placement, style, proportions, materials and finish and shall be designed, constructed, finished, installed and professionally maintained.
- 3.3 Signs may only contain any or all of the following information:
- (a) The name of the occupier
 - (b) The business carried out on the property
 - (c) The occupiers contact details
 - (d) Hours of operation of the business
 - (e) The logo of the business
 - (f) A description of the goods sold or offered for sale on the property to which the sign is affixed or which it relates
 - (g) Any other information specific to the business or use undertaken specifically approved by the Shire
 - (h) In the case of a remote sign, information related to a tourism business or goods or services for the travelling public, where the remote sign design and content is in accordance with Table 1 and has been approved by the Shire.

4. Signage in the Residential Zones

- 4.1 Where signage is proposed on a non-residential property in a predominantly residential area, it is not to detract from the amenity of the area or the streetscape, or cause a nuisance to residential properties.
- 4.2 The following sign types will not generally be permitted on land zoned residential or surrounded by land predominantly zoned residential:
- (a) Above Roof;
 - (b) Hoarding;
 - (c) Pylon;

- (d) Monolith; and
- (e) Tethered.

4.3 Signage for Home Occupations and Home Businesses shall:

- (a) Be limited to a maximum of one sign per street frontage of the dwelling;
- (b) Be either a fence sign or a wall sign affixed to the ground floor walls of the dwelling;
- (c) Not exceed 0.2m² in area; and
- (d) Not be illuminated.

5. Signage in the Rural Zones

5.1 Where signage is proposed in the rural zones, it is not to detract from the amenity of the area, and is not to be a hazard to rural activities or road users.

5.2 Signage in rural zones shall:

- (a) Be limited to a maximum of one sign per street frontage of the total landholding;
- (b) Be either a fence sign, wall sign or hoarding sign;
- (c) Not exceed 4m² in area; and
- (d) Not be illuminated.

5.3 Signage in the rural zone that is considered to be remote signage is to be assessed in accordance with clause 10 and Table 1 of this Policy.

6. Non-Specified Sign Types

6.1 Any proposed signage that is not listed or defined in this Policy shall be assessed on its merits and with regard to the objectives of this Policy and the objectives of the Scheme.

7. Signage Strategies

7.1 The Shire may request as a condition of development approval that a signage strategy be prepared for any site where development of signage requires a coordinated approach or special consideration to the objectives of The Scheme. Such situations may include, but are not limited to, multi-tenancy commercial or

industrial developments, heritage precincts, commercial developments in residential areas or sporting complexes.

- 7.2 All proposals for remote signs shall be consistent with an approved signage strategy for the whole site.
- 7.3 Where an approved signage strategy is in place, the Shire will not generally approve applications for signage that is not consistent with the approved signage strategy.

8. Standards for Specific Sign Types

8.1 Above Roof Sign

- (a) Above roof signs may be considered where the sign compliments design of the building and does not adversely affect the character or amenity of the area.
- (b) A maximum of one above roof sign per building may be permitted. Where a building houses multiple tenancies or businesses, above roof signs may only be considered when in accordance with an approved signage strategy.
- (c) Above roof signs shall:
 - (i) not project more than 2.0m above the top of the eaves or parapet of the building; and
 - (ii) not project laterally beyond the walls of the building.

8.2 Bill / Fly Posting

- (a) A person shall not post a bill or paint, stencil, place or affix an advertisement on a street or on a building, structure, fence, wall, footpath, sign post, blind or awning with the exception of an advertisement affixed to or painted on a commercial building window by the occupier of the building.
- (b) No person shall fly post at any place or location within the Shire.

8.3 Created Roof Sign

- (a) A created roof sign shall:
 - (i) Be affixed parallel to the fascia or portion of the building to which it is attached;
 - (ii) Not be within 500 millimetres of either end of the fascia, roof or parapet of the building to which it is attached; and
 - (iii) Be no more than 3m² in area.

8.4 Hoarding

- (a) Hoarding may be considered in the rural, and industrial zones or as remote signage in accordance with clause 5 and clause 10 of this Policy.
- (b) Construction site hoardings may be considered in the commercial, mixed use or industrial zones, provided that:
 - (i) It is demonstrated that there is no undue safety risk for pedestrians or conflict with vehicles accessing the site; and
 - (ii) The hoarding is to be erected for no longer than 12 months at a time, and will be removed in its entirety upon completion of construction.
- (c) Hoardings shall:
 - (i) Not exceed 6 m in height.
 - (ii) Be no more than 20 m² in area.

8.5 Fence Signs

- (a) Fence signs shall:
 - (i) Be limited to a maximum of one fence sign per frontage on each lot;
 - (ii) Not exceed 3m² in the Rural, Commercial or Mixed Use Zones;
 - (iii) Not exceed 5m² in the General Industry or Light & Service Industry Zones;
 - (iv) Shall not exceed the height or length of the fence; and
 - (v) Shall not project beyond the fence.

8.6 Portable Sign

- (a) Portable signs are to be in accordance with the Activities on Thoroughfares and Public Places and Trading Local Law 2008.

8.7 Projecting Signs

- (a) A projecting sign shall:
 - (i) Be limited to a maximum of one projecting sign per lot;
 - (ii) Not project more than 1.0m outward from the wall to which they are attached;
 - (iii) Not project beyond the boundaries of the lot or past the edge of any adjacent awning or verandah;
 - (iv) No part of the sign to protrude above the top of the wall to which they are attached;
 - (v) Not exceed 2m² in area; and
 - (vi) Have a minimum clearance from ground level to the lowest part of the sign of 2.1m.

8.8 Pylon Signs and Monolith Signs

- (a) Pylon signs and monolith signs may be considered on:

- (i) Properties in the Commercial or Mixed Use Zones with multiple tenancies or businesses;
 - (ii) Properties in the Commercial or Mixed Use Zones with a lot area greater than 2000m²; or
 - (iii) Properties in the General Industry or Light & Service Industry Zones.
- (b) Pylon signs and monolith signs shall be restricted to one pylon sign and one monolith sign only for each frontage of the property. Where the property has multiple tenancies or a series of businesses, the Shire may require that any proposed pylon sign or monolith sign be designed so as to incorporate one infill, module or section, or sufficient framework to accommodate one infill, for each tenancy or business on the lot.
- (c) A pylon sign shall:
 - (i) Have no part of the sign face less than 2.1m, or more than 6m above the ground level immediately below the sign
 - (ii) Have a maximum width of 2m, measured horizontally across the extremities of the pylon sign structure
 - (iii) Have a sign face area no greater than 4.5 m²
 - (iv) Not be within 2m of the side boundaries of the lot on which it is erected
 - (v) Be supported by one or more piers or columns of brick, stone, timber or steel of sufficient size and strength to support the signs under all conditions. The Shire may require engineering certification of the construction of a pylon sign.
- (d) A monolith sign shall:
 - (i) Have a maximum clearance of 1.2m from natural ground level;
 - (ii) Have no part of the sign face more than 8m above the natural ground level immediately below the sign
 - (iii) Have a maximum width of 2m, measured horizontally across the extremities of the pylon sign structure
 - (iv) Have a sign face area no greater than 8m²
 - (v) Not be within 2m of the side boundaries of the lot on which it is erected
 - (vi) The Shire may require engineering certification of the construction of a monolith sign.

8.9 Tethered Signs

- (a) A tethered sign shall:
 - (i) Be wholly located within the boundaries of the lot;
 - (ii) Not be located so as to distract the attention of motorists;
 - (iii) Have no part of the sign face more than 6m, above the ground level immediately below the sign.
 - (iv) have a maximum vertical dimension of 2000mm and a maximum area of 2 m²;
 - (v) Not be within 10m of a pylon sign

- (b) Notwithstanding the above, tethered signs which consist of balloon type or inflatable objects shall:
 - (i) Be limited to the Commercial, Light Industry and General & Service Industry zones;
 - (ii) Not exceed 6m in diameter or 6m in height;
 - (iii) Not be displayed for more than 30 days;
 - (iv) Be accompanied by certificate from a structural engineer certifying that the connection of the tethered sign to the building or lot is of a sound design.

8.10 Under Verandah Signs

- (a) A sign attached to the underside of a verandah or awning shall:
 - (i) Be limited to a maximum of one under verandah sign per tenancy;
 - (ii) Have a minimum clearance from ground level to the lowest part of the sign of 2.1m;
 - (iii) Not project beyond the outer frame or surround of the verandah; and
 - (iv) Not exceed 2.5m in length or 0.6m in height.

8.11 Verandah Signs

- (a) A sign fixed to the fascia of a verandah or awning:
 - (i) Shall not exceed the height or length of the fascia; and
 - (ii) Shall not project beyond the fascia.

8.12 Wall Signs

- (a) A wall sign shall:
 - (i) Not extend beyond either end of a wall, or above the top of the wall or eaves;
 - (ii) Not have an aggregate area greater than 30% of the total area of each frontage, up to a maximum of 10m², for each tenancy.

8.13 Window Sign

- (a) A window sign:
 - (i) May cover up to 100% of the total area of any window
 - (ii) Shall not have an aggregate area greater than 10m² for each frontage.

Note: This section of the Policy does not apply to Real Estate Agents.

9. Remote Signs

- 9.1 Remote signs are not permitted unless the Shire has granted approval in accordance with this policy.

- 9.2 Remote signs may be considered on property fronting Great Eastern Highway where these are located in accordance with Table 1 of this policy.
- 9.3 The Shire may require that any proposed remote sign be designed so as to incorporate multiple infills, modules or sections for the promotion of multiple businesses and services.
- 9.4 Remote signs that are located in accordance with Table 1 shall:
- (a) Be associated with a tourist related business or a business that provides goods or services to the travelling public that has been approved by the Shire;
 - (b) Not adversely affect the character or amenity of the area;
 - (c) Be erected within private property in a location approved by the Shire and Main Roads WA;
 - (d) Be located not less than 500m from any other remote sign;
 - (e) Be oriented in the direction of passing traffic and may be double-sided;
 - (f) Not be located within a gazetted town site;
 - (g) Have maximum total sign height of 4.0m;
 - (h) Have maximum total sign width of 8.0m; and
 - (i) Have no movable parts, reflective surfaces, flashing lights, or other design features that the Shire or Main Roads WA consider to be a distraction to road users.
- 9.5 Remote signs that do not comply with Table 1 or clause 10.3 may be considered when these are in accordance with an approved signage strategy.
- 9.6 The Shire will maintain a Remote Signage Register of signs approved in accordance with this Policy.
- 10. Relationship Between Requirements for Remote Signage and Signage in the Rural Zone**
- 10.1 In addition to any approved remote sign located within a rural property, one additional sign that directly relates to the use of the land on which it is located may be approved in accordance with clause 4.
- 10.2 Remote signage is to be located no closer than 200m to any sign approved in accordance with clause 4.

11. Signs in Proximity to State Controlled Roads

- 11.1 All signs on or in the vicinity of a State Road, other than types exempt under the Main Roads (Control of Advertisements) Regulations 1996, or types that can be approved by the Shire under delegation, require the approval of MRWA.
- 11.2 All signs on or in the vicinity of a State road are to comply with the specifications as set by MRWA.
- 11.3 In assessing an application for signage under delegation from MRWA, the Shire may refer the application to MRWA for assessment and comment.

12. Franchise Signs

- 12.1 In assessing applications for non-compliant signage for franchises the Shire will consider them based on their merit, providing the application can justify the signage and has attempted to meet the requirements of this policy.
- 12.2 This is based on the understanding the franchise owner has little control over the implementation of a new sign

TABLE 1: REMOTE SIGNAGE ON GREAT EASTERN HIGHWAY

| Location along Great Eastern Highway | Maximum sign density | Sign Content |
|--|---------------------------------|--|
| From 500m to the south of the intersection with Mitchell Avenue up to 3km to the south of Mitchell Avenue intersection | 6 signs in 2.5km of road length | Businesses providing goods and services to the travelling public located within the Northam townsite; Events, community and tourism services located within the Northam local government area |
| From 500m to either side of the intersection with Spencers Brook Road up to 1km either side of the intersection with Spencers Brook Road | 2 sign per 1km of road length | Businesses providing goods and services to the travelling public located within the Spencers Brook townsite; Events, community and tourism services located within a 10km radius of the sign |
| From 500m to either side of the intersection with Hawke Avenue up to 1km either side of the intersection with Hawke Avenue | 2 sign per 1km of road length | Businesses providing goods and services to the travelling public located within the Wundowie townsite; Events, community and tourism services located within a 10km radius of the sign |
| From 500m to the east of the intersection with Yilgarn Avenue up to 1km to the east of the intersection with Yilgarn Avenue | 2 sign per 1km of road length | Businesses providing goods and services to the travelling public located within the Northam townsite; Events, community and tourism services located within the Northam local government area |

LPP 17 - AVON INDUSTRIAL PARK GUIDELINES

| | |
|-----------------|--|
| POLICY NO: | LPP 17 |
| POLICY SUBJECT: | AVON INDUSTRIAL PARK DESIGN GUIDELINES |
| ADOPTION DATE: | 20 May 2015 |
| LAST REVIEW: | 1 May 2015 |

OBJECTIVES

The primary objectives are to:

- (a) To achieve an attractive and unified development with an emphasis on quality landscaping and well-designed buildings;
- (b) To achieved a degree of consistency and compatibility in the built form and landscaping, whilst allowing for individuality and a well presented corporate or market image; and
- (c) To avoid unsightly and poorly planned development and enhance and protect the investment of all owners within the estate.

DEFINITIONS

The following are definitions that may be used as part of this policy in addition to the definitions included in Local Planning Scheme No 6:

“**AIP**” Avon Industrial Park.

“**Council**” means the elected members of the Shire.

“**Development**” shall have the same meaning given to it in the *Planning and Development Act 2005*.

“**Earthworks**” means the movement of earth on land which is carried out in conjunction with the construction of a structure or independently and exceeds 500mm in height at any given point.

“**Floor area**” shall have the same meaning given to it in and for the purposes of the Building Code of Australia.

“**LPS6 or Scheme**” means Local Planning Scheme No 6.

“**Owner**” means the owner of land.

“**Setback**” means the buildings distance from boundaries as specified in this policy and/or Local Planning Scheme No 6.

“**Shire**” means the Shire of Northam.

STATUTORY POWERS

This Local Planning Policy is made pursuant to clause 2.2 of the Shire's Scheme.

POLICY STATEMENT

All development within the Avon Industrial Park will require planning approval.

To ensure a consistent built form throughout the Avon Industrial Park Estate, and avoid large bare expanses of wall which gives off the appearance of the traditional bulky "shed" type development.

The Shire will consider Planning Applications on their merits for new developments. In considering whether to grant planning approval the Shire shall have regard to, but not limited to, the Policy Provisions and Objectives and Clause 10.2 of LPS 6.

Site Development Provisions

Setbacks

All development shall comply with the following minimum setbacks;

- Front setback: Minimum 20m
- Secondary street setback: Minimum 20m
- Rear setback: Minimum 7.5m
- Side setback: Minimum 5m

Site Cover and Plot Ratio

Site cover as per the Shire's Local Planning Scheme No. 6.

Building Height

Maximum building height 9m or 2 storeys.

Building Orientation and Shading

Prevailing breezes should be utilized to provide cross-ventilation to warehouse spaces using wall vents.

Portions of the building with windows or skylights should gain the benefit of accessing passive solar gain in winter and preclude solar gain in summer by placement of openings and use of shading devices.

Office areas in the building/s, with areas of glazing, should oversee entry areas of the site and increase passive security for the building operations.

Site Levels

The undulating rural character of the site is to be maintained as part of its appeal.

Adjustments to site level through cut & fill are to be a minimum of 500mm & must be detailed in the plans that form part of the application for planning approval.

Vehicles, Access & Car parking

As per Local Planning Scheme No 6 requirements.

A car parking, landscaping and stormwater design plan will need to be included with the plans submitted with the application for planning approval.

In addition to the landscaping requirements specified in LPS6 the following is required;

- A minimum of 1 shade tree per 4 car parking bays;
- Landscaping is to be used as screening around refuge and service areas;
- For corner lots, a minimum landscape strip width of 5m to both road frontages is required.
- Where practicable existing trees are to be retained
- Refer to Schedule 1 for a list of recommended plant species

Built form

All buildings:

- (a) Shall be designed to address the street frontage.
- (b) Shall have cladding of materials to the satisfaction of the Shire, to prevent large unrelieved expanses of wall or roof.
- (c) Where more than one building is proposed, the buildings shall be constructed using the same colour scheme and overall design.
- (d) Shall incorporate a variety of forms, features, materials and colours.
- (e) Shall be consistent with the existing style of buildings in the surrounding area.
- (f) Shall provide a protected (roofed) entry point.
- (g) Where screening of plant and equipment occurs, the screening shall be incorporated into the built form.

Service and Storage Areas

All service and storage areas are to be set back behind the front building line and screened so as not to be visible from the street. Landscaping and approved obscure fencing can be utilised to screen these areas. Gates should be provided to contain the refuse receptacles.

Fencing

- Standard height for fencing is 1800mm
- Barb wire strands on the top of fencing and electric fencing is discouraged.
- Standard galvanized link-mesh fencing is preferable.

Signage

In addition to the provisions specified within Local Planning Scheme No 6, Draft Local Planning Policy 16 – Advertising signage and the Shire of Northam Trading in Thoroughfares Local Law, the following guidelines should be taken into consideration.

- A uniform approach to signage should be used on each site, including consistency in design elements such as size, graphics, colours and details of mounting or support.

LPP 18 - HERITAGE PRECINCTS

LOCAL PLANNING SCHEME NO.6

LOCAL PLANNING POLICY NO.18

‘Heritage Precincts’

1. PRELIMINARY

1.5 Authority to prepare and adopt a Local Planning Policy

Schedule 2, Part 2, clause 3(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the ‘deemed provisions for local planning schemes’ or ‘deemed provisions’) allows Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Shire’s Local Planning Scheme No.6 (the Scheme) area.

This policy will be made effective once Council has completed the process stipulated in clause 4(1) up to and including clause 4(4) of the deemed provisions.

1.6 Relationship of this Policy to the Scheme and Part 3 of the deemed provisions for local planning schemes

If a provision of this Policy is inconsistent with the Scheme and the deemed provisions, the Scheme and the deemed provisions prevail.

This Local Planning Policy is not part of the Scheme and the deemed provisions and does not bind Council in respect of any application for development approval. However, Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

1.7 Relationship of this Policy to State Planning Policy 3.5 – Historic Heritage Conservation

If a provision of this Policy is inconsistent with *State Planning Policy 3.5 – Historic Heritage Conservation*, the State Planning Policy prevails.

2. APPLICATION OF THE POLICY

2.1 Purpose

The purpose of this Local Planning Policy is to ensure that additions or alterations to existing buildings and new development maintains and complements the traditional streetscape character of the Fitzgerald Street and Gordon Street Heritage Precincts.

2.2 Application

This Policy applies to all land within the: -

- Fitzgerald Street Commercial (Precinct 1A) & Civic Centre Heritage Precinct (Precinct 1B) Policy Area; and

- the Gordon Street Residential Heritage Precinct Policy Area.

Figure 1: Policy Area: Fitzgerald Street Commercial (Precinct 1A) & Civic Centre Heritage (Precinct 1B) Precincts

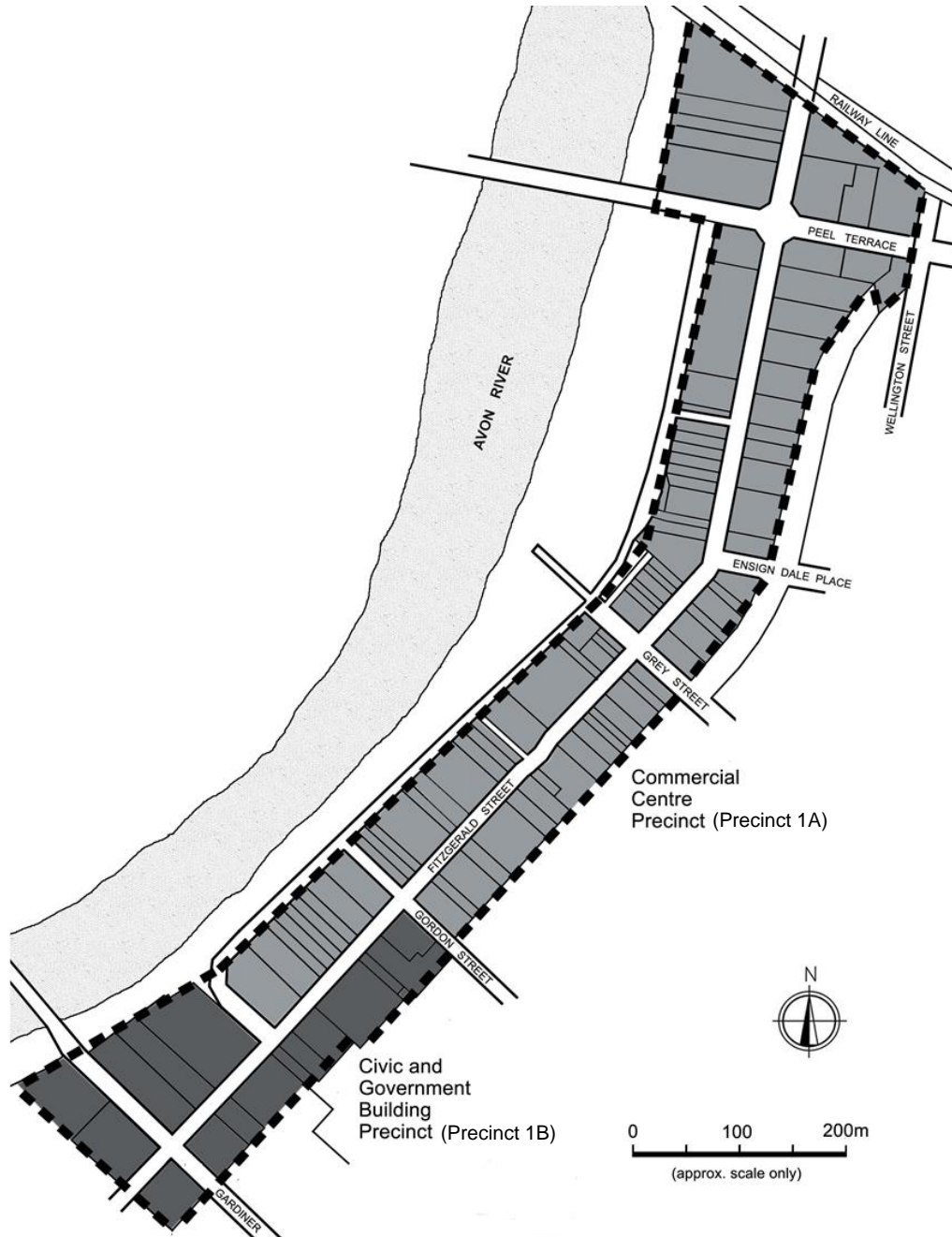
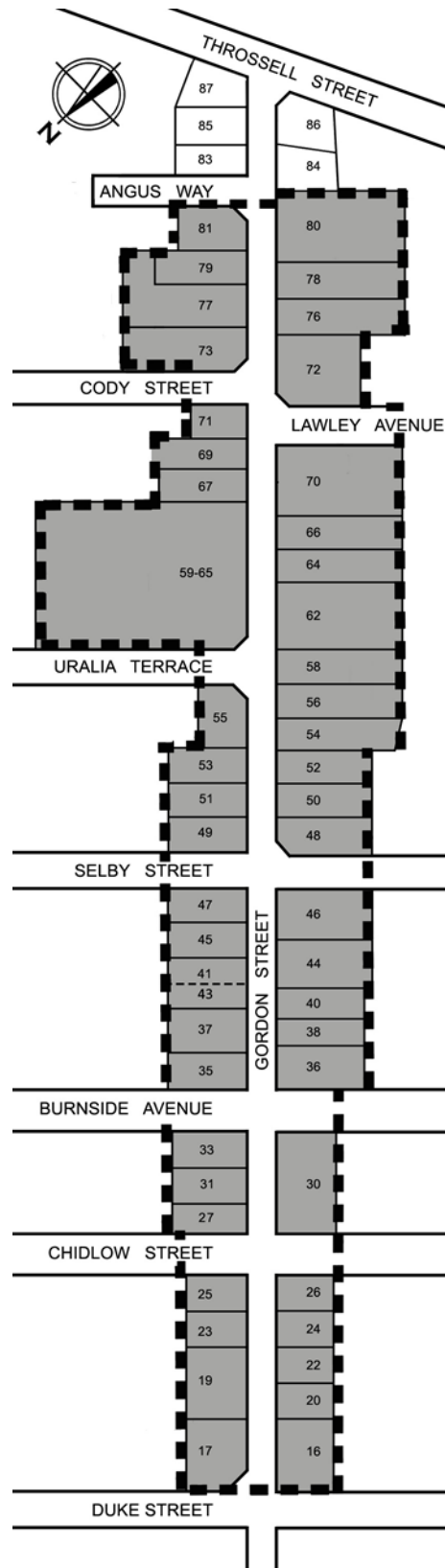


Figure 2: Policy Area: Gordon Street Residential Heritage Precinct (Precinct 2)



2.3 Relationship of this Policy to other Local Planning Policies, Municipal Heritage Inventory and Development Guidelines

This Policy is to be read in conjunction with: -

- Local Planning Policy No. 2 – Site Development and General Construction Guidelines;
- Local Planning Policy No. 16 – Signage;
- *Northam Municipal Heritage Inventory, September 2012*;
- Design Guidelines for the Fitzgerald Street Commercial & Civic Centre Heritage Precinct (refer Appendix 1 of this Policy); and
- Development Guidelines for the Gordon Street Residential Heritage Precinct (refer Appendix 2 of this Policy).

3. **POLICY OBJECTIVES**

The primary objectives of this Policy are to –

- a) Conserve and protect the cultural heritage significance of the respective Heritage Precinct Policy Areas;
- b) Ensure that new buildings, alterations and additions can be accommodated within the respective Policy Areas without adversely affecting the Policy Areas' significance;
- c) Conserve the contributory fabric of those places which have been identified as making a considerable or some contribution to the Policy Area's cultural heritage values and traditional streetscape character; and
- d) Provide improved certainty to landowners and community about the planning processes for development within the area.

4. **APPROVAL REQUIREMENTS**

4.1 Development Control Principles and Relevant Considerations for Development Assessment

In considering any Development Applications in relation to a place located within a Heritage Precinct, the Shire of Northam will apply and have regard to the: -

- matters set out in section 6.5 of the State Planning Policy 3.5 Historic Heritage Conservation;
- development control principles set out in sections 6.5 and 6.6 of the State Planning Policy 3.5 Historic Heritage Conservation;
- design guidelines set out in Appendix 1 and Appendix 2 of this Policy; and
- structural condition of a contributory place, and whether a place is reasonably capable of conservation.

4.2 Need for a Building Permit

A Building Permit (and/or Demolition Permit) is required to be sought and issued for any structures prior to on-site works commencing. Building Permit fees and levies are payable in accordance with the current Shire of Northam Fees and Charges.

5. **PRECINCT 1 – FITZGERALD STREET COMMERCIAL AND CIVIC CENTRE HERITAGE PRECINCT**

5.1 Background

This Policy highlights the importance of the *Fitzgerald Street Commercial & Civic Centre Heritage Precinct* as a focal point of the Shire of Northam's town centre. It outlines the heritage values of the area, lists the key features that underpin the traditional character of the streetscape (as developed in the period c.1890-1950), identifies the contributory places and elements, and provides guidelines to assist property owners and the Shire to achieve good development outcomes within an important heritage context.

Fitzgerald Street was a well-established and prosperous commercial street by the end of the first decade of the twentieth century and, despite highs and lows, continued to grow and prosper through the early interwar years. Development slowed dramatically with the onset of the Great Depression in 1929, but in the late 1930s projects such as the construction of a chain store by G J Coles Ltd and a new National Australia Bank illustrated renewed confidence in the importance of Northam as a regional centre. Further retail confidence was engendered by the establishment of a large military camp in Northam during World War II, and by the post-war influx of migrants and refugees.

Development undertaken since the mid-twentieth century has included demolition of a number of the early twentieth century buildings, and a mixture of sympathetic and unsympathetic alterations and new development. However, the underlying character of the traditional streetscape can still be readily understood and the aim of this policy is to ensure that additions or alterations to existing buildings and new developments maintain and complement the traditional streetscape character of the precinct.

5.2 Statement of Significance

5.2.1 *Precinct 1A – Fitzgerald Street Commercial Heritage Precinct*

The cultural heritage values of the section of Fitzgerald Street that extends from Beavis Place to the railway line to along the western side of the road and from Gordon Street to the railway line along the eastern side of the road include:

- Its role as the commercial heart of Northam since the beginning of the twentieth century;
- The traditional character of the core of this area as a largely continuous row of predominantly single storey shops and professional suites, interspersed by two storey banking chambers and hotels;
- The manner in which the contributory buildings illustrate the progressive development and prosperity of Northam during the early twentieth century and inter-war eras (c.1890-1950).
- The manner in which the streetscape contributes to a 'sense of place' for the Northam community – with reference to its aesthetic, historic and social values as the traditional town centre.

5.2.2 *Precinct 1B – Fitzgerald Street Civic Centre Heritage Precinct*

The cultural heritage values of the section of Fitzgerald Street that extends from the Gairdner Street intersection to Beavis Place along the western side of the road and from the Gairdner Street intersection to Gordon Street along the eastern side of the road include:

- The aesthetic, historic and cultural values associated with the development of the Northam Post Office and two substantial government office buildings in this area in the period c.1909-1913;
- The aesthetic, historic and cultural values associated with the development of the civic centre of Northam in this area from the late 1920s;
- The aesthetic, historic and cultural values associated with the development of other community service buildings in this area in the post WWII era (comprising the RSL Hall and Ambulance Station);
- The aesthetic and historic values associated with the progressive development of the Northam Flour Mill and the Avon Bridge Hotel adjacent to the Avon River Bridge since the mid-nineteenth century. This includes their landmark qualities at one of the primary entrances to the town centre.

5.3 Levels of Contribution

Places within the Policy Area will fall into one of the following categories, as depicted in figures and tables below.

Table 1: *Precinct 1 – Fitzgerald Street Commercial (1A) & Civic Centre (1B) Heritage Precinct*

| LEVEL OF CONTRIBUTION | DESCRIPTION | DESIRED OUTCOME |
|---------------------------|---|---|
| Considerable contribution | These places have generally retained clear evidence of their traditional external detailing, character and/or form to all or part of the street façade(s), are prominent streetscape elements and/or have important historical associations. | Conservation of the place is highly desirable. Any external alterations or extensions should reinforce the significance of the area, in accordance with the Design Guidelines. |
| Some Contribution | These places are generally more modest examples of the retail/commercial development of the early to mid-twentieth century and/or have undergone more substantial external alterations over time (particularly to the ground floor shopfronts and awnings). | Conservation of the place is desirable. Any external alterations or extensions should reinforce the significance of the area, in accordance with the Design Guidelines. |
| Little / No Contribution | These places have been assessed as making no particular contribution to the cultural heritage values of the Policy Area. They are typically buildings that were constructed after World War Two and include some buildings that were designed in a manner that is compatible with the traditional streetscape, as well as some that are intrusive (in form, scale, detailing and/or materials). | Existing fabric does not need to be retained. Any new (replacement) development on the site should reinforce the significance of the area, in accordance with the Design Guidelines. |

Figure 3: Precinct 1A – Commercial Precinct – Levels of Contribution (to be read in conjunction with Table 2 below, which provides further information about how this relates to the component parts of each place).

Note: While some of the premises constructed since 1950 are sympathetic with the traditional streetscape these are not considered to be contributory places within the context of the cultural heritage values of the Commercial Precinct.

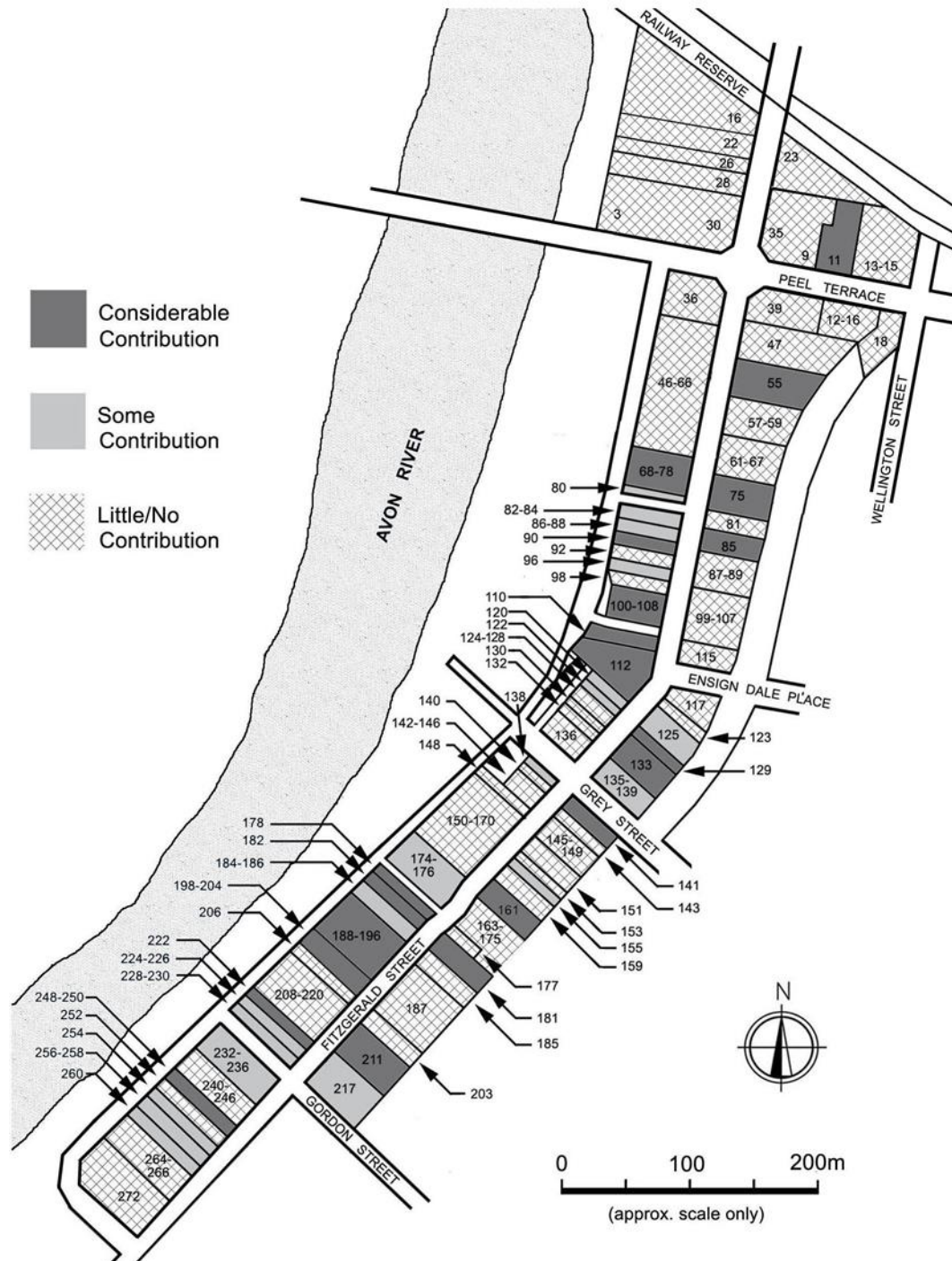


Table 2: Precinct 1A – Commercial Precinct - Levels of Contribution

| Considerable Contribution | Some Contribution | Little/No Contribution |
|--|---|---|
| <ul style="list-style-type: none"> • 55 Fitzgerald Street • 68-78 Fitzgerald Street <i>This relates to the very early shopfront to #70 and the other traditional timber framed shopfronts to #s 74 & 76.</i> • 75 Fitzgerald Street • 85 Fitzgerald Street • 90 Fitzgerald Street <i>This relates to the building envelope and the detailing of the first floor façade. It also relates to its historical use by the Northam Road Board offices.</i> • 100-108 Fitzgerald Street <i>This relates to the form and detailing of the parapet and early detailing to the shopfronts to #s 102 and 108.</i> • 110 Fitzgerald Street • 112 Fitzgerald Street • 129 Fitzgerald Street • 133 Fitzgerald Street • 141 Fitzgerald Street • 161 Fitzgerald Street • 178 Fitzgerald Street • 181 Fitzgerald Street • 182 Fitzgerald Street <i>This primarily relates to the detailing of the mid-twentieth century shopfront.</i> • 188-196 Fitzgerald Street • 198-204 Fitzgerald Street <i>This relates to the building envelope, the traditional form and detailing of the parapet and the early shopfront to #202.</i> • 211-215 Fitzgerald Street <i>This relates to the building envelope and the traditional form and detailing of the parapet.</i> • 222 Fitzgerald Street • 239 Fitzgerald Street | <ul style="list-style-type: none"> • 80 Fitzgerald Street <i>This relates to the building envelope, the detailing of the first floor façade, the Nind Street facade and the original parapet.</i> • 82-84 Fitzgerald Street <i>This relates to the form and detailing of the parapet and the shopfront to #82.</i> • 86-88 Fitzgerald Street <i>This relates to the general building envelope and the openings to the first floor façade.</i> • 96 Fitzgerald Street <i>This relates to the form and detailing of the parapet.</i> • 120 Fitzgerald Street <i>This relates to the form and detailing of the parapet.</i> • 122 Fitzgerald Street <i>This relates to the form and detailing of the parapet.</i> • 125 Fitzgerald Street <i>This relates to the building envelope of the original house and shop and the original parapet.</i> • 135-139 Fitzgerald Street <i>This relates to the general building envelope and surviving original detailing (noting that the authenticity of the place has been diminished by later alterations)</i> • 138 Fitzgerald Street <i>This relates to the form and detailing of the parapet.</i> • 155 Fitzgerald Street <i>This relates to the building envelope and the traditional form and detailing of the parapet.</i> • 174-176 Fitzgerald Street • 177 Fitzgerald Street <i>This relates to the general building envelope and the historical associations of the place.</i> • 184-186 Fitzgerald Street | <ul style="list-style-type: none"> • 16 Fitzgerald Street • 22 Fitzgerald Street • 23-25 Fitzgerald Street • 26 Fitzgerald Street • 28 Fitzgerald Street • 30 Fitzgerald Street • 36 Fitzgerald Street • 39 Fitzgerald Street • 47 Fitzgerald Street • 46-48 Fitzgerald Street • 58-66 Fitzgerald Street • 57-59 Fitzgerald Street • 61-67 Fitzgerald Street • 81 Fitzgerald Street • 89 Fitzgerald Street • 92 Fitzgerald Street • 98 Fitzgerald Street • 99-107 Fitzgerald Street • 115 Fitzgerald Street • 117 Fitzgerald Street • 123 Fitzgerald Street • 124-128 Fitzgerald Street • 130 Fitzgerald Street • 132 Fitzgerald Street • 136 Fitzgerald Street • 140 Fitzgerald Street • 142-146 Fitzgerald Street • 143 Fitzgerald Street • 145-149 Fitzgerald Street • 148 Fitzgerald Street • 150-170 Fitzgerald Street • 151 Fitzgerald Street • 153 Fitzgerald Street • 159 Fitzgerald Street • 165-175 Fitzgerald Street • 185 Fitzgerald Street • 187 Fitzgerald Street • 203 Fitzgerald Street |

| Considerable Contribution | Some Contribution | Little/No Contribution |
|---|---|---|
| <ul style="list-style-type: none"> • 245 Fitzgerald Street • 211-215 Fitzgerald Street <i>This relates to the form, detailing and materials of the parapet.</i> • 263 Fitzgerald Street • 265 Fitzgerald Street • 305 Fitzgerald Street • 11 Peel Terrace | <p><i>This relates to the general building envelope and its Inter-War style adaptations.</i></p> <ul style="list-style-type: none"> • 217 Fitzgerald Street <i>This relates to the building envelope and the traditional form and detailing of the parapet.</i> • 224-226 Fitzgerald Street <i>This relates to the form and detailing of the parapet and the form and detailing of the shopfront to #224.</i> • 232-236 Fitzgerald Street <i>This relates to the form and detailing of the parapet.</i> • 228-230 Fitzgerald Street <i>This relates to the form and detailing of the parapet.</i> • 254 Fitzgerald Street <i>This relates to the form and detailing of the parapet and to the end walls of the shopfront.</i> • 256-258 Fitzgerald Street <i>This relates to the form and detailing of the parapet.</i> • 260-262 Fitzgerald Street <i>This relates to the form and detailing of the parapet.</i> • 269 Fitzgerald Street • 277 Fitzgerald Street • 325 Fitzgerald Street | <ul style="list-style-type: none"> • 206 Fitzgerald Street • 208-220 Fitzgerald Street • 240-246 Fitzgerald Street • 243 Fitzgerald Street • 252 Fitzgerald Street • 264-266 Fitzgerald Street • 272 Fitzgerald Street • 281 Fitzgerald Street • 3 Peel Terrace • 9 Peel Terrace • 12-16 Peel Terrace • 13-15 Peel Terrace • 18 Peel Terrace |

Figure 4: Precinct 1B – Civic Centre Precinct – Levels of Contribution (to be read in conjunction with Table 3 below, which provides further information about how this relates to the component parts of each place).

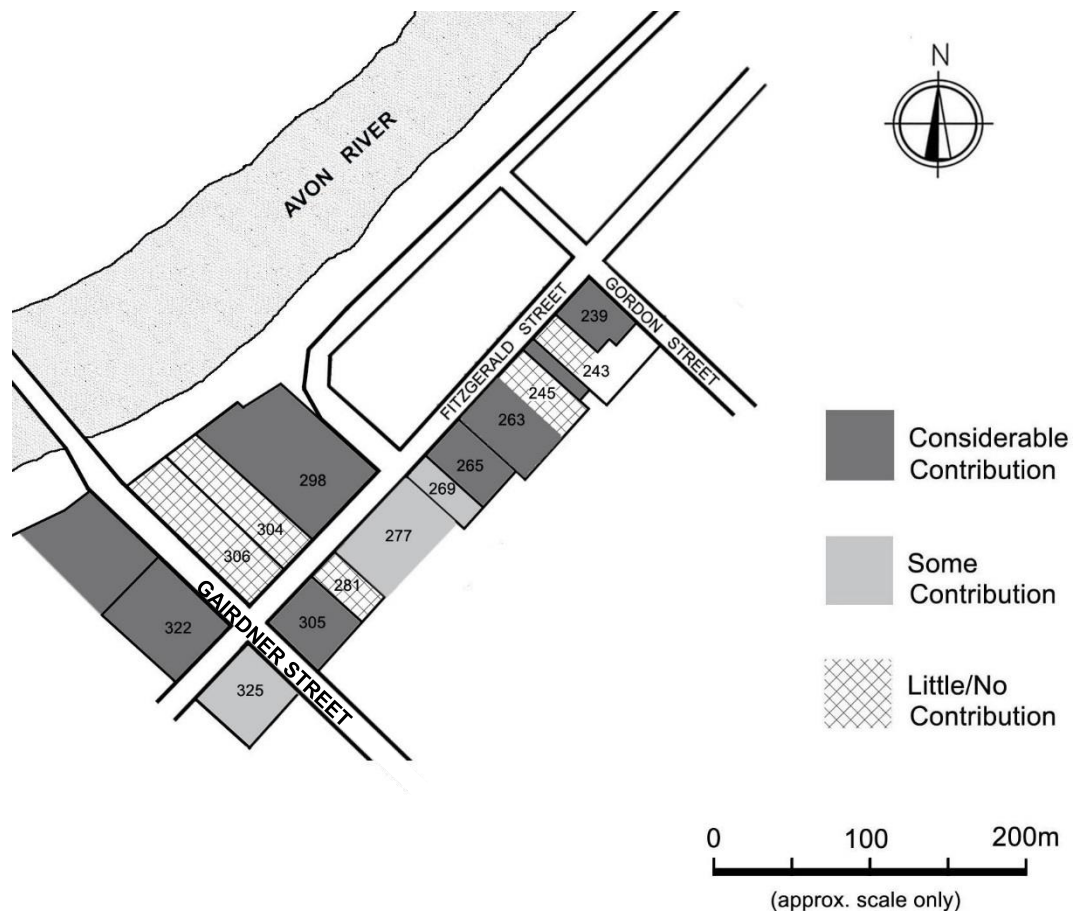


Table 3: Precinct 1A – Civic Centre Precinct - Levels of Contribution

| Considerable Contribution | Some Contribution | Little/No Contribution |
|---|---|---|
| <ul style="list-style-type: none"> • 239 Fitzgerald Street • 245 Fitzgerald Street • 263 Fitzgerald Street • 265 Fitzgerald Street • 305 Fitzgerald Street | <ul style="list-style-type: none"> • 243 Fitzgerald Street • 269 Fitzgerald Street • 277 Fitzgerald Street | <ul style="list-style-type: none"> • 243 Fitzgerald Street • Carpark attached to 263 Fitzgerald Street • 281 Fitzgerald Street |

6. PRECINCT 2 – GORDON STREET HERITAGE PRECINCT

6.1 Background

The town of Northam is situated approximately 100 kilometres east of Perth, in the Avon Valley. This fertile area, which was explored by Ensign Dale in 1830, attracted agricultural settlers from the Swan River Colony, who were eager to obtain large grants of land. Between 1830 and 1870, Northam developed as an important agricultural area and service centre for other Avon Valley towns.

Northam was established as a municipality in 1879, but the development of the town was slow until the 1890s, when Northam became the point of departure for the railway to the Western Australian goldfields. In the early twentieth century the population continued to increase as more land in the Avon Valley and the surrounding area was acquired by farmers, who used new methods to increase and improve agricultural yields from their properties.

Residential development within the *Gordon Street Residential Heritage Precinct* appears to have commenced at the beginning of the twentieth century. This included four large gentlemen's villas, which helped to establish the character of the street as a desirable place of residence – 'Cody House' (77 Gordon Street, constructed for Michael Cody, pre-1903); 'Uralia' (59-65 Gordon Street, constructed in 1903 for George Throssell); 'Belrieve' (30 Gordon Street, constructed in 1903 for James Byfield, now known as Byfield House); and A.W. Byfield's house (80 Gordon Street, constructed in c.1904 for Alfred William Byfield). Good quality homes were also built along the street other local business and professional men, interspersed by a small number of modest cottages.

By circa 1913 there were about 20 houses, plus the Freemasons Lodge, within the Precinct.

No further development appears to have taken place along this section of Gordon Street between 1914 and c.1922, after which infill development was encouraged by further subdivisions and land sales, including the Uralia estate (around Uralia Avenue) and Alfred Byfield's property (at the top of Gordon Street). By 1937 the number of houses within the Study Area had nearly doubled, with 19 houses along both the south-western and north-eastern sides of the street.

During that time, local business and professional men continued to be the owner/occupiers of new houses in Gordon Street, indicating that it had maintained its reputation as a desirable place of residence – and earning the street the colloquial name, 'Nobs Hill'.

Development then ceased until the post WWII era and 11 of the existing houses were constructed after 1945 – only one of which was constructed on the site of a former house (#50).

6.2 Statement of Significance

The cultural heritage values of the residential heritage area defined by 17-81 and 16-80 Gordon Street, Northam include:

- Its role as a desirable place of residence during the early twentieth century – as illustrated by the colloquial reference to this area as 'Nobs Hill';
- The historical, social and cultural values associated with its initial development with gentleman's villas on spacious estates, together with the suburban houses of local businessmen and public servants in the period c.1900-1913;
- Its direct association with a number of Northam's prominent business and professional men, plus local and state politicians, including:
 - James Byfield, wheelwright & coach builder, miller, farmer, and building contractor; Northam councillor, serving as mayor in 1893 (#30)

- Alfred William Byfield, building contractor and farmer; Northam councillor, serving as mayor in 1916-1921 (80-82 Gordon Street. House severely damaged by fire, 1924).
- Michael Cody, hotel proprietor (#77)
- Albert Redvers George Hawke, MLA (#19)
- Henry John Leeder, farmer, publican, breeder of thoroughbred horses and racing identity (#35)
- Patrick Pearson Lyon, solicitor (#17)
- James William Purslowe, wheelwright, carpenter and undertaker (#22)
- Joseph Thomas Reilly, journalist and newspaper proprietor (#40)
- James Albert Rogers, grocery and hardware merchant (#45)
- James Spargo Nicholls, printer and newspaper proprietor (#46)
- George Lionel Throssell, merchant and machinery importer (#59-65)
- The historical and aesthetic values associated with its consolidation as a desirable 'middle class' residential address, when further development (including subdivision of some of the larger estates) took place during the Inter-War era (and more specifically in the period c.1922-1937);
- The post 1950 development is generally consistent in scale and form but does not contribute to the assessed cultural heritage values of the street.

6.3 Levels of Contribution

Places within the Policy Area will fall into one of the following categories, as depicted in Figure and List below.

Table 4: Precinct 2 –Gordon Street Residential Heritage Precinct

| LEVEL OF CONTRIBUTION | DESCRIPTION | DESIRED OUTCOME |
|---------------------------|---|---|
| Considerable contribution | These places have generally retained clear evidence of their traditional external detailing, character and/or form, are prominent streetscape elements and/or have important historical associations. | Conservation of the place is highly desirable. Any external alterations or extensions should reinforce the significance of the area, in accordance with the Design Guidelines. |
| Some Contribution | These places are generally more modest examples of local residential (or associated) development and/or have undergone more substantial external alterations over time. | Conservation of the place is desirable. Any external alterations or extensions should reinforce the significance of the area, in accordance with the Design Guidelines. |
| Little / No Contribution | These places have been assessed as making no particular contribution to the Gordon Street Residential Heritage Precinct. | Existing fabric does not need to be retained. Any new (replacement) development on the site should reinforce the significance of the area, in accordance with the Design Guidelines. |

Figure 5: Precinct 2 – Gordon Street Residential Precinct – Levels of Contribution (to be read in conjunction with Table 5 below, which provides further information about how this relates to the component parts of each place).

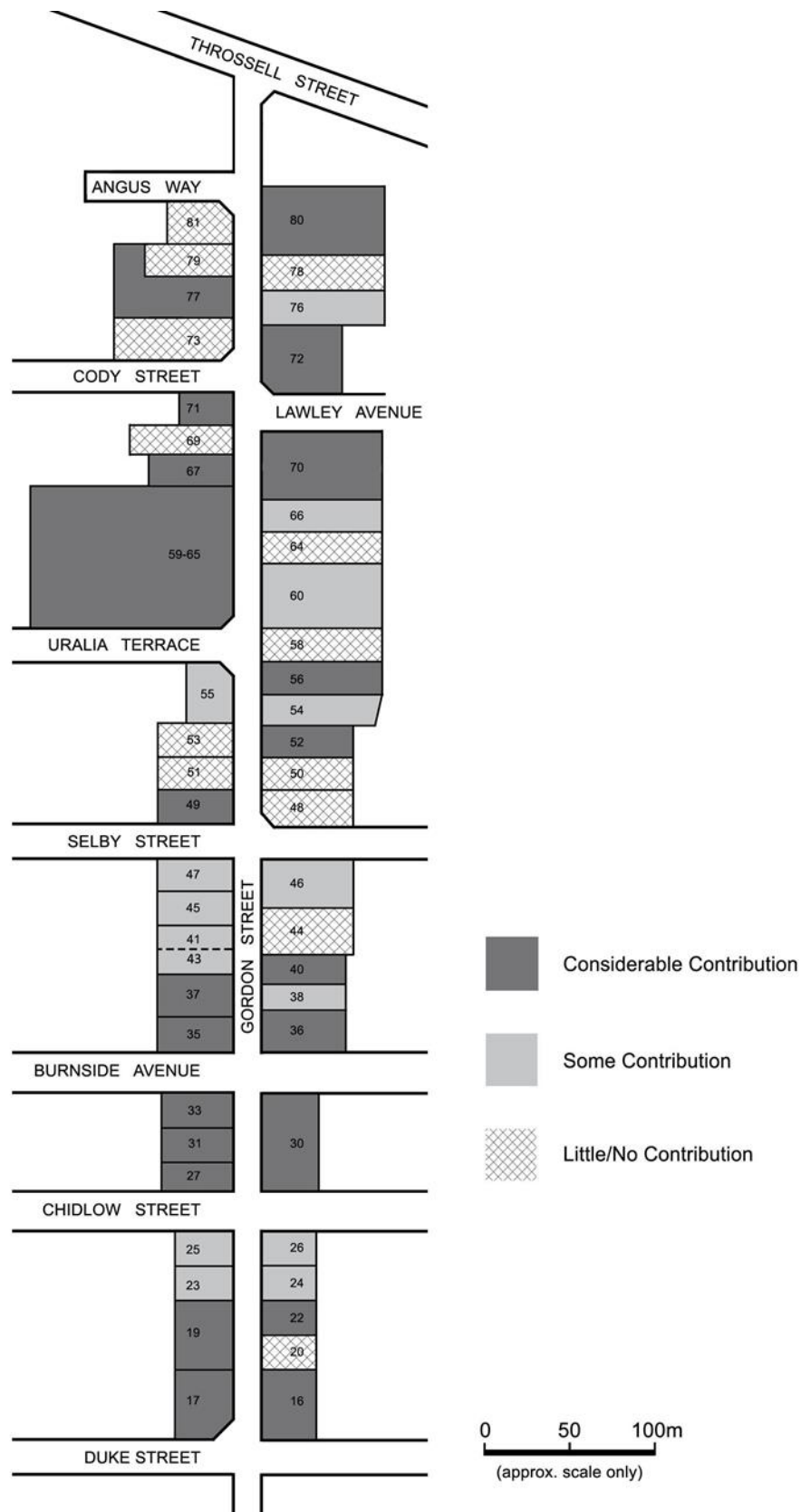


Table 5: Precinct 2 – Gordon Street Residential Heritage Precinct - Levels of Contribution

| Considerable Contribution | Some Contribution | Little/No Contribution |
|--|--|--|
| <ul style="list-style-type: none"> • 16 Gordon Street • 17 Gordon Street • 19 Gordon Street • 22 Gordon Street • 27 Gordon Street • 30 Gordon Street • 31 Gordon Street • 33 Gordon Street • 35 Gordon Street • 36 Gordon Street • 37 Gordon Street • 40 Gordon Street • 49 Gordon Street • 52 Gordon Street • 56 Gordon Street • 59 Gordon Street • 67 Gordon Street • 70 Gordon Street • 72 Gordon Street • 71 Gordon Street • 77 Gordon Street • 80 Gordon Street | <ul style="list-style-type: none"> • 23 Gordon Street • 24 Gordon Street • 25 Gordon Street • 26 Gordon Street • 38 Gordon Street • 41-43 Gordon Street (semi-detached houses) • 45 Gordon Street • 46 Gordon Street • 47 Gordon Street • 54 Gordon Street • 55 Gordon Street • 60 Gordon Street • 66 Gordon Street • 76 Gordon Street | <ul style="list-style-type: none"> • 20 Gordon Street • 44 Gordon Street • 48 Gordon Street • 50 Gordon Street • 51 Gordon Street • 53 Gordon Street • 58 Gordon Street • 64 Gordon Street • 69 Gordon Street • 73 Gordon Street • 78 Gordon Street • 79 Gordon Street • 81 Gordon Street |

The buildings and spaces within the *Gordon Street Residential Heritage Precinct* are considered to have collective cultural heritage values that contribute to the statement of cultural heritage significance (above). Individually they range from highly significant buildings (some of which have been recognised through entry in the State Register of Heritage Places) through to places that make a general contribution to the history and traditional streetscape character of the area. Additionally, there are a number of places that do not contribute to the assessed heritage values, although most of these are still of a compatible scale and form.

7. APPLICATIONS FOR PLANNING APPROVAL – ACCOMPANYING MATERIAL

The Shire of Northam may require an applicant to provide one or more of the following to assist the local government in the determination of its application. This is additional to the requirement for accompanying material set out in Clause 63 of Part 8, Schedule 2 of the deemed provisions for local town planning schemes (*Planning and Development (Local Planning Schemes) Regulations 2015*).

7.1 Heritage Impact Statement

Consistent with the provisions of Clause 11 of Part 3, Schedule 2 of the deemed provisions for local planning schemes, if a proposal will have a substantial impact on the exterior fabric of a place of Considerable Contribution or Some Contribution, the local government may require a heritage impact statement to be submitted addressing three main questions:

- How will the proposed works affect the significance of the place and area?
- What alternatives have been considered to ameliorate any adverse impacts?
- Will the proposal result in any heritage conservation benefits that might offset any adverse impacts?

If a proposal affects a place that is entered in the State Register, or a large or complex place of Considerable significance, the local government may require a Conservation Plan to be prepared. Such cases will be rare.

7.2 Structural Condition Assessment in the case of demolition

If structural failure is cited as a justification for the demolition of a place of Considerable significance or Some significance, evidence should be provided from a registered structural engineer that the structural integrity of the building has failed, to the point where it cannot be rectified without removal of a majority of its significant fabric and/or prohibitive costs.

7.3 Archival Recording in the Case of Demolition

If a proposal is for the demolition of a place of Considerable significance or Some significance, the local government may require the applicant as a condition of approval to submit an archival record of the place, prior to the commencement of development.

The archival record is to be in accordance with the State Heritage Office's standard for archival recording.

7.4 Council Owned Property

The Shire of Northam will seek to lead by example by managing its own property within the Policy Areas in accordance with this Policy.

| | |
|------------------------|-----------------------|
| <i>Date Adopted:</i> | <i>20 July 2016</i> |
| <i>Date Effective:</i> | <i>31 August 2016</i> |
| <i>Date Reviewed:</i> | |
| <i>Next Review:</i> | <i>August 2018</i> |

LPP 18 – DEVELOPMENT GUIDELINES FOR THE FITZGERALD STREET HERITAGE PRECINCT (APPENDIX 1)

- APPENDIX 1 - LOCAL PLANNING POLICY NO.18 'Heritage Precincts'

DEVELOPMENT GUIDELINES FOR THE FITZGERALD STREET HERITAGE PRECINCT

1. INTRODUCTION

1.1 Scope

These Development Guidelines:

- a) Relate specifically to the parts of each place that impact on the character of the streetscape;
- b) Address the conservation and development of contributory places;
- c) Address the manner in which alterations to non-contributory places, or redevelopment of these sites, impacts on the traditional streetscape character.

Alterations, additions or other works that are not visible from the street do not need to comply with these guidelines.

Explanatory notes and examples have been included in separate text boxes.

1.2 Application of the Development Guidelines

These guidelines need to be carefully considered as part of the design process for any works that impact on the streetscape within the Policy Area, with the aim of achieving a high standard of development that protects/enhances contributory places and the traditional streetscape character. Issues to be considered on a case-by-case basis include the level of significance of the subject place and the nature of the place and its detailing. Consideration also needs to be given to the level of contribution and character of nearby places and the manner in which the new development will visually impact on their setting.

An underlying principle of these guidelines is that loss of, or unsympathetic alteration to, the surviving traditional elements of contributory buildings and/or the construction of new unsympathetic building fabric, would erode the heritage significance and character of the area as a whole. Variation to these guidelines will therefore generally only be considered where the applicant submits a Heritage Impact Statement that satisfactorily demonstrates that the outcome will be consistent with the overall intent of the Planning Policy.

2. CONSERVATION PRINCIPLES

The following principles should be applied to all works affecting the street facades of contributory buildings:

- a) The key positive features/elements of the Fitzgerald Street Commercial & Civic Centre - Heritage Precinct should be retained and enhanced.
- b) When undertaking repairs or alterations to a contributory place, change as little of the contributory fabric as possible.
- c) Where conservation works are necessary, match the traditional techniques, materials, profiles and finishes as far as practical.

For example: The aesthetic qualities of traditional face-brick work are often diminished by mortar repairs that do not match the style, colour and quality of finish of the traditional mortar joints. Physical damage can also be caused by the use of modern cement rich mortars to replace softer lime-rich mortars, as this can accelerate fretting of the brickwork where there is a problem with penetrating damp.

- d) When undertaking reconstruction of missing or severely deteriorated heritage fabric, base the new works on an investigation of any physical and documentary evidence, and/or a sound understanding of the traditional detailing of comparable structures.
- e) When upgrading or replacing non-contributory elements, the work should either reconstruct the place to a known earlier state (as above) or interpret the traditional detailing in a sympathetic modern manner (reinforcing the key positive features/elements of the precinct).
- f) New building fabric should be discernible at close inspection, and should not obscure an understanding of the original scale and design of the place.

In general, it is recommended that conservation works be undertaken in accordance with The Australia ICOMOS Charter for Places of Cultural Significance (*The Burra Charter*).

Conservation of original interior detailing is generally encouraged as a positive heritage outcome, but alterations, additions or other works that do not impact on the streetscape are not covered by these guidelines.

3. **STREETSCAPE CHARACTER AND KEY FEATURES**

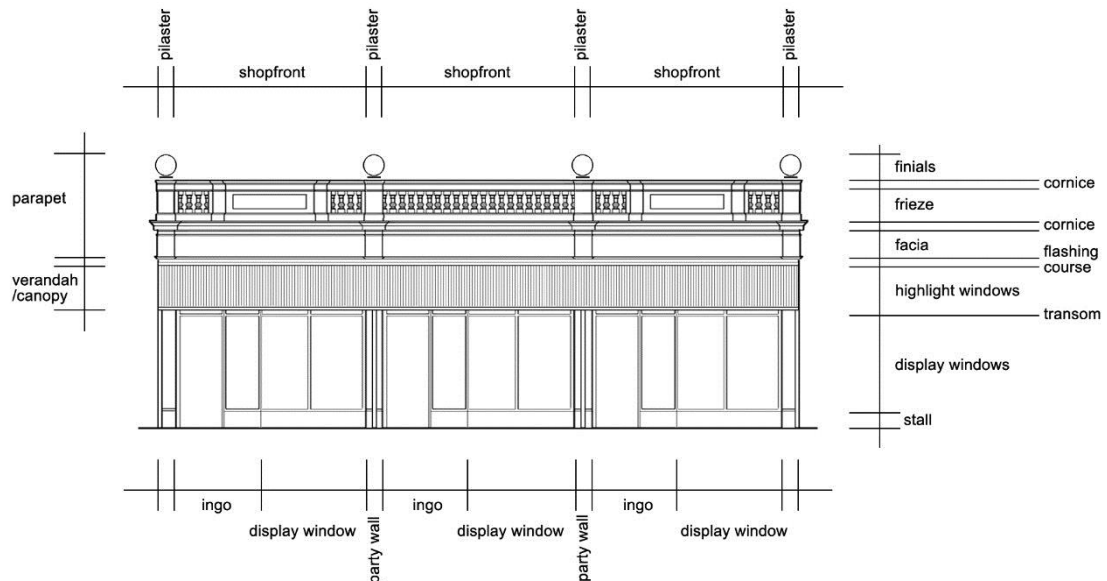
3.1 Commercial Centre Precinct

The following key features underpin the traditional character of the streetscape:

- Largely continuous row of buildings at the core of the commercial streetscape;
- Mixture of single and two-storey facades dating from the Federation and Inter-War eras;
- Important landmark quality of the more substantial two-storey bank and hotel buildings scattered along the street;
- Prominent horizontal lines defined by elements such as parapets, string courses, verandahs/awnings (horizontal rhythms);
- Façade arrangements with prominent vertical elements and repeated vertical details, such as pilasters and window patterns (vertical rhythms);

- Roofs generally concealed by parapets from a close ground level view, but with important glimpses of elements such as chimneys in some instances;
- Articulated or highly articulated parapets with varied detailing;
- Use of verandahs and awnings across the street frontage of shops and hotels (notwithstanding that some of the present awning and verandah designs are inappropriate);
- Traditional early twentieth century use of raked, bullnose or concave verandahs set on robust chamfered posts and the late Inter-War introduction of slimline suspended boxed awnings;
- Lack of verandahs and awnings across the street frontage of the monumental bank buildings and Federation Free style offices;
- High level of articulation to the traditional shopfronts, with particular reference to the use of recessed entries (ingos), pilasters, plinths/stalls and highlight windows;
- Traditional use of contrasting materials including red face-brick, part rendered and rendered walls and parapets;
- High ratio of window to wall to ground floor shopfronts;
- Lower ratio of window to wall for hotels and banking building;
- Building alignments at or near the street boundary;
- Varied block widths, but typically developed with a regular pattern of smaller shopfronts or bays;
- Transition to a more open, mixed streetscape at the northern end of the Study area, around Peel Terrace (reflecting the development of this area with a mixture of houses, motor garages, light engineering works and small factories in the early to mid-twentieth century); and
- Street trees (note these were an established part of the early twentieth century streetscape, although the original trees had been removed by the 1903s).

Figure 1: Examples of the traditional elements that define the vertical and horizontal rhythms of the commercial streetscape



The following key features detract from the traditional character of the streetscape:

- Painting or rendering of original face brick walls;
- Use of strong, modern, corporate colours that detract from the traditional character and detailing of a Federation or Inter-War style building;
- Removal of verandah/balconies from two storey buildings that included this element as a key feature of the original design;
- Replacement of original verandahs with deep boxed awnings (particularly to shopfronts dating from the pre-1930 era and where this conceals some of the traditional parapet detailing from pedestrian views);
- Addition of new verandahs that are inconsistent with the date and style of the building (considering issues such as traditional proportions, alignments and/or detailing);
- Use of plain shopfronts that sit flush to the street and do not interpret the articulation and detailing of the traditional shopfronts;
- Modern developments that have:
 - Long frontages that do not interpret the traditional vertical and horizontal rhythms of the streetscape
 - Large setbacks from the street frontage(s)
 - A low ratio of window to wall along the ground floor street frontage (and which otherwise fail to interpret this important element);
 - Large plain parapets with little or no articulation
 - Facade materials that do not complement the traditional building materials (such as large areas of cream brick), and/or
 - Colour schemes that do not harmonise with the traditional streetscape.
- Low level of maintenance to some parapets and shopfronts;

Large open carparks.

3.2 Civic Centre Precinct

The following key features underpin the traditional character of the streetscape:

- Free-standing buildings of varied sizes and building envelopes;
- Varied setbacks;
- Varied block widths;
- Manner in which these buildings illustrate the changing design of civic and government buildings from c.1910 to the present day;
- Key early twentieth century landmark buildings including the:
 - Northam Post Office, 239 Fitzgerald Street
 - Northam Lands Office (fmr), 263 Fitzgerald Street
 - Goldfields Water Supply (fmr), 305 Fitzgerald Street
 - Avon Bridge Hotel, 322 Fitzgerald Street
 - Northam Flour Mill, 6 Gardiner Street
- Key mid-late twentieth century landmark buildings, being the:
 - Northam Town Council Offices & Library, 298 Fitzgerald Street
 - RSL Hall, 265 Fitzgerald Street
 - St John Ambulance Building, 269 Fitzgerald Street

4. **KEY DEVELOPMENT CONSTRAINTS AND OPPORTUNITIES**

For those places that have been assessed as contributory, opportunities for alterations and additions are constrained by the need to conserve contributory fabric, ameliorate any previous unsympathetic alterations, and avoid any adverse visual or physical impacts on the traditional streetscape presentation. It should be noted however, that some of these constraints also create positive business and tourism opportunities relating to the heritage character of the individual place and the town centre.

For those places that have been assessed as making little/no contribution, redevelopment is generally permissible, but is constrained by a requirement to complement the traditional streetscape character of the Policy Area.

The key development constraints are summarised below:

- Contributory buildings should not generally be demolished;
- The contributory fabric and traditional streetscape character of contributory buildings should be conserved;
- Conservation works (as relevant to this policy) should generally form an integral part of any major works proposals for contributory buildings;
- New development should respect the bulk, scale, setbacks and detailing of nearby contributory buildings and not adversely impact on streetscape views to those places;
- Street front development should remain at one to two storeys, as defined by the traditional floor to ceiling and parapet heights along the street;
- Any higher development should be set back from the street and designed so that it does not unduly impact on streetscape views.

- The design of new buildings and major additions, as visible from the main street frontage(s), should respond to, and complement, the vertical and horizontal rhythms and the other key positive features/elements of the traditional streetscape.

It is not the intention of this policy that new development should mimic the contributory buildings, but rather that high quality modern design should be applied in a complementary manner. Innovative solutions should be investigated, as necessary, to achieve the desired development outcomes without adversely impacting on heritage values.

5. GENERAL GUIDELINES

5.1 Subdivision and Amalgamation

Further subdivision or amalgamation of sites within the Policy Area will not generally be supported by the Shire unless it is satisfied that:

- a) The proposal will not adversely impact on the traditional character of the streetscape.
- b) Any proposed demolition of existing building(s) is consistent with the guidelines for demolition in this Planning Policy.
- c) The development proposal for the subdivided/amalgamated site reflects the patterns and proportions of the traditional development in that part of the Policy Area and is consistent with the guidelines for new development in this Planning Policy.
- d) The proposal will not adversely impact on the contributory fabric or setting of any contributory place.

5.2 Demolition

In considering an application for demolition the Shire shall have due regard to the following:

- a) Applications for demolition of a building, or any part of a building that is visible from the street, will be required to demonstrate that the building fabric to be demolished does not contribute to the heritage significance or traditional streetscape character of the Policy Area.
- b) Demolition of part of the rear section of a contributory place may be acceptable, but this must include the retention of a meaningful section of the front portion of building. Retention of the façade only (as a 'skin' to a new building) will generally not be considered.
- c) If it is considered that conservation is not viable due to the degree of structural deterioration, the Shire may consider demolition approval for all or part of a contributory building on the grounds of structural inadequacy, as demonstrated by a detailed structural condition assessment (to be prepared by a qualified structural engineer at the expense of the applicant).

In these cases, the Shire may also seek their own independent advice from a structural engineer with experience in the conservation of heritage buildings.
- d) If there is evidence that structural inadequacy is a result of a long-term lack of maintenance (otherwise known as demolition by neglect), reconstruction to a known earlier state may be required.

- e) Demolition approval will not generally be considered for a contributory building solely on the grounds of economic/other gain for redevelopment of the land.
- f) Demolition of non-contributory buildings may be permissible, however, the Shire may defer consideration of the application for demolition of any building that addresses the main street frontage(s) until there is a planning approval granted for a new building that complies with this Planning Policy.

5.3 Alterations – general principles for contributory buildings

The detailing of parapets, verandah/awnings, shopfronts, first floor facades and roofscapes, are all dominant features of both the current and traditional streetscape.

In considering an application for alterations to contributory buildings, the Shire shall have due regard to the following:

- a) New works should not distort an understanding of the original design.
- b) Alterations should not generally remove, change or obscure contributory fabric or detailing (except as part of required conservation works or as essential to meet universal access requirements or other current building standards). This includes, but is not limited to, works impacting on parapets or visible roof forms; materials; wall finishes and details; windows and window openings; and doors and door openings.
- c) Alterations should not introduce new 'heritage' detailing that is inconsistent with the style of the building and/or the physical or documentary evidence, as this distorts an understanding of the original character and design of the place.
- d) Where original fabric has been previously removed or unsympathetically altered, restoration/reconstruction of the street facades and verandahs/awnings to their original form and detailing is encouraged, where practical. This should be based on evidence such as remaining traces of earlier fabric and/or old photographs of the place.

In the absence of sufficient physical or historical information about the individual place, conjectural reconstruction of a missing element or a complementary modern interpretation of the element is generally supported. Conjectural reconstruction or interpretation should be based on an informed analysis of other places of the same age, style, scale and level of detail.

- e) If contributory fabric has deteriorated to the point where it requires replacement, the use of 'like for like' materials and detailing is encouraged. However, the introduction of alternative materials and techniques that have a similar appearance to the original may also be acceptable, provided the new fabric will not adversely impact on the streetscape character of the place.
- f) As far as practical, restoration/reconstruction of damaged or missing detailing should be undertaken as an integral part of any major development/works programs.

5.4 Additions to contributory buildings

New additions should ideally be located at the rear of a contributory building and not impact on streetscape views.

Where additions to the side of a contributory place are the only feasible option,

they should be set back from the main façade by a minimum of 1.2m.

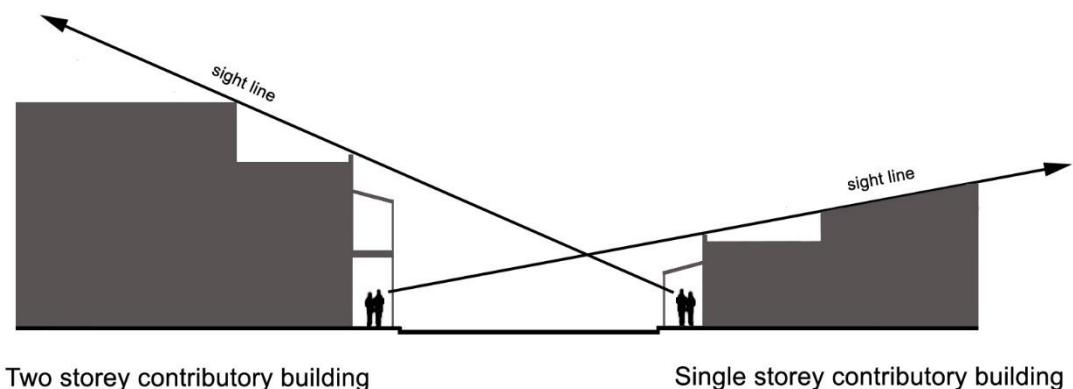
Where upper storey additions to a contributory place are the only feasible option, they should be set below the line of sight from the opposite side of the street.

If any proposed additions will be visible from the street, the Development Application will need to clearly document the bulk of the proposed addition in relation to the contributory building and its relationship to a line of sight for a pedestrian standing on the opposite footpath. If the addition will be clearly visible in such views (either above or to the side of the building), or if it may adversely impact on public views to another near-by contributory building, the Shire may require a Heritage Impact Statement to be prepared by the applicant.

Additions that are visible from the main street frontage(s) should be carefully designed to:

- Respect the scale, massing, proportions and materials of the existing building and its key design elements;
- Enable the traditional design and scale of the contributory place to be readily understood;
- Ensure the original part of the building remains the prominent element in streetscape views to the site;
- Not adversely impact on public views of this or other near-by contributory buildings.

Figure 2: Indicative sight lines for upper floor additions to contributory places.



5.5 Change of use for contributory buildings

Where a change of use is proposed, particular care needs to be taken to ensure that any required works do not adversely impact on the contributory fabric. In particular, the traditional rhythm and detailing of the doors and windows, and the proportion of openings to walls, should be maintained.

For example: If a former shop is being adapted as an office, the shop-front windows should not be blocked up or removed, and alternative methods for achieving the required level of privacy should be considered (such as using the window bay as an information display area or for other community purposes, such as historical displays or public art).

Similarly, if a former bank or office is adapted for retail purposes it may not

be appropriate to increase the level of street front exposure by widening window openings or creating new openings.

5.6 New development and alterations/additions to non-contributory buildings

The heritage values of the Policy Area are embodied in the contributory buildings. New development on non-contributory sites and alterations/additions to non-contributory buildings present an opportunity for good modern design that complements the traditional streetscape character in that area and harmonises with the nearby contributory buildings, without overtly mimicking heritage styles or detailing.

In designing new buildings, it should be noted that different styles were traditionally used for shops, hotels, offices and banks. Subject to the visual impact on the traditional streetscape, this can be used to influence new design and maintain the diversity and vitality of the Policy Area.

- a) When relevant new works are proposed, consideration should be given to adapting or replacing features that are intrusive within the context of the traditional streetscape character with more sympathetic detailing.

This should be informed by the list of the key features that contribute to or detract from the traditional character of the streetscape under Sections 2.2 (Civic and Government Building Precinct) and 2.3 (Commercial Precinct).

For example: a simple modern interpretation of a traditional verandah/awning or of a traditional shopfront can have a significant impact on the manner in which a non-contributory building complements the streetscape.

- b) The construction of a new building will generally only be considered where the guidelines for subdivision/amalgamation and demolition and have been met, as relevant (see above).
- c) At the street frontage, new development and alterations/additions should generally be single storey (although well-designed two-storey buildings could help to reinforce some of the corner sites on the main cross roads).
- d) New buildings and additions should not adversely impact on public views to any near-by contributory buildings.

For example: if a large new building is proposed adjacent to a small single storey contributory building, the bulk, scale, setbacks and detailing at the street frontage should be carefully designed to ensure that it does not overwhelm the contributory place.

- e) Where visible, side facades were typically of a simple, functional design and largely free of decorative detailing, unless designed to formally address a cross street. This should generally be reflected in new development.
- f) 'Reproduction' heritage designs and ornate 'heritage' detailing (such as turned timber verandah posts, Victorian era iron lacework or Federation era timber valances, overtly classical mouldings etc) detract from an understanding and appreciation of the original buildings and will generally not be supported.

For example: a slimline boxed awning or simple raked verandah is

generally more appropriate for a modern building than a bullnose verandah.

5.7 Signage

Within the Policy Area it is important to strike a balance between the needs of businesses to have adequate exposure, and the need to ensure that new signage does not become a dominant element that detracts from the aesthetic qualities of the area.

The location and design of retail and commercial signage in the early to mid-twentieth century was highly diverse. For example, panels or painted signs were located on the face of parapets, over or under verandahs, on the leading edge of awnings, to stall boards, on side walls, etc. Painted signs were also applied to roofs, shopfront display windows and to the glazing of upper floor windows. Diversity is therefore supported, but new signage should still be carefully designed as a complementary element of both the individual place and the streetscape.

Figure 3: Examples of appropriate signage locations

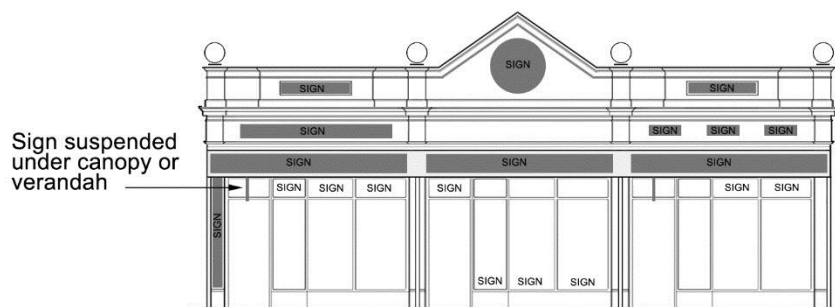
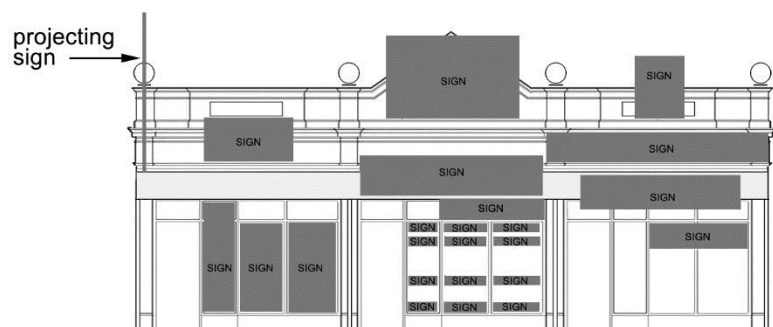


Figure 4: Examples of inappropriate signage



Where a provision of the Shire of Northam Local Planning Policy No.16 – Signage is inconsistent with the guidelines for the *Fitzgerald Street Commercial & Civic Centre - Heritage Precinct*, this Policy prevails:

- The design of new signage should be complementary to the traditional streetscape in terms of size, location, colour, proportions, etc.
- Simple modern signage is generally appropriate. Unless it is based on historical evidence, or directly linked to the function of the building, elaborate “olde worlde” styles and typefaces are not generally appropriate.

- c) New signs should not obscure or detract from a significant feature of, or streetscape views to, any contributory place.
- d) Signage should be designed in size and proportion to complement the proportions of the place and the element on which they are mounted (e.g. laid out symmetrically within the face of an awning, within a plain panel to the parapet or vertically along the face of an otherwise plain pier).
- e) Signage on shop windows should be designed to retain open views into the shop and/or to displays of goods within the shopfront area (e.g. windows should not be painted out or views obscured by large or multiple decals).
- f) The mounting of new signs should not require the removal of, or undue damage to, any contributory fabric. Any fixing holes etc should be able to be satisfactorily repaired when the sign is removed at a future date.

5.8 Colour Schemes

Colour schemes should be complementary to the traditional character of the streetscape while still retaining a level of diversity and interest (see also Section 3.4.9, Public Art).

- a) Where repainting of contributory facades is proposed, reinstatement of original colour schemes is encouraged. Any new colour scheme should sympathetically interpret traditional colour schemes, as relevant to the age and style of the place.

Note: In the early twentieth century, light to medium colours were typically used for painted walls, with either lighter or darker contrasting colours for mouldings, verandah posts and trim. For complex trim or rendered moulding, additional complementary colours were sometimes used to accentuate the detailing. During the inter-war years, however, paint schemes were generally more restrained with fewer colours used, although strong contrast was often provided by the use of glazed tiles in colours such as dark red, brown or dark green. Historical photographs of shop fronts dating from the first half of the twentieth century can also provide important information about 'typical' colour variation across the different parts of a façade and the balance of light and dark.

The range of paint colours was relatively limited prior to World War II, and the simplest method of choosing a 'traditional' paint scheme for a contributory building is to refer to the 'heritage' paint charts provided by many of the commercial paint companies (particularly at their web sites).

In many cases, physical evidence of former paint schemes can be investigated by paint scrapes (using a sharp scalpel to cut diagonally through the paint layers), by careful sanding or by applying successive layers of chemical strippers to small areas to reveal the layers of old paint. The aim of the last two methods is to carefully reveal the various layers of paint by working in either concentric circles or "ladders" (retaining sections of each level for comparison). As different colours are likely to have been applied to various features, the investigation should consider the different parts of the building – noting that surface colours may have faded over time and that the lowest layer, and possibly some intervening layers, are likely to have been undercoats.

A comparison of the findings of these investigations with colours from 'heritage' paint charts can help owners approximate the original and later

colour schemes. This can then be used as the basis for reinstating an early colour scheme, interpreting that scheme to suit personal preferences, or selecting a complementary modern scheme. If a fully authentic result is desired, professional advice and analysis is recommended.

- b) Contributory fabric that is unpainted (such as face-brick walls) should not be rendered or painted.
- c) Where some of the painted surfaces of a contributory building were traditionally unpainted careful removal of the paint and conservation of the underlying surface is encouraged, if practical. If the painted finish is to be retained, any new paintwork should aim to interpret the traditional colours to the different parts of the façade. This includes differentiation between the main wall finish and original detailing such as contrasting stringcourses, nameplates, quoins, plinths etc.

For example: Painted brick walls could be repainted in a dark brown or red, selected to closely match the colour of the original brickwork.

- d) Where there is more than one shop within a single original development, the parapet or upper level should have a unified colour scheme. Expression of individual identity should be reflected in signage and shop displays rather than wall colour.
- e) Where repainting of non-contributory buildings is proposed, this should use a palette that is complementary to both the overall streetscape and the style of the individual place. However, 'heritage' colour schemes are not required, and are generally not appropriate, for non-contributory buildings or modern infill.
- f) Visually prominent 'corporate' colour schemes that are inconsistent with the traditional character of the streetscape will generally not be supported.
- g) Painted signs should not be applied to face-brick walls to the main façade of any building.
- h) Modern company and business signs and logos should not dominate the façade of a contributory building or detract from an appreciation of the traditional character of the street. Such signs may need to be adapted to be consistent with these guidelines.
- i) Externally mounted illuminated signs are generally not appropriate.
- j) Large projecting or tethered signs are generally not appropriate.
- k) Evidence of early signage adds to the heritage value of contributory places and should generally be conserved. For example, this could include moulded lettering to parapets, lettering to shopfronts or evidence of old painted signs to side walls.
- l) Advertising by means of the painting of building facades in bold corporate colour schemes will generally not be supported.

5.9 Public Art

- a) The theme of public art within the Fitzgerald Street Commercial & Civic Centre - Heritage Precinct should aim to interpret aspects of the history of the area in a manner that conveys information, encourages interest and/or

inspires imagination about the past, as well as adding to the vibrancy of the streetscape.

- b) If public art is proposed in the form of murals, this should generally be restricted to non-contributory buildings. For contributory buildings murals should only be considered for previously painted surfaces and should generally be restricted to areas such as side walls (where these are visible to side streets or the side of two storey buildings).

5.10 Off street parking

Specific requirements for the Commercial Precinct include:

- a) Where required, off-street parking should be located towards the rear of the site or otherwise landscaped/screened to minimise the impact on the main street frontage
- b) Access to parking areas should generally be from side streets or rear lanes.
- c) Treatment of any essential access-ways off Fitzgerald Street should be based on the streetscape in the immediate area. For example, where a sense of nil side setbacks is warranted, then details such as well-designed gates set within a continuous façade may be appropriate design techniques for new development.
- d) Where the Shire is satisfied that a requirement for off-street car parking for a new development cannot be achieved without adversely impacting on the traditional streetscape character of the Commercial Precinct, the Shire may approve a variation of these requirements if this will achieve a positive heritage outcome.

5.11 Incidental development

- a) Any new solar systems, climate control systems, telecommunications equipment, exhaust vents, or other modern services should be to be installed in locations that are not intrusive in views to the place from the main street frontage(s).
- b) Roof mounted services and plants rooms should be located towards the rear of the place or concealed behind parapets.

5.12 Maintenance

- a) Where issues relating to current or potential deterioration of the contributory fabric are identified, maintenance or repair is encouraged, but is not required as a stand-alone project under this Planning Policy.
- b) If major works are proposed to a contributory building, maintenance (and any other urgent conservation works) should generally be undertaken as an integral part of the project.
- c) Where maintenance of contributory fabric is undertaken the work should be in accordance with the conservation principles under Section 3.2.
- d) A long-term lack of maintenance, which results in structural inadequacy, may lead to a requirement for reconstruction of the contributory fabric as an integral part of any new development proposal.

6. **PRECINCT-SPECIFIC DEVELOPMENT GUIDELINES**

6.1 Civic and Government Offices Precinct

The nature of this area as a collection of diverse landmark heritage buildings, does not lend itself to the development of specific streetscape guidelines.

All new works should be consistent with the general guidelines set out in Section 5.

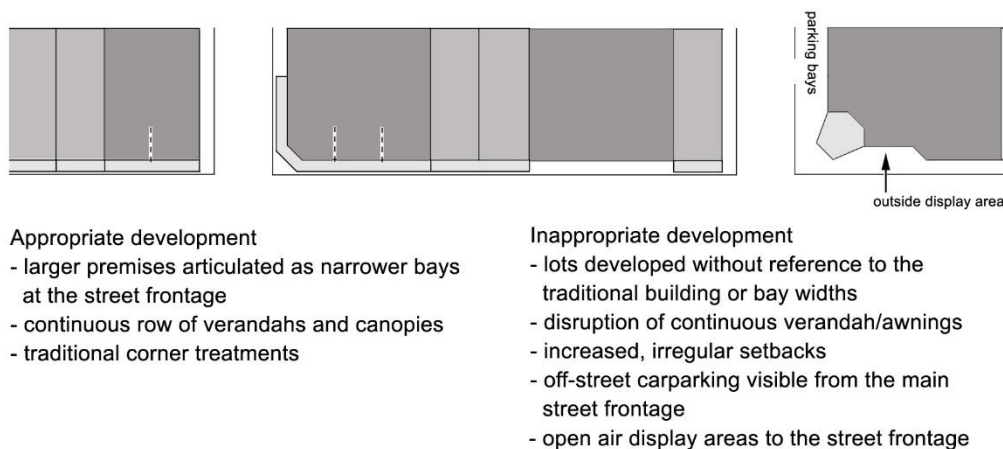
6.2 Commercial Precinct – Central Commercial Area

6.2.1 *Development Pattern*

The significance of the core of the Commercial Precinct (to the south of Peel Terrace), and of the individual contributory places, relies in part on the traditional pattern of development along the street. Consistent front boundary building alignments are a key feature of the core of this area. Block widths vary, but the facades are generally articulated in a manner that reflects the development of continuous rows of small shops, interspersed by two storey bank and hotel buildings and a small number of two storey shops and offices.

- New development should generally incorporate a nil setback to the street front boundary, with the exception of recessed entries that interpret traditional ingos (see Figure 7).
- Shopfronts and shopfront offices should have a full width verandah or canopy, extending over the footpath.
- Side setbacks should generally be nil, as viewed from the street frontage.
- All new development should be oriented at right angles to Fitzgerald Street.
- New, open pedestrian access ways between the street and rear areas will only be permitted if this is essential for an otherwise compatible development and there are no other alternatives. In this case the access way should be carefully designed as a secondary streetscape element and not disrupt the overall sense of continuity of the street facades.
- New vehicular access off Fitzgerald Street will not generally be supported.
- Off-street car parking areas should not be visible from Fitzgerald Street.

Figure 5: Examples of appropriate and inappropriate development patterns



6.2.2 *Contributory Buildings*

Refer also the general guidelines under Section 5.

6.2.3 Alterations – shopfronts

In the period leading up-to and through the inter-war era shopfronts commonly had large window display areas that were framed between a solid stall (a plinth of approximately 300-600mm high) and a row of, often multi-paned, highlight windows (above door height). The early examples had timber or brass window frames, but chrome-plated frames had also become more common by the inter-war era. Stall boards had a variety of finishes including render, timber panelling and tiles. Until at least the 1920s the entrance was usually recessed with splayed sides (increasing the effective display area of the shop front windows) and either placed centrally or at one side

Full height windows, large expanses of unframed toughened glass, very wide doorways, or large areas of solid walling to the ground floor street frontage are generally inconsistent with the detailing used in this era.

Note: Good examples of traditional shopfronts include #s 70, 74, 76, 82, 102, 108, 192-196 and 202.

Good examples of later Inter-War and early Post-WWII shopfronts include #s 178 and 182.

Figure 6: Traditional shopfront details

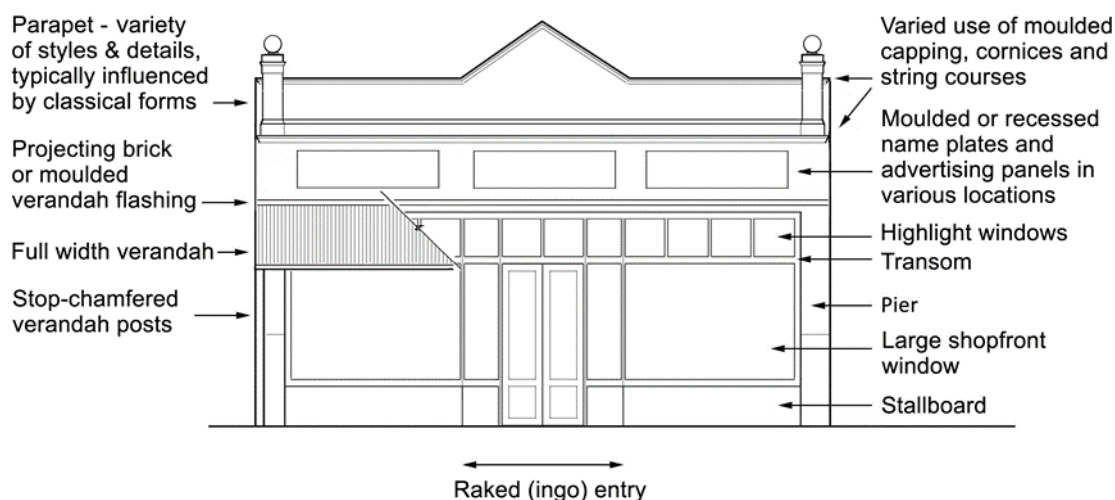


Figure 7: Traditional shopfront entries



Early twentieth century shops traditionally had raked recessed entries, which were either located on one side of the shopfront or centrally. Known as an ingo, the raked entry increased the shopfront display area and added variation and interest to the streetscape.

The majority of the ground floor shopfronts have been altered over time and often bear little relationship with the character of surviving original detailing to the parapets/upper floors. In order to complement the traditional streetscape character and reinforce the sense of place, the surviving original/early

shopfronts should be conserved and the progressive replacement of unsympathetic shopfronts is encouraged.

- a) Contributory shopfront detailing should be conserved.

Removal or major alterations will not generally be supported where a shopfront is original to the building or where a later shopfront displays valued design features.

- b) If the shopfront is not significant and a new shopfront is proposed, any of the following options are acceptable:

- Reinstatement to a known earlier state (based on historical or physical evidence);
- Conjectural reconstruction based on an informed analysis of other places of the same age, style, scale and level of detail;
- A simple modern interpretation of traditional shopfront proportions and detailing.

- c) If two or more shops are amalgamated as one business, care should be taken to retain/interpret the original rhythm of the earlier separate shopfronts.

- d) If modification is essential to reasonably meet universal access or other health and safety requirements, the works should involve the minimum possible alteration to original fabric and be detailed to complement the original design.

6.2.4 Alterations – verandahs/awnings

Verandahs and awnings are important elements that make a major contribution to the character of the Commercial Precinct and the amenity of the footpaths, but the early to mid-twentieth century examples have generally been extensively altered over time. This reflects a trend throughout Australia in the 1950s and 60s, when verandah posts were perceived as a traffic hazard and the original verandahs were progressively removed and/or replaced with deep, boxed awnings. Modern engineering solutions can now permit the reinstatement of verandahs or traditional cantilevered awnings in a manner that addresses safety concerns.

- a) Reconstruction of verandahs to a known earlier appearance is generally encouraged, noting that the design will need to be sympathetically adapted as required to meet current engineering and safety standards.

- b) Where there is evidence that a verandah previously existed, but the details are not fully known, either of the following options will be supported:

- Conjectural reconstruction, based on the available evidence and an informed analysis of other places of the same age, style, scale and level of detail;
- A simple modern interpretation of the traditional verandahs and awnings along the street in a design that complements the contributory place.

- c) Verandahs/awnings should not be attached to the street façade of contributory buildings that did not traditionally have this feature, unless:

- It will achieve other important functional requirements; and
- It can be demonstrated by the applicant that the new work will not unduly

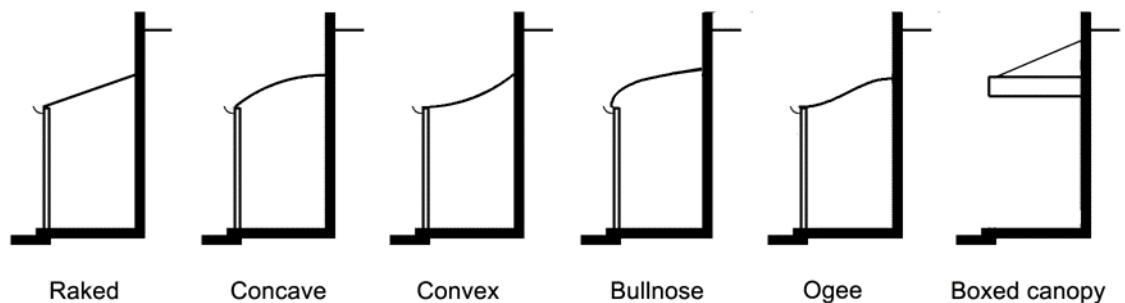
impact on the cultural heritage values of the place.

If a new verandah/awning is supported under these circumstances, it should be of a simple modern design that is compatible with the traditional streetscape, and does not confuse an understanding and appreciation of the original design of the place.

When reconstructing/recreating verandahs, particular care should be taken to ensure that the roof form is compatible with the design of the façade; the verandah springs from an appropriate height below the parapet (often marked by a slightly protruding brick course which acted as part of the flashing); posts are a traditional size; and that any detailing (such as friezes and brackets) is authentic. It should also be noted that a variety of roof forms were used for single storey buildings (see Figure 11), while two-storey shops and hotels usually had verandah/balconies with timber or decorative cast iron balustrades, brackets and valances – adding diversity and interest to the streetscape. Gutters were typically ogee profile (set over timber scotias) and downpipes were round. PVC downpipes are not appropriate.

Verandahs with stop-chamfered timber posts were the norm during the first part of the twentieth century, but from the 1920s, cantilevered awnings began to become more common. The fascia of the early boxed awnings were thinner than the deep boxed awnings that became popular in the post-war era – giving them a lighter feel when viewed from the street and allowing better views of the parapet detailing. Another common feature of early boxed awnings was the use of decorative pressed metal soffits, which enlivened the pedestrian area.

Figure 8: Traditional verandah roofs



6.2.5 Alterations – parapets, first floor facades and roofscapes

Parapets and first floor facades generally retain a relatively high level of original detailing, which embodies much of the heritage character of the streetscape. Original parapets, raised pediments, pilasters, finials (in forms such as balls and urns), name-plates or recesses, cornices and string courses, rendered/face-brick finishes, first floor openings, chimneys etc. are all important elements.

- a) Contributory detailing to the parapets, upper floors and roofscapes should be conserved. Removal or major alterations will not generally be supported where the form and/or detailing is original to the building.
- b) Conservation of deteriorated, altered or missing elements (including restoration and well informed reconstruction) is encouraged where practical.

6.2.6 New development and additions to non-contributory buildings

Refer also the general guidelines under Section 5.

- a) Within the Commercial Precinct, new development and additions to non-contributory buildings should respond sympathetically to the following key issues in order to maintain and reinforce the traditional streetscape character:

- Largely consistent front boundary building alignments;
- Traditional prominence of zero side setbacks;
- Traditional prominence of one-two storey verandahs and cantilevered awnings;
- Traditional prominence of well-articulated parapets;

Note: For long frontages these utilise repetitive and/or feature bays rather than large expanses.

- Use of a variety of detailing, which achieves a level of vitality and emphasises the identity of the individual buildings, while still creating a cohesive streetscape;
- Articulation of the facades of shops and offices, with particular reference to:
 - Vertical rhythms, as defined by elements such as party walls, parapet panels, pilasters and first floor windows (see Figure 3);
 - Horizontal rhythms, as defined by elements such as parapets, floor levels, verandahs, awnings, and window sills (see Figure 3);
 - High ratio of window to wall on the ground floor and articulated shopfronts (including elements such as recessed entries, framed display windows, highlight windows and stalls);
 - Lower ratio of window to wall on upper floors, with vertically proportioned openings;
- Traditional use of a mixture of dark-red face-brick, rendered, and part rendered walls.

Note: New development can use traditional materials or a careful use of modern materials that interprets these in a complementary manner (considering texture, balance and colour).

- b) Frontages to Fitzgerald Street should be designed to provide a strong engagement with the street at all times. Large areas of plain walling or obscure glass, windows that are largely covered with signage, roller doors and shutters are generally discouraged.

6.3 Commercial Precinct – Area Adjacent to and North of Peel Terrace

The character of this area is quite distinct from the nearby core of the commercial precinct. In particular, its nature as a more open, mixed streetscape reflects its varied development with houses, motor garages, light engineering works and small factories in the early to mid-twentieth century.

All new works in this area should be consistent with the general guidelines set out in Section 3.2 (as relevant to the existing development on each site and in the immediate area). Within this context, particular care should be taken to conserve Northam House (11 Peel Terrace) as one of the original substantial

shops in the town, and to support the development of an appropriate streetscape setting for this place.

These Guidelines have been adopted by the Council of the Shire of Northam as part of Shire of Northam

LPP 18 – DEVELOPMENT GUIDELINES FOR THE GORDON STREET RESIDENTIAL HERITAGE PRECINCT (APPENDIX 2)

- APPENDIX 2 - LOCAL PLANNING POLICY NO.18 'Heritage Precincts'

DEVELOPMENT GUIDELINES FOR THE GORDON STREET RESIDENTIAL HERITAGE PRECINCT

1. INTRODUCTION

1.1 Scope

These Development Guidelines:

- a) Relate specifically to the parts of each place that impact on the character of the traditional streetscape;
- b) Address the conservation and development of contributory places;
- c) Address the manner in which alterations to non-contributory places, redevelopment of these sites, or infill development impacts on the traditional streetscape character.

Alterations, additions or other works that are not visible from the street do not need to comply with these guidelines.

Explanatory notes and examples have been included in separate text boxes.

1.2 Application of the Development Guidelines

These guidelines need to be carefully considered as part of the design process for any works that impact on the streetscape, with the aim of achieving a high standard of development that protects/enhances contributory places within, and the traditional streetscape character of, a Residential Heritage Precinct. Issues to be considered on a case-by-case basis include the assessed cultural heritage values and traditional streetscape character of the specific Residential Heritage Precinct, the level of significance of the subject place and the nature of the place and its detailing. Consideration also needs to be given to the level of contribution and character of nearby places and the manner in which the new development will visually impact on their setting and the local streetscape views.

An underlying principle of these guidelines is that loss of, or unsympathetic alteration to, the surviving traditional elements of contributory buildings and/or the construction of new unsympathetic building fabric, would erode the heritage significance and character of the area as a whole. Variation to these guidelines will therefore generally only be considered where the applicant submits a Heritage Impact Statement that satisfactorily demonstrates that the outcome will be consistent with the overall intent of the Planning Policy.

Note: Where places have been entered in the State Register of Heritage Places, the Shire of Northam must also seek the input from the State

Heritage Office. In these cases, additional development conditions may be applied (to both external and internal works) in order to achieve an appropriate conservation outcome.

2. CONSERVATION PRINCIPLES

The following principles should be applied to all works affecting the street facades of contributory buildings:

- a) The key positive features/elements of the Residential Heritage Precinct should be retained and enhanced.
- b) When undertaking repairs or alterations to a contributory place, change as little of the contributory fabric as possible.
- c) Where conservation works are necessary, match the traditional techniques, materials, profiles and finishes as far as practical.

For example: The aesthetic qualities of traditional face-brick work are often diminished by mortar repairs that do not match the style, colour and quality of finish of the traditional mortar joints. Physical damage can also be caused by the use of modern cement rich mortars to replace softer lime-rich mortars, as this can accelerate fretting of the brickwork where there is a problem with penetrating damp.

- d) When undertaking reconstruction of missing or severely deteriorated heritage fabric, base the new works on an investigation of any physical and documentary evidence, and/or a sound understanding of the traditional detailing of comparable structures.

For example: If the verandah of an early twentieth century house was replaced in a different style in the mid-late twentieth century, looking at other similar, but more intact, houses in Northam will help to identify the detailing that would be appropriate for a more sympathetic new verandah. Key elements include the style of the posts, the shape and materials of the roof, the design of any end panels and the height of the verandah.

- e) When upgrading or replacing non-contributory elements, the work should either reconstruct the place to a known earlier state (as above) or interpret the traditional detailing in a sympathetic modern manner (reinforcing the key positive features/elements of the precinct).
- f) New building fabric should be discernable at close inspection, and should not obscure an understanding of the original scale and design of the place.

In general, it is recommended that conservation works be undertaken in accordance with The Australia ICOMOS Charter for Places of Cultural Significance (The Burra Charter).

Conservation of original interior detailing is generally encouraged as a positive heritage outcome, but alterations, additions or other works that do not impact on the streetscape are not covered by these guidelines.

3. KEY FEATURES / ELEMENTS OF THE GORDON STREET RESIDENTIAL HERITAGE PRECINCT

The following features/elements of the Policy Area form the basis for specific development guidelines.

3.1 Key Positive Elements and Characteristics

The characteristics that underpin the traditional character of this streetscape include the:

- The historical and aesthetic contribution of landmark buildings dating from the beginning of the twentieth century, including the former Masonic Hall, Byfield House and Uralia;
- Relatively narrow road and wide verges;
- Use of brown gravel to the verges (which interprets traditional unsealed verges);
- Use of brown/red asphalt to the footpaths (interprets traditional compacted earth footpaths);
- Traditional street planting of Kurrajong trees;
- Typical use of low front fences, a small number of which are backed by tall hedges;

Note: there is no consistent style of fencing, but examples such as simple timber pickets and timber post and rail with woven wire panels are consistent with the traditional development along the street. Low rendered walls with contrasting or projecting brick capping are also consistent with the Inter-War era.

- Varied house designs

Note: The house designs vary from modest symmetrical cottages to large asymmetrical Federation Queen Anne villas. However, overall the streetscape is unified by two primary periods of development: c. 1900-1913 and c. 1922-1937.

Key architectural themes include simple cottage, Federation Queen Anne villas, Federation Bungalows and Inter-War Bungalows.

- Predominance of single storey houses;
- Breakdown of the apparent bulk of the main façade(s) through the varied use of design elements such as projecting wings, shallow projecting window bays and stepped, return or straight verandahs;
- Manner in which the residential development often responded to the extensive views over the town and surrounding countryside, particularly to the north-west and south-west;
- Traditional use of hipped or gable-hipped roofs;

Note: These were enlivened by elements such as varied roof planes, decorative street-front gables (typically with half-timbered detailing), gablet vents and chimneys. They were traditionally finished with terracotta tiles or short-sheet corrugated iron sheeting.

- Prominent chimneys

Note: These vary according to the style and period of the houses, and make an important contribution to the picturesque roofscape.

- Dark, random coursed stone walls with contrasting redbrick quoins for the larger villas dating from c.1900-1914;

- Red face-brick walls;

Note: the colour and texture of the brick was often contrasted against painted or roughcast rendered surfaces

- Roughcast rendered walls;

Note: This was a popular finish in the Inter-war era and was typically used together with red face brickwork to provide varied colour and texture.

- Front verandahs;

Note: All of the contributory houses have verandahs with either bullnose or raked roofs, each with distinctive detailing relating to the period of construction. Many of these were designed to return along one or both sides of the house, providing an outdoors living area and taking advantage of views.

- Panelled entry doors, located under the front verandah or facing the side boundary under a return verandah;

Note: Four or five panel timber doors with moulded timber architraves were common in the Federation era. In the Inter-War period high waisted doors with vertically proportioned lower panels and glazed upper panels became popular, as did full-height glazing to single or double doors.

- Narrow, vertical proportions to timber-framed double-hung or casement windows (set either individually or grouped);

Note: Stained glass (Federation era) and geometric patterned leadlight glass (Inter-War era) was commonly used for key windows, including sidelights and highlights to the main entrance.

- Raked window hoods supported by timber brackets;

Note: These were typically used over the windows to projecting wings (where these were not set under the verandah) and were sometimes also used to shade side windows.

- French doors or full-height double hung windows opening onto verandahs;
- Large, mature trees to private gardens;

- Predominant block width of about 18-20m, with larger blocks for some of the significant early villas.

Note: The block widths vary along the street from about 14-15m (some of the early cottages) to about 35-80m (the larger villa estates). However, the most typical block width is in the order of 18-20m.

- Varied front and side setbacks.

Note: Front setbacks range from about 2.5m (some of the early cottages) to as much as 35-50m (the larger villa estates). However, the majority of the houses have front gardens that are in the order of 5-10m deep, laid out with lawns, shrubs and trees.

Side setbacks also vary, but the over-riding character is of free-standing houses in a garden setting.

3.2 Key Negative Elements and Characteristics

The following elements do not necessarily reflect poor design, but are not sympathetic to the traditional character of the streetscape (as defined by the pre-1940 development)

Gaps in the street trees;

More recent street plantings of eucalypts and callistemon;

The painting or rendering of traditional face brick and/or stone finishes to the street front facades;

The mid-twentieth century replacement of a number of roofs using metal sheeting pressed to replicate tiles;

The mid-twentieth century replacement of some timber verandah posts with metal poles;

Unsympathetic alterations to the doors and windows to the main façade(s);

Use of cream, brown and salmon brick for new dwellings.

4. **KEY DEVELOPMENT CONSTRAINTS AND OPPORTUNITIES**

For those places that have been assessed as contributory, opportunities for alterations and additions are constrained by the need to conserve contributory fabric and avoid any adverse visual or physical impacts on the traditional streetscape presentation.

For those places that have been assessed as making no contribution, redevelopment is generally permissible, but is constrained by a requirement to complement the traditional streetscape character of the Policy Area.

Over time this will help to protect and enhance the amenity and heritage character of the area.

The key development constraints are summarised below:

- Contributory buildings should not generally be demolished;
- The contributory fabric and traditional streetscape character of contributory buildings should be conserved;
- Conservation works (as relevant to this policy) should generally form an integral part of any major works proposals for contributory buildings;
- New development should respect the bulk, scale, setbacks and detailing of nearby contributory buildings and not adversely impact on streetscape views to those places;
- The height of street front development should be consistent with the traditional eave and ridge heights of nearby contributory houses. Any higher development should be set back from the street and designed so that it does not unduly impact on streetscape views;
- The design of new buildings and major additions, as visible from the main street frontage(s), should be in harmony with the key positive features/elements of the traditional streetscape.

- Other development constraints, such as small lot size or limited opportunities for under-cover off-street parking, will not be accepted as a justification for variation of these guidelines, if such variation is to the detriment of the heritage significance or traditional streetscape character of the Residential Heritage Precinct.

It is not the intention of this policy that new development should mimic the contributory buildings, but rather that high quality modern design should be applied in a complementary manner. Innovative solutions should be investigated, as necessary, to achieve the desired development outcomes without adversely impacting on heritage values.

5. DEVELOPMENT GUIDELINES

5.1 Subdivision and Amalgamation

Further subdivision or amalgamation of sites within a Residential Heritage Precinct will not generally be supported by the Shire unless it is satisfied that:

- e) The new lot(s) are capable of being developed in a manner that is compatible with the key features/elements of the Residential Heritage Precinct and in a manner that is in harmony with the nearby contributory buildings (inclusive of scale and setbacks).
- f) The proposal will not adversely impact on the traditional character of the streetscape or on the contributory fabric or setting of any contributory place.
- g) Any proposed demolition of existing building(s) is consistent with the guidelines for demolition in this Planning Policy.
- d) The development proposal for the subdivided/amalgamated site is consistent with the guidelines for new development in this Planning Policy.

5.2 Demolition

In considering an application for demolition the Shire shall have due regard to the following:

- g) Applications for demolition of a building, or any part of a building that is visible from the street, will be required to demonstrate that the building fabric to be demolished does not contribute to the heritage significance or traditional streetscape character of the Residential Heritage Precinct.
- h) Demolition of part of the rear section of a contributory place may be acceptable, but this must include the retention of a meaningful section of the front portion of building. Retention of the façade only (as a 'skin' to a new building) will generally not be considered.
- i) If it is considered that conservation is not viable due to the degree of structural deterioration, the Shire may consider demolition approval for all or part of a contributory building on the grounds of structural inadequacy, as demonstrated by a detailed structural condition assessment (to be prepared by a qualified structural engineer at the expense of the applicant).

In these cases, the Shire may also seek their own independent advice from a structural engineer with experience in the conservation of heritage buildings.

- j) If there is evidence that structural inadequacy is a result of a long-term lack of maintenance (otherwise known as demolition by neglect), reconstruction to a known earlier state may be required.
- k) Demolition approval will not generally be considered for a contributory building solely on the grounds of economic/other gain for redevelopment of the land.
- l) Demolition of non-contributory buildings will generally be permissible, however the Shire may defer consideration of the application for demolition of any building that addresses the main street frontage(s) until there is a planning approval granted for a new building that complies with this Planning Policy.

5.3 Alterations and Additions

5.3.1 *General Principles for Contributory Buildings*

In considering an application for alterations to contributory buildings within a Residential Heritage Precinct, the Shire shall have due regard to the following:

- g) New works should not distort an understanding of the original design.
- h) Alterations should not generally remove, change or obscure contributory fabric or detailing (except as part of required conservation works). This includes, but is not limited to, works impacting on original materials; roof forms and details; wall finishes and details; verandahs; windows and window openings; and doors and door openings.

For example, works that will not generally be supported include:

- Altering the form of the visible roofline (minor, compatible, variations may be acceptable to accommodate additions that are otherwise consistent with this Local Planning Policy).
- Removing prominent chimneys (such works will generally only be supported if a structural report demonstrates that the chimney is unsafe or cannot be reasonably retained for other structural reasons).
- Replacing timber-framed windows with metal-framed windows (where replacement of timber joinery is required the affected elements should be selectively replaced with new, timber joinery to the same profile);
- Painting of previously unpainted surfaces (such as face brick walls);
- Replacing original tiled roofs in corrugated metal sheeting or vice versa;
- Fully or partly enclosing front verandahs.

- i) Alterations should not introduce new 'heritage' detailing that is inconsistent with the style of the building and/or the physical or documentary evidence, as this distorts an understanding of the original character and design of the place.

For example:

- A simple raked verandah should not be replaced by a new bull-nosed verandah, unless there is documentary or physical evidence

that shows that the latter was the original detail.

Note: Careful inspection of the building can sometime reveal evidence of original detailing. For example, if a verandah has been removed or altered, marks on a return walls may reveal the profile of a moulding or the shape of a former roof.

- Ornate friezes, brackets and/or turned timber posts should not be added to the verandahs of simple cottages where there is no evidence that this was part of the original design.

Note: Repaired nail holes and old paint lines to original posts may show the sites of former brackets, timber friezes or handrails.

- Ornate terracotta finials (in the more decorative forms of dragons etc) and decorative crested ridge-capping should not be introduced where there is no evidence that this was part of the original roof design.

- j) Where original fabric has been previously removed or unsympathetically altered, restoration/reconstruction of the street facades to their original form and detailing is encouraged, where practical.

Where possible, this should be based on evidence such as remaining traces of earlier fabric and/or old photographs of the place. In the absence of sufficient physical or historical information about the individual place, conjectural reconstruction of a missing element or a complementary modern interpretation of the element is generally supported. Conjectural reconstruction or interpretation should be based on an informed analysis of other places of the same age, style, scale and level of detail.

- k) If contributory fabric has deteriorated to the point where it requires replacement, the use of 'like for like' materials and detailing is encouraged. However, the introduction of alternative materials and techniques that have a similar appearance to the original may also be acceptable, provided the new fabric will not adversely impact on the streetscape character of the place.

For example:

- A corrugated iron roof may be replaced with corrugated iron, Zinalume, or pre-painted corrugated steel in a colour comparable to a traditional painted finish (such as dark red) or unpainted finish (such as light-mid grey).
- New gutters and downpipes shall use traditional profiles, but can be of modern materials that are similar to galvanised iron, such as Zinalume, or pre-painted steel.

As far as practical, restoration/reconstruction of damaged or missing detailing should be undertaken as an integral part of any major development/works programs.

5.3.2 Additions to Contributory Buildings

The heritage values of a Residential Heritage Precinct are embodied in the contributory buildings. In considering an application for additions to such places, the Shire shall have due regard to the following:

- a) New additions should ideally be located at the rear of a contributory building and not impact on streetscape views.
- b) No additions or new structures (including patios, carports, garages, gazebos etc) are permitted within the front setback of the existing building, unless it can be clearly demonstrated that the new structure will not:
 - Dominate the contributory building;
 - Obscure streetscape views of the original building, or a nearby contributory building;
 - Adversely impact on the traditional streetscape character of the Residential Heritage Precinct.
- c) In terms of detailing, materials and finishes, additions that are visible from the street may be in the same general style as the existing building or designed in an openly contemporary, but still sympathetic, manner.

For example:

- Additions to a face brick dwelling could use matching face brickwork, a complementary traditional finish, such as rendered brick, or be constructed of carefully detailed contrasting fabric, such as glass and steel.
- Framed additions to a timber framed, weatherboard clad dwelling could use matching weatherboards, flat fibrous cement sheets or a modern contrasting cladding, such as pre-painted corrugated steel sheeting.

Note: Where visible from the street, roofs of alterations or additions should generally be clad in materials that match the existing.

- d) Additions that are visible from the main street frontage(s) should be carefully designed to:
 - Ensure the original part of the building remains the prominent element in streetscape views to the site and that its original design and scale can be readily understood;
 - Respect the scale, massing, proportions and materials of the existing building and its key design elements, including consideration of the original:
 - Plan form
 - Roof form (including the height of the ridgeline, roof pitch, and the width and style of eaves overhangs)
 - Height of the wall plate
 - Proportions of door and window openings
 - Balance of walls to openings
 - Balance of different materials and colours;
 - Involve the least possible alteration to the contributory fabric, and not remove or obscure significant elements/details;
 - Not adversely impact on public views of this or other near-by contributory buildings.

- e) Where additions to the side of a contributory place are the only feasible option, the new fabric should be set back from the main façade by a minimum of 1.2m from the closest section of the existing front wall. This includes structures such as carports, garages, patios and new verandahs. Two storey additions to the side of a contributory single storey residence will not generally be supported.
- f) Where second storey additions to a contributory place are the only feasible option, they should be located towards the rear of the building and should not be prominent in pedestrian views from the opposite side of the street. Second storey additions over the main roofline of the original house (excluding rear wings or rear skillion additions) will not generally be supported.
- g) Loft additions may be constructed where there is sufficient space within the existing roof, and where any required alterations to the roofline (including dormer windows or skylights) will not be prominent in streetscape views. Any associated alterations to the original roofline should generally be located on the rear roof plane or towards the rear of side roof planes.
- h) Any new garages or carports visible from the street frontage(s) of existing buildings shall be designed as secondary elements that do not obscure views of the building or negatively impact on streetscape views.
- i) If any proposed additions may be visible from the street, the Development Application will need to clearly document the bulk of the proposed addition in relation to the contributory building.

The applicant may also be requested to submit a continuous street elevation that includes the buildings on either side of the subject site, in accordance with Clause 63 of the deemed provisions for local planning schemes.

- j) If an addition may adversely impact on public views to the contributory building, or a near-by contributory building, the Shire may also require a Heritage Impact Statement to be prepared by the applicant.

Figure 1: General location for additions (indicative sketch only)

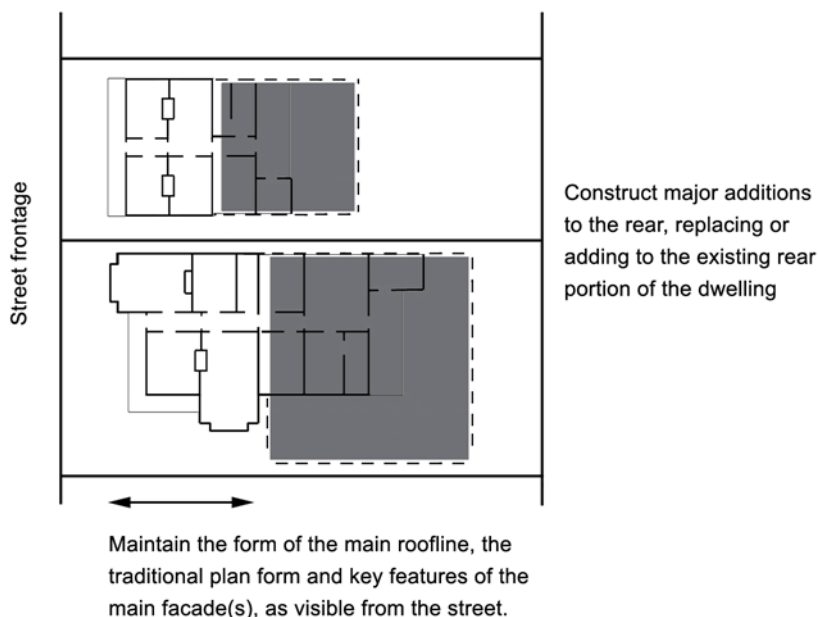
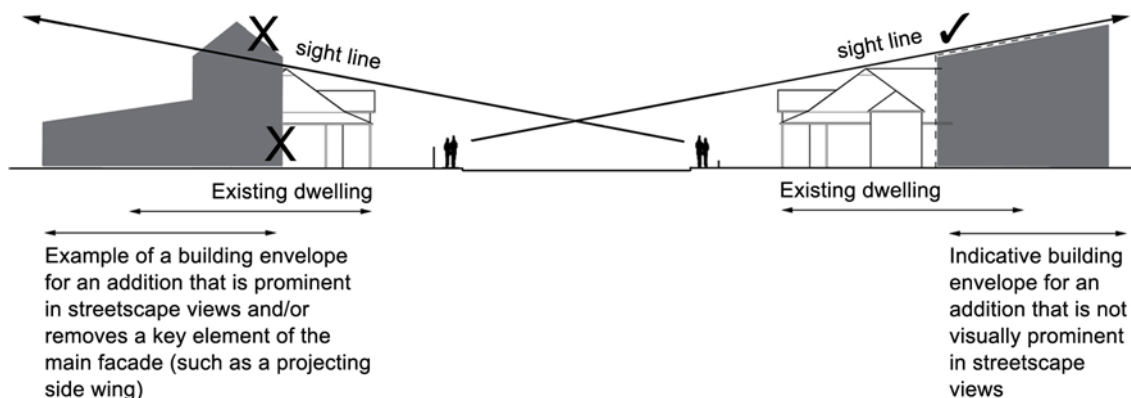


Figure 2: General location for additions - sightlines (indicative sketch only)



5.3.3 Alterations / Additions to Non-Contributory Buildings

Alterations and additions to non-contributory places provide an opportunity to improve the aesthetic qualities of the area by respecting and interpreting the key features and elements of the Residential Heritage Precinct.

- Additions should not change the bulk, scale or proportions of a non-contributory place in a manner that increases its visual impact on the immediate streetscape.

The aim of this is to ensure that streetscape views focus on the nearby contributory buildings and, in general, it means that large additions should be located towards the rear of the site.

- When new works are proposed for a place that was constructed in the same period as the contributory buildings, but which has been extensively altered over time, then alterations that will help to return the place towards an earlier (contributory) state are encouraged. Alternatively, new works

may aim to modernise the place in a manner that is sympathetic with the traditional streetscape (based on the principles for new development).

- c) When alterations and additions are proposed for non-contributory buildings that have no historical association with the assessed cultural heritage values of the Residential Heritage Precinct, no attempt should be made to confuse an understanding of the area by adapting these places in a reproduction 'heritage' style.

Where alterations and additions are proposed for such places consideration should be given to the following points:

- If the scale, form and materials of the place are broadly compatible with the traditional streetscape then the new works can be based on the original design of the place or adapt it in a manner that is sympathetic with the traditional streetscape (based on the principles for new development).
- If the place (or any of its component parts) is intrusive within the streetscape, then the new works should aim to adapt the place in a manner that is more sympathetic with the traditional streetscape.

5.4 New Development

New development on non-contributory sites presents an opportunity for good modern design that complements the traditional streetscape character and harmonises with the nearby contributory buildings, without overtly mimicking heritage styles or detailing.

Where appropriate opportunities exist for the development of a new building (or prominent additions to a non-contributory building), innovative solutions are encouraged, subject to the following guidelines.

5.4.1 *General*

- a) The construction of a new building will only be considered where the guidelines for subdivision/amalgamation and demolition and have been met, as relevant (see above).
- b) New buildings and additions to non-contributory places should not adversely impact on public views to any near-by contributory building(s).

For example: if a large new building is proposed adjacent to a small single storey contributory building, the bulk, scale, setbacks and detailing at the street frontage should be carefully designed to ensure that it does not overwhelm the contributory place.

- c) Contemporary designs should respond to, and interpret, the articulation and detail of nearby contributory buildings in a modern and sympathetic way. This requires careful attention to design aspects such as the:
- Roof form (including the height of the ridgeline, roof pitch, and the width and style of eaves overhangs)
 - Height of the wall plate;
 - Street front plan form and width;
 - Use of front verandahs;
 - Location of main entries;

- Proportions of door and window openings
 - Balance of walls to openings
 - Balance of different materials and colours.
- d) 'Reproduction' heritage styles and applied 'heritage' detailing detract from an understanding and appreciation of the contributory buildings and will generally not be supported.

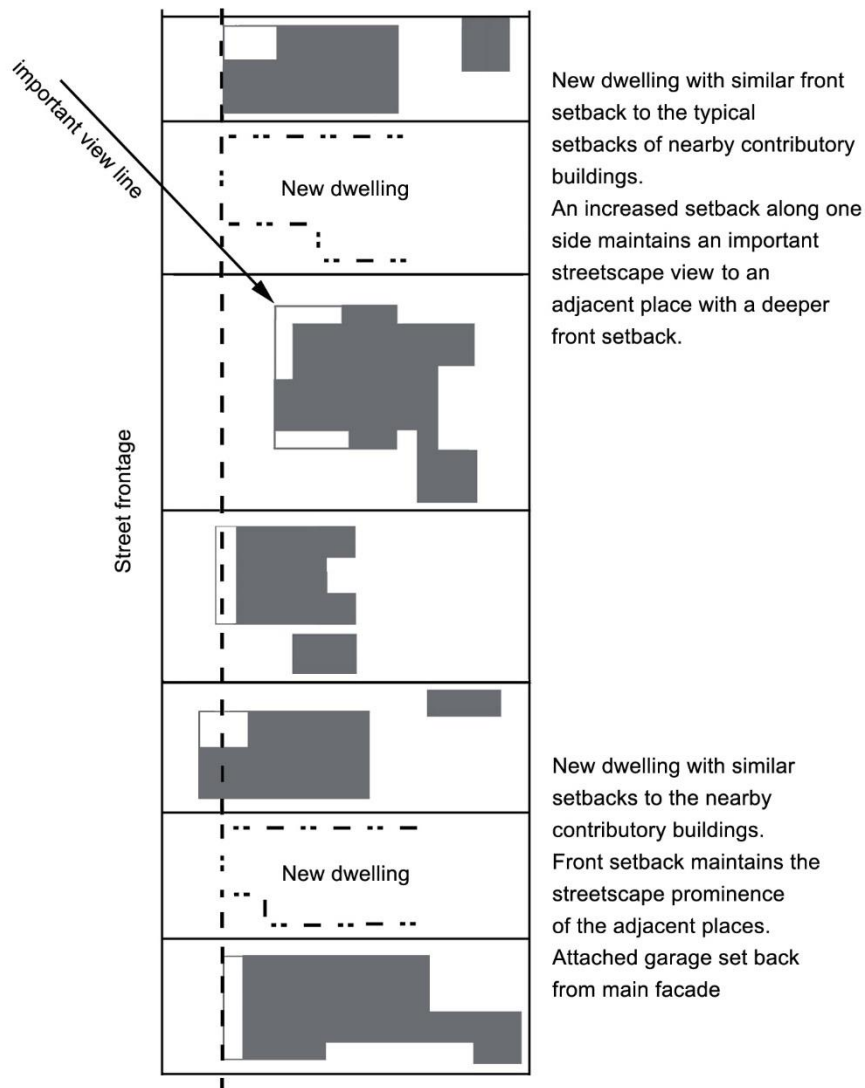
For example: decorative detailing such as turned timber verandah posts, turned timber finials, Victorian style iron lacework and Federation style timber brackets and valances, should generally not be applied to new dwellings in a heritage area.

- e) The applicant may be requested to submit a schedule of finishes and/or a continuous street elevation that includes the buildings on either side of the subject site, in accordance with Clause 9.3 of the Shire of Northam Local Planning Scheme No 6.

5.4.2 Orientation and setbacks

- a) Where visible from the street, the orientation of new buildings (or prominent additions to non-contributory places) must match the traditional orientation of nearby contributory buildings.
- b) If intersecting streets are both included in a Residential Heritage Precinct, any new development or major additions on a corner block shall respect the traditional pattern of development and streetscape character of both frontages (acknowledging the traditional development of a primary and secondary façade).
- c) New buildings should be constructed with setbacks from the front boundaries similar to the typical setbacks of nearby contributory buildings.
- d) A new building should not be built forward of an adjacent contributory building, unless it can be clearly demonstrated that this will not adversely impact on the traditional streetscape values of the Residential Heritage Precinct and/or views to the adjacent and nearby contributory buildings.
- e) For the extent that side boundaries are clearly visible from the street, they should be similar to the typical side setbacks for nearby contributory buildings.

Figure 3: Setbacks for new buildings (Indicative sketch only)



5.4.3 Scale and Form

- New buildings, as viewed from the street frontage(s), should be of similar form, bulk, scale, proportions, height and level of articulation as the contributory buildings in the Residential Heritage Precinct.

In particular, the manner in which articulation is used, and the height, size and shape of the roof, are key elements that can help a contemporary building blend into a heritage streetscape.

- If the traditional streetscape is predominantly single storey, new buildings that present as two storeys to the street frontage will not generally be permitted. In this case, any two-storey section(s) should not be visually prominent in pedestrian views from the opposite side of the street (similar to the principles illustrated in Figure 2).

Figure 4: Example of a broad design envelope for a new building
(Indicative sketch only)

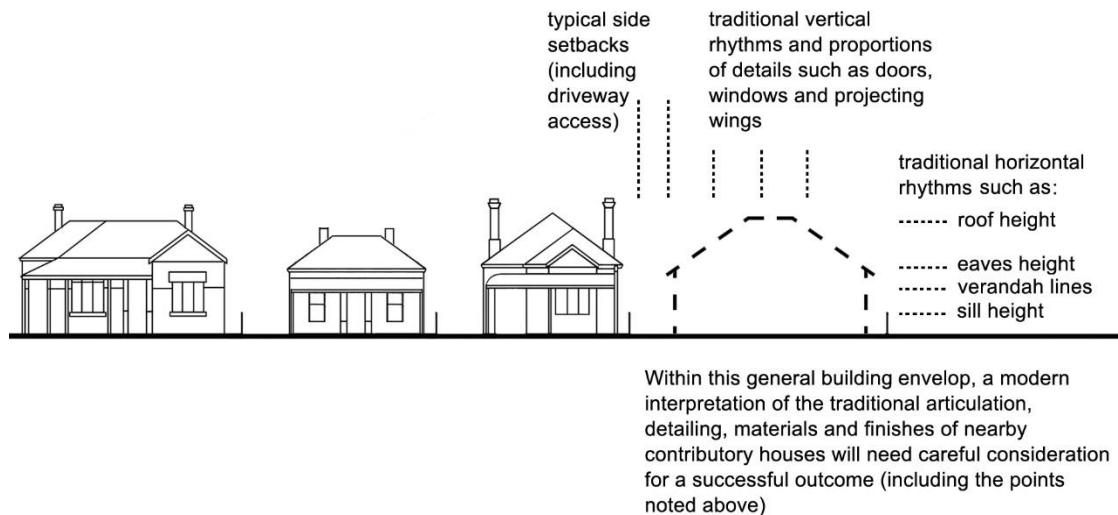
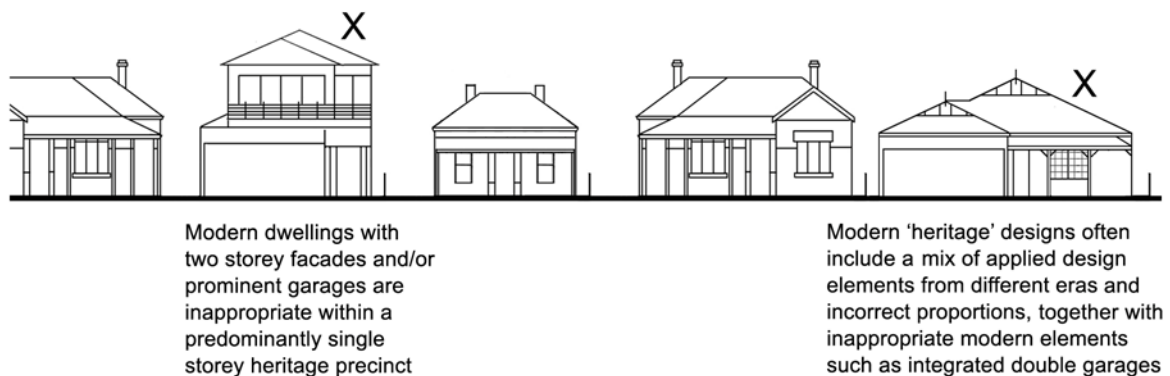


Figure 5: Examples of inappropriate infill within a heritage precinct
(Indicative sketch only)



5.5 Boundary Fences

The treatment of the front boundary and of the return boundaries (back to the front walls of the house) makes a major impact on the streetscape character of a Residential Heritage Precinct.

- Fencing is required where this has been a traditional development characteristic of the streetscape.
- All new fences shall be designed to complement the style of the existing building and the traditional streetscape character.

Fences in traditional styles (appropriate to the age, style and scale of the building) are preferred for contributory buildings. Modern fence styles of a simple design are preferred for non-contributory buildings.

For example: Subject to the nature of the associated place, traditional fencing can include styles such as timber post and rail with woven wire panels; timber pickets with gothic or acorn shaped heads (for early

twentieth century places); timber pickets with square heads, with a flat or stepped design and/or a top rail (from the early twentieth century and into the Inter-War era); low pier and plinth masonry (for later Inter-War houses); masonry piers with spear-head palisades (early twentieth century); masonry piers with wrought iron panels (Inter-War era).

All of the above were sometimes backed by clipped hedges.

- c) New fences should be designed to retain clear public views to the front of each house and open streetscape views.
- d) Boundary walls or fences that are located forward of the building line shall be no more than 1.2 metres high.
- e) The main panels of masonry walls and plinths should be limited to approximately 300-600mm above footpath level.
- f) Large masonry posts will only be acceptable where used for traditional fence styles to the street frontage of a large villa on a wide block.
- g) High masonry walls and high solid panels are not permitted along the front and return boundaries in a Residential Heritage Precinct.

5.6 Off Street Parking

The following points must be considered in addition to the guidelines for additions and new development (above):

- a) As far as possible, access for carports or garages should be alongside driveways or, where available, from side streets or rear lanes.
- b) Any new driveways and hardstands at or near the front of the site should be designed to minimise the visual and physical impact on the setting of the contributory buildings and the streetscape.
- c) Carports or garages should generally be set back from the main facade.
- d) Carports or garages should not visually dominate the primary or secondary street frontage of the place;
- e) Carports or garages should comprise no more than 33% of the main frontage.
- f) The design of carports and garages or other outbuildings on land containing a contributory place should:
 - not extend design elements of a contributory place (such as verandahs, roof lines or historic detailing) at the same alignment as the main facade; and
 - not incorporate undercroft parking or other parking or access arrangements that are not in keeping with heritage character of the area.
- g) Larger carports, garages, hardstands and sheds can generally be located towards the rear of the site.

5.7 Colour Schemes

Colour schemes should be complementary to the traditional character of both the house and the streetscape, while still retaining a level of diversity and interest.

- g) Painted surfaces can be repainted in any complementary colour scheme,

but the use of a traditional colour scheme or reinstatement of the original colour schemes is encouraged.

Note: The simplest method of choosing a ‘traditional’ paint scheme for a contributory building is to refer to the ‘heritage’ paint charts provided by many of the commercial paint companies (particularly at their web sites) and/or to refer to other on-line sites that illustrate suitable paint schemes for different house styles and periods (recognising that different colours became available/popular at different times).

If owners are interested in undertaking additional research, there are many publications available that focus on houses of the Late Victorian, Federation and Inter-War eras and a small number that focus more specifically on heritage colour schemes (such as *Colour Schemes for Old Australian Houses* and *More Colour Schemes for Old Australian Houses*, both written by Evans, Lucas and Stapleton, and published by The Flannel Flower Press). Historical photographs of similar houses can also provide important information about the traditional colour variation across the different parts of a façade and the balance of light and dark. For example, in the early twentieth century, light to medium colours were typically used for painted walls, with either lighter or darker contrasting colours for mouldings, verandah posts and trim. For complex trim or rendered moulding, additional complementary colours were sometimes used to accentuate the detailing. During the inter-war years, however, paint schemes were generally more restrained.

In many cases, physical evidence of former paint schemes can be investigated by paint scrapes (using a sharp scalpel to cut diagonally through the paint layers), by careful sanding or by applying successive layers of chemical strippers to small areas to reveal the layers of old paint. The aim of the last two methods is to carefully reveal the various layers of paint by working in either concentric circles or “ladders” (retaining sections of each level for comparison). As different colours are likely to have been applied to various features, the investigation should consider the different parts of the building – noting that surface colours may have faded over time and that the lowest layer, and possibly some intervening layers, are likely to have been undercoats.

A comparison of the findings of these investigations with colours from ‘heritage’ paint charts can help owners approximate the original and later colour schemes. This can then be used as the basis for reinstating an early colour scheme, interpreting that scheme to suit personal preferences, or selecting a complementary modern scheme.

If a fully authentic result is desired, professional advice and analysis is recommended.

- h) If a modern colour scheme is used this should sympathetically interpret traditional colour schemes (as discussed above), as relevant to the age and style of the place.
- i) Contributory fabric that is unpainted (such as face-brick walls) should not be rendered or painted.
- j) Where some of the painted surfaces of a contributory building were traditionally unpainted careful removal of the paint and conservation of the underlying surface is encouraged, if practical. If the painted finish is

to be retained, the selection of new paintwork that interprets the traditional colour balance across the different parts of the façade is encouraged.

For example: Painted brick walls could be repainted in a dark brown or red, selected to closely match the colour of the original brickwork, with a lighter cream/buff colour for rendered areas such as window sills.

- k) Where repainting of non-contributory buildings is proposed, this should use a palette that is complementary to both the overall streetscape and the style of the individual place. However, overtly 'heritage' colour schemes are not required, and are generally not appropriate, for non-contributory buildings or modern infill.

The applicant may be required to provide a detailed schedule of all finishes, including materials and colours in accordance with Clause 9.3 of the Shire of Northam Local Planning Scheme No 6.

5.8 Incidental Development

Any new solar systems, climate control systems, telecommunications equipment, exhaust vents, or other modern services should be to be installed in locations that are not intrusive in views to the place from the main street frontage(s). Where this may impact on the effectiveness of services such as solar panels then alternative measures, such as angled frames on rear skillions, should be used.

5.9 Public Realm

The public realm (comprising the roadways, lanes, footpaths, verges, gutters, street trees, street lighting etc) has a major impact on the traditional streetscape character of a Residential Heritage Precinct.

All private proposals for changes to the verge within a Residential Heritage Precinct must be submitted to the Shire for approval.

5.10 Maintenance

- e) Where issues relating to current or potential deterioration of the contributory fabric are identified, maintenance or repair is encouraged, but is not required as a stand-alone project under this Planning Policy.
- f) If major works are proposed to a contributory building, maintenance (and any other urgent conservation works) should generally be undertaken as an integral part of the project.
- g) Where maintenance of contributory fabric is undertaken the work should be in accordance with the conservation principles under Section 2.2.
- h) A long-term lack of maintenance, which results in structural inadequacy (referred to as demolition by neglect), may lead to a requirement for reconstruction of the contributory fabric as an integral part of any new development proposal.

These Guidelines have been adopted by the Council of the Shire of Northam as part of Shire of Northam Local Planning Policy No. 18 – 'Heritage Precincts' on 20 July 2016.

**LPP 19 - RESIDENTIAL DESIGN GUIDELINES FOR THE RURAL
RESIDENTIAL AND RURAL SMALLHOLDING ZONES**

LOCAL PLANNING SCHEME NO.6

**LOCAL PLANNING POLICY NO.19 –RESIDENTIAL DESIGN
GUIDELINES FOR THE RURAL RESIDENTIAL AND
RURAL SMALLHOLDING ZONES**

1. PRELIMINARY

1.1 Authority to prepare and adopt a Local Planning Policy

Schedule 2, Part 2, clause 3(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) allows Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Shire's Local Planning Scheme No.6 (the Scheme) area.

This policy will be made effective once Council has completed the process stipulated in clause 4(1) up to and including clause 4(4) of the Regulations.

1.2 Relationship of this Policy to the Scheme

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

This Local Planning Policy is not part of the Scheme and does not bind Council in respect of any application for development approval. However, Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

2. APPLICATION OF THE POLICY

2.1 Purpose

The purpose of this Local Planning Policy is to provide design guidelines that achieve both sustainable housing design and high quality aesthetics within the Rural Residential and Rural Smallholding Zones as identified by the Scheme.

2.2 Application

This Policy applies to new housing in the Rural Residential and Rural Smallholding Zones as identified by the Scheme.

2.3 Exemptions

This Policy does not affect new housing outside of the Rural Residential and Rural Smallholding Zones as identified by the Scheme.

2.4 Relationship of this Policy to other Local Planning Policies

This Policy is to be read in conjunction with the following Local Planning Policies:

- Local Planning Policy No.1 'Outbuildings';
- Local Planning Policy No.2 'Site Construction, General Development and Subdivision Guidelines';
- Local Planning Policy No.3 'New Transportable, Relocated and Second Hand Dwellings';
- Local Planning Policy No.5 'Use of Sea Containers & Other Similar Storage Structures'; and
- Local Planning Policy No.13 'Ancillary Accommodation'.

3. **POLICY OBJECTIVES**

The primary objectives of this Policy are to:

9. Achieve a level of integration and consistency with the surrounding landscape and environment in architectural design;
10. Ensure appropriate standards of amenity for all dwellings;
11. Protect the amenity of adjoining properties; and
12. Provide a procedure for considering variations to building envelopes.

4. **APPROVAL REQUIREMENTS**

4.1 Exemptions under the deemed provisions for local planning schemes

Under Clause 61(1)(i) of the *deemed provisions for local planning schemes*, the Development Approval of the Shire is not required for a single house that complies with the mandatory requirements ('Development Controls') listed under section 5.1 up to and including 5.13 of this Policy.

The above-mentioned exemption does not apply if the single house is located in a place that is: -

- listed under Schedule A (Supplemental Provisions to the Deemed Provisions), clause 61(1)(k)(i) – (ix) of the Scheme;
- within a Special Control Area under the Scheme; and / or
- within a designated Bushfire Prone Area as identified by the Fire and Emergency Services Commissioner.

4.2 Variations to the mandatory requirements ('Development Controls') of this Policy

Where a single house is proposed that does not meet one or more of the mandatory requirements ('Development Controls') of this Policy, the application

will require the approval of full Council. An Application for Development Approval is required to be lodged in accordance with Council's requirements and the scheduled fee paid. A written justification of the variation to the Policy sought is required to be lodged for consideration together with the Application.

Council will take into account the likely impact on the amenity of the locality and adjoining properties when considering granting approval to a development that varies a provision of this Policy. Where Council considers the proposed variation will adversely impact on the amenity of the locality and adjoining properties, it may place conditions on the approval to ensure the development complies with this Policy or refuse the application outright.

Approval of the application by full Council will be required prior to issue of a Building Permit and on-site works commencing.

4.3 Need for a Building Permit

A **Building Permit is required to be sought and issued for any structures prior to on-site works commencing**. Building Permit fees and levies are payable in accordance with the current Shire of Northam Fees and Charges.

4.4 Variations to Building Envelopes

In some Zone Areas the Scheme requires Building Envelopes (or building exclusion areas) to be approved for each property. In most cases, the envelopes were identified and approved at the subdivision stage.

Clause 5.30.7 of the Scheme allows Council to vary a previously approved building envelope where the relocated envelope will not be detrimental to the residential amenity and landscape and/or environmental qualities of the land and other adjoining properties.

Should a property owner require the approved building envelope to be varied, Council's approval is required prior to issue of a Building Permit.

4.4.1 Variation Procedure

Council will use the following procedure to consider Applications for Building Envelope Variation:

1. The Application is to be in the form as prescribed in *Schedule 1* of this Policy;
2. The completed form is to be lodged with Council together with two (2) copies of a scaled site plan for the property showing the location of existing (approved) and proposed building envelopes;
3. The plan is to show dimensions of the property, building envelopes and distances between the proposed envelope and property boundaries. Where known, the location of proposed buildings inside the envelope is to be shown;
4. Council will consider the impact of the Building Envelope Variation against the criteria contained in section 5.1 of this Policy as well as the following criteria:
 - The modified building envelope has regard to the placement of a dwelling and outbuildings on a lot relative to adjoining lots and

- buildings contained thereon (for the purpose of maintaining separation and protection of amenity in a rural setting);
- the area of the modified building envelope is similar in size to the original building envelope; and
 - the modified building envelope accords with the setback distances prescribed in *Table 2: Site and Development Requirements Table* of the Scheme.
5. Council's determination of the application will be made in the form as Prescribed in *Schedule 2* of this Policy.

5. DEVELOPMENT GUIDELINES

5.1 House Orientation and Location

Siting of a house on a lot should demonstrate the following:

| Development Controls (mandatory) | Design Guidance (‘Best Practice’ outcomes) |
|---|---|
| <ul style="list-style-type: none"> • Location within the approved building envelope for the property (where required by the Scheme for a particular Zone Area) • Minimise the removal of vegetation and significant trees on the property | <ul style="list-style-type: none"> • Orientation of the house so that it maximises northern light into living areas • Providing adequate cross ventilation from summer breezes • Maximising enjoyment of views to inland ranges • Avoid, where practicable, blocking of the views or potential views of surrounding properties • Minimising the overlooking and loss of privacy into adjoining properties by utilising existing vegetation as a buffer or by increased boundary setbacks |

5.2 Setbacks

| Development Controls (mandatory) | Design Guidance (‘Best Practice’ outcomes) |
|---|---|
| <ul style="list-style-type: none"> Minimum setbacks to property boundaries are as stipulated for the relevant Zone Area contained in <i>Table 2: Site and Development Requirements Table</i> of the Scheme. Notwithstanding the minima applicable, a house should be sited to achieve the mandatory requirements of section 5.1 of this Policy. | |

5.3 Materials and Colours

| Development Controls (mandatory) | Design Guidance (‘Best Practice’ outcomes) |
|-------------------------------------|--|
| | <ul style="list-style-type: none"> The materials and colours used on exterior surfaces of all buildings are to blend in with the surrounding landscape and environment. The use of ‘Zincalume’ roof sheeting is permitted, however, care must be taken to ensure the location of the house and the roof pitch used does not produce a glare nuisance to surrounding properties or passing traffic. |

5.4 Streetscape

| Development Controls (mandatory) | Design Guidance (‘Best Practice’ outcomes) |
|--|---|
| <ul style="list-style-type: none"> In order to achieve an attractive streetscape that is in keeping with the surrounding rural landscape, all houses are to provide verandahs, porches, porticos or other architectural relief on the elevations that are viewed from the street. | |

5.5 Private Open Space

Each house is to be provided with a private open space area that meets the following criteria:

| Development Controls (mandatory) | Design Guidance (‘Best Practice’ outcomes) |
|--|--|
| <ul style="list-style-type: none"> Located behind the house and screened from public view from the street | <ul style="list-style-type: none"> Directly accessible from a habitable room, such as a living room or dining room Provides sufficient space for utilities, such as clothes drying, in a location that maximises winter sun access and screened from public view. Private open space areas can incorporate covered outdoor living areas, such as patios, pergolas and verandahs |

5.6 Fencing

Where boundary fencing is proposed, the following minimum requirements will apply:

| Development Controls (mandatory) | Design Guidance (‘Best Practice’ outcomes) |
|---|---|
| <ul style="list-style-type: none"> Boundary fencing, where permitted by the Scheme for a particular Zone Area, is to be standard 5-strand ‘Ringlock’ type farm fencing with steel pickets and timber or steel strainer posts <u>as a minimum specification</u>. The use of barbed wire is not permitted. Solid panel fencing is not permissible on property boundaries. Solid panel fencing around private areas of the house and immediate yard is permitted. Fencing between the house and the street is to be visually permeable (i.e. not solid panels) so as not to detract from the streetscape and to allow surveillance of the street and approaches to the house. | |

5.7 Driveways

Driveways are to meet the following criteria:

| Development Controls (mandatory) | Design Guidance (‘Best Practice’ outcomes) |
|---|--|
| <ul style="list-style-type: none"> Constructed to a standard that allows for wet weather access and emergency vehicles A minimum width of 3.0m Verge crossover to be constructed to the specification of Council, including the use of pipe culverts if required to facilitate road drainage Located to minimise the impact on vegetation and to avoid removal of significant trees | <ul style="list-style-type: none"> Allow for both entry to and exit from the property in forward gear Located to ensure noise and dust generated by traffic on the driveway does not adversely affect neighbouring properties One (1) driveway access is permitted per property |

5.8 Car Parking

| Development Controls (mandatory) | Design Guidance (‘Best Practice’ outcomes) |
|---|---|
| <ul style="list-style-type: none"> A car parking area is to be provided for each house. This area is to be a gravel hardstand area in close proximity to an entry to the dwelling as a minimum standard The construction of detached carports and garages is to comply with Council’s Local Planning Policy No.1 ‘Outbuildings’ Garages and carports attached to the house are to be constructed of similar materials and colours as the main dwelling | |

5.9 Rural Street Numbers

| Development Controls (mandatory) | Design Guidance (‘Best Practice’ outcomes) |
|-------------------------------------|--|
| | <ul style="list-style-type: none"> • To assist emergency services and service providers, it is recommended that the formal property street address be prominently displayed at the front of the property. Property street addresses <u>are not</u> the Lot Number for the property and can be obtained by contacting the Shire of Northam |

5.10 New Transportable and Relocated Second-hand Dwellings

The relocation and use of Second-hand Dwellings is controlled by Local Planning Policy No.3 ‘New Transportable, Relocated and Second Hand Dwellings’.

All relevant provisions of this Policy are to be read in conjunction with Local Planning Policy No.3.

5.11 Outbuildings

The development of outbuildings on a property in a particular Zone Area is controlled by Local Planning Policy No.1 ‘Outbuildings’.

All relevant provisions of this Policy are to be read in conjunction with Local Planning Policy No.1.

5.12 Ancillary Accommodation

The development of ancillary accommodation, where permitted on a property in a particular Zone Area, is controlled by Local Planning Policy No.13 ‘Ancillary Accommodation’.

All relevant provisions of this Policy are to be read in conjunction with Local Planning Policy No.13.

5.13 Structures located in bushfire-prone areas

| Development Controls (mandatory) | Design Guidance (‘Best Practice’ outcomes) |
|--|---|
| <ul style="list-style-type: none"> • Dwellings including ancillary accommodation units located in identified bushfire-prone areas shall be constructed to AS3959 • An application for development approval within an identified bushfire-prone area must be accompanied by a bushfire attack level assessment, which informs how development must respond to bushfire risk | |

Date Adopted: 16 March 2016

Date Effective: 30 March 2016

Date Reviewed: 15 March 2017

Next Review: March 2019



SHIRE OF NORTHAM

APPLICATION FOR BUILDING ENVELOPE VARIATION

Local Planning Scheme No.6

Local Planning Policy No.19 – Schedule 1

NOTE: This is not an application for Development Approval.

Application for Building Envelope Variation only.

If you are in doubt about whether application should be made on this form, please consult the Council's planning officers.

Owner / Applicant Details

Name: _____

Address: _____ Postcode: _____

Signature: _____ Date: _____

Signature: _____ Date: _____

All owners must sign this form or an attachment if there is not sufficient space.
State your position where signing on behalf of a company. This application will
not proceed otherwise.

Property Details

Lot No: _____ House/Street No: _____

Street Name: _____

Suburb: _____ Postcode: _____

Reason for Variation

**PLEASE ATTACH SITE PLAN SHOWING LOCATIONS FOR
EXISTING BUILDING ENVELOPE AND PROPOSED BUILDING
ENVELOPE**

Office Use Only

Accepting officer's initials: _____ Date received: _____

Application No: _____



SHIRE OF NORTHAM

NOTICE OF APPROVAL/REFUSAL TO BUILDING ENVELOPE VARIATION

*Local Planning Scheme No.6 Local Planning Policy No.19
Schedule 2*

Property Location: _____
Property Owner(s): _____
Postal Address: _____

Approval to Building Envelope Variation in accordance with the Application for Building Envelope Variation dated _____ and the submitted plans is APPROVED / REFUSED subject to the following conditions / due to the following reasons:

Note 1: Should the applicant be aggrieved by this decision, a right of review by the State Administrative Tribunal may exist under Part 14 of the *Planning and Development Act 2005* (as amended). An application must be lodged within 28 days of receipt of this decision.

Date: _____

Signed _____

For and on behalf of the Shire of Northam

LPP 20 - ADVERTISING OF PLANNING PROPOSALS

LOCAL PLANNING SCHEME NO.6

LOCAL PLANNING POLICY NO.20

‘Advertising of Planning Proposals’

1. PRELIMINARY

1.1 Authority to prepare and adopt a Local Planning Policy

Schedule 2, Part 2, clause 3(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) allows Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Shire’s Local Planning Scheme No.6 (the Scheme) area.

This policy will be made effective once Council has completed the process stipulated in clause 4(1) up to and including clause 4(4) of the Regulations.

1.2 Relationship of this Policy to the Scheme and Deemed Provisions for Local Planning Schemes

If a provision of this Policy is inconsistent with the Scheme or the deemed provisions for local planning schemes, the Scheme and the deemed provisions for local planning schemes prevail.

This Local Planning Policy is not part of the Scheme and does not bind Council in respect of any application for development approval. However, Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

2. APPLICATION OF THE POLICY

2.1 Application of Policy

This Policy applies to:

- Applications for Development Approval made under Part 7 of the deemed provisions for local planning schemes;
- Structure Plans proposed under Part 4 of the deemed provisions for local planning schemes;
- Local Planning Policies made under Part 2 of the deemed provisions for local planning schemes; and
- Amendments to the Scheme proposed under Part 5, Division 4 of the *Planning and Development Act 2005* (the Act).

The Policy is to be read in conjunction with the Scheme, the Act, any associated Regulations and any other relevant Local Planning Policy.

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

2.2 Policy Exclusions

This Policy excludes the following types of proposals:

- Applications for Single House and Outbuilding R-Codes Approval made under Part 5 of the R-Codes, for which the process outlined in the R-Codes applies;
- Subdivision and amalgamation proposals made under Part 10 of the Act; and
- Extraordinary planning proposals, such as Local Planning Strategies, Review of the Local Planning Scheme, for which specific advertising will be identified at the appropriate time.

3. **POLICY OBJECTIVES**

The objectives of this Policy are to ensure:

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

4. **BACKGROUND / ISSUES**

The deemed provisions for local planning schemes and Act require the Shire to advertise certain planning proposals. In many cases, the type and length of advertising is prescribed. However, there is usually a need for the Shire to exercise discretion on the extent and the methods used to advertise a proposal.

The Policy will clarify the method and extent of advertising for various development proposals in order to provide consistency in how proposals of a similar nature are dealt with by the Shire.

5. **POLICY MEASURES**

5.1 Advertising Applications for Development Approval

- 5.1.1 **Table 5.1** shows the levels of advertising employed by this Policy for applications made under Part 7 of the deemed provisions for local planning schemes.

Table 5.1: Levels of Advertising of Planning Applications under Part 7 of the deemed provisions for local planning schemes

| Level | Advertising Required | Type Advertising of | Minimum Advertising Period |
|-------|---|---|----------------------------|
| 1 | None. This level is used where no variation to a standard requirement is necessary in order to approve a proposal. | N/A | N/A |
| 2 | Owners of properties that abut the proposal site or are located opposite <u>and</u> are affected by a variation to standard requirements, such as a setback relaxation. 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 as a whole. | Postal and/or electronic | 14 days |
| 3 | All owners of properties that abut or are located opposite the proposal site. The intent of this level is to inform the immediate vicinity of an impending development. 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 a road reserve or other public place is removed. | Postal and/or electronic Sign on Site (if 'A' use or a 'use not listed' in the zoning table of the Scheme) | 14 days |
| 4 | All owners of properties in the nearby vicinity. The nearby vicinity will generally be determined as those properties either wholly or partly within: <ul style="list-style-type: none"> • 250m radius of the centre of the proposal site in urban areas; or • 500m radius of the centre of the proposal site in rural or rural residential areas; or • 1,000m radius of the centre of the proposal site for proposed Industry – Extractive or Industry – Mining. | Postal and/or electronic Sign on Site (if 'A' use or a 'use not listed' in the zoning table of the Scheme) Newspaper (if 'A' use or a 'use not listed' in the zoning table of the Scheme) | 14 days |
| 5 | All owners of properties in the locality. The locality will generally be determined as those properties either wholly or partly within the gazetted townsite or locality in which the proposal is located. | Postal and/or electronic Sign on Site (if 'A' use in Scheme) Newspaper (if 'A' use in Scheme) | 21 days |

5.1.2 **Table 5.2** outlines the level of advertising to be used for certain Applications for Development Approval.

Table 5.2: Advertising Levels for Particular Uses / Proposals

| Use / Proposal | Advertising Level |
|---|---------------------|
| Any use listed as 'P' or 'D' in the Zoning Table 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 a Home occupation, Home Business, Home Store, Public Utility or Residential Building. | 3 |
| • Where the proposal is for Workers Accommodation. | 4 |
| • Where the proposal is for a development within the Commercial zone with a value of greater \$7 million. | 4 plus sign on site |
| Any use listed as 'A' in the Zoning Table or is development and/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. | 4 |
| • Where a proposal is considered by the Shire to have an effect upon the locality. | 5 |
| • Where the proposal is for a Child Care Premises, Community Purpose, Consulting Rooms, Industry – Cottage or Nursing Home. | 3 |
| • Where the proposal is for a Place of Worship, or a Restaurant. | 4 |
| • Where the proposal is for Workers Accommodation or Industry – Extractive. | 5 |
| An Application for Development Approval for a non-exempt advertisement under Schedule 5 of the Scheme. | 1 |
| Extensions and Changes to a Non-Conforming Use. | 3 plus Councillors |
| An Application for Development Approval for parking commercial vehicles pursuant to Clause 5.20 of the Scheme. | 2 |

5.1.3 *Advertising proposals to designate a heritage area or amend the Northam Municipal Heritage Inventory or advertising development proposals that may affect a place of cultural heritage significance or an entry on the Inventory or in a designated heritage area*

- Advertising of proposals to establish or amend the Northam Municipal Heritage Inventory is to be in accordance with the advertising requirements contained in Part 8 of the deemed provisions for local planning schemes.
- Where proposed development may affect a place of cultural heritage significance or an entry on the Inventory, any application for Development Approval shall be advertised in the following manner:

- (i) All owners of properties that abut or are located opposite the proposal site are to be informed in writing of the proposal in accordance with clause 6.1 of this Policy.
- (ii) Erection of a sign in accordance with clause 6.2 of this Policy;
- (iii) Publication of a notice in accordance with clause 6.3 of this Policy including a notice published electronically on the Shire's website; and
- (iv) Inviting comment from the relevant local historical society or association (where one is in operation).

5.1.4 Advertising of Structure Plans

- a) Development Plans are to be advertised in accordance with Part 4 of the deemed provisions for local planning schemes as follows:
 - (i) All owners of land wholly or partly located within the Structure Plan area or wholly or partly located within 200m of the outer edge of a Development Plan area are to be informed in writing of the proposal in accordance with clause 6.1 of this Policy;
 - (ii) A sign is to be located on each street frontage of the Structure Plan area in accordance with clause 6.2 of this Policy;
 - (iii) A notice is to be published electronically on the Shire's website and in the newspaper in accordance with clause 6.3 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 Shire when adopting a Structure Plan for advertising.
- b) Structure Plans are to be advertised for the following period of time:
 - (i) 14 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.
- c) Advertising of Local Development Plans are to be advertised for a period of 14 days as follows:
 - (i) All owners of land within a 200m radius of the centre of the proposal site in urban areas;
 - (ii) A notice is to be published electronically on the Shire's website.

5.1.5 Advertising of Local Planning Policies

- a) Draft Local Planning Policies are to be advertised in accordance with Part 2 of the deemed provisions for local planning policies.
- b) Where a draft Local Planning Policy will affect a specific area of land, the following is to occur:
 - (i) Advertising in accordance with the advertising procedures of clause 64 of Part 8 of the deemed provisions for local planning schemes;

- (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 6.1 of this Policy;
 - (iii) Where practicable, a sign is to be located on each street frontage of the Local Planning Policy area in accordance with clause 6.2 of this Policy; and
 - (iv) A notice is to be published electronically on the Shire's website.
- c) 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.

5.1.6 Advertising of Scheme Amendments

- a) Scheme Amendments, excluding Basic Scheme Amendments, are to be advertised in accordance with the requirements of the Act and Regulations.
- b) 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 200m of the outer edges of the rezoning area are to be notified in accordance with clause 6.1 of this Policy.
- c) A full copy of the Scheme Amendment and supporting documentation in either hardcopy or electronically is to be provided to those public authorities identified by the Shire when initiating the Scheme Amendment.
- d) Scheme Amendment proposals and supporting documentation, excluding Basic Scheme Amendments, are to be advertised electronically on the Shire's website.

6. ADMINISTRATION

6.1 Postal and/or Electronic Advertising

- 6.1.1 Postal and/or electronic (email) notifications will be addressed to the owner or owners at the postal (and email addresses – where provided) details listed in the Shire's rates database for the particular property as it exists on the date the notification is sent.
- 6.1.2 The minimum advertising period will begin the working day following the date of postage.
- 6.1.3 Letters informing of a proposal are to be based upon clause 86(3) of Part 11 of the deemed provisions for local planning schemes and include the following information:
 - a) Details of the development, including a copy of any plans or proposal that will assist in communicating the intent of the proposal;
 - b) 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 deemed provisions for local planning schemes;
 - c) The date by which any written comments are to be lodged;
 - d) The local government officer to which enquiries may be made;

- e) Notification that any submission made cannot be considered a confidential document and may be released to the public domain as part of the Shire's consideration of the proposal; and
- f) Notification that not making a submission will be construed by the Shire that the person or party has no objection to the proposal.

6.2 Sign on Site

- 6.2.1 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.
- 6.2.2 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.
- 6.2.3 The notice placed on the sign shall be generally in accordance with clause 86(3) of Part 11 of the deemed provisions for local planning schemes or in the case of a Scheme Amendment, the appropriate form of notice contained in the Regulations.
- 6.2.4 The Shire is to photograph the sign once installed, ensuring the photograph is date stamped with the date of installation.
- 6.2.5 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 Shire in the event the sign is stolen or damaged.

6.3 Newspaper Notices

- 6.3.1 *The Advocate* 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.
- 6.3.2 Newspaper notices shall be generally in accordance with clause 86(3) of Part 11 of the deemed provisions for local planning schemes or in the case of a Scheme Amendment, the appropriate form of notice contained in the Regulations.
- 6.3.3 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.

6.4 Informing of Councillors

- 6.4.1 Councillors are to be informed of Applications for Planning Approval for Extensions and Changes to a Non-Conforming Use in accordance with Table 5.2 of this Policy.
- 6.4.2 Councillors are to be informed in the manner outlined in clause 6.1 of this Policy.
- 6.4.3 Where a Councillor is an owner of property that is subject to notification, the person is to be informed by separate notices, firstly as an owner of land affected and secondly as a Councillor.

6.5 Form of Submissions

- 6.5.1 Verbal submissions will not be considered by the Shire.

- 6.5.2 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).
- 6.5.3 Written submissions will be accepted by the Shire via post, facsimile or email, subject to being received prior to close of business on the day submissions close.
- 6.5.4 The Shire reserves the right to not publish or consider either wholly or in part a submission that it considers to be defamatory to any party.
- 6.5.5 Where a person or party has been informed of a planning proposal and no submission is received by the closing date for submissions, the Shire will construe that the person or party has no objection to the proposal.
- 6.6 Consideration of Submissions
 - 6.6.1 The Shire will consider a planning proposal in the light of all submissions received during the advertising period.
 - 6.6.2 Submissions will be considered by the Shire against the matters to be considered contained in clause 67 of the deemed provisions for local planning schemes and on generally accepted planning grounds.
 - 6.6.3 Notwithstanding clause 6.6.1 here-above, submissions that contain matters that cannot be reasonably associated with a planning matter will not be considered by the Shire.
 - 6.6.4 Where a submission is received after the advertising period has ended, but prior to a decision being made on the proposal, the Shire will note that the submission is late, but will make reasonable endeavours to consider the submission.
- 6.7 Acknowledgement of Submissions
 - 6.7.1 The Shire will notify each person that made a submission on a proposal of the decision made in relation to the proposal.
 - 6.7.2 Notification under clause 6.7.1 here-above is to be sent within five (5) working days of the date of decision.
 - 6.7.3 Where the Shire 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.
 - 6.7.4 Where a planning proposal is to be considered at an Ordinary or Special Meeting of the Council of the Shire of Northam, each person who has made a submission is to be notified a minimum of five (5) 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.
 - 6.7.5 The form of notification under this section can be either posted letter or email.
 - 6.7.6 Where a person or party informed of a planning proposal in accordance with clause 6.1 of this Policy has not made a written submission on it, the Shire is not required to provide acknowledgement under this section.
- 6.8 Guarantee of Receipt
 - 6.8.1 Where a notification is delivered by postal service under clause 6.1 of this Policy, the Shire does not guarantee its delivery where the notification is

addressed in accordance with the address details contained on its rates database.

6.9 Advertising Costs

- 6.9.1 Except where an applicant is required by the Shire of Northam's adopted Schedule of Fees and Charges to pay certain advertising costs, costs associated with advertising are to be paid by the Shire and offset by the application fee.

6.10 Deemed Refusal

- 6.10.1 All Applications for Development Approval that require advertising under this Policy are deemed to be subject to a notice under clause 64 of the deemed provisions for local planning schemes and subject to the 90 day deemed refusal period outlined in clause 75(1)(a) of the deemed provisions for local planning schemes.

| | |
|------------------------|----------------------|
| <i>Date Adopted:</i> | <i>20 April 2016</i> |
| <i>Date Effective:</i> | <i>11 May 2016</i> |
| <i>Date Reviewed:</i> | |
| <i>Next Review:</i> | <i>April 2017</i> |

LPP21 - EXTRACTIVE INDUSTRY

LOCAL PLANNING SCHEME NO.6

LOCAL PLANNING POLICY NO.21 –EXTRACTIVE INDUSTRY

1. PRELIMINARY

1.1 Authority to prepare and adopt a Local Planning Policy

Schedule 2, Part 2, clause 3(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) allows Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Shire's Local Planning Scheme No.6 (the Scheme) area.

This policy will be made effective once Council has completed the process stipulated in clause 4(1) up to and including clause 4(4) of the Regulations.

1.2 Relationship of this Policy to the Scheme

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

This Local Planning Policy is not part of the Scheme and does not bind Council in respect of any application for development approval. However, Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

1.3 Relationship of this Policy to the *Shire of Northam Extractive Industries Local Law 2008*

The Shire of Northam requires an extractive industry licence to be issued under the provisions of the *Shire of Northam Extractive Industries Local Law 2008* (the 'EI Local Law') together with a land use planning (development) approval before extraction can take place.

An application for an extractive industry licence should be applied for at the same time as the development application.

If a provision of this Policy is inconsistent with a provision of the EI Local Law, the Policy prevails to the extent of the inconsistency.

2. APPLICATION OF THE POLICY

2.1 Definition of Extractive Industry

For the purposes of this Policy, the definition of "extractive industry" as provided in Schedule 1 of the Scheme applies, namely "...an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry – mining"

2.2 Application and Exemptions

The purpose of this Policy is to provide development controls for the establishment, operation and rehabilitation of Extractive Industries in the General Industry, Rural and Rural Smallholding zones as identified by the Scheme.

This policy does not apply to the commercial extraction of minerals for which the approval of the Department of Mines and Petroleum under the *Mining Act 1978* (as amended) is required.

3. **POLICY OBJECTIVES**

The primary objectives of this Policy are to:

1. Assist Council in determining applications for Extractive Industries by providing general guidelines and outlining matters Council will have regard for in assessing applications;
2. Outline the information to be provided by applicants when requesting Development Approval for Extractive Industry;
3. Provide for appropriate 'buffers' between Extractive Industries and sensitive land uses;
4. Protect and maintain the existing landscape character, native vegetation, productive agricultural uses and general amenity of the Shire;
5. Ensure those portions of Shire of Northam controlled roads affected by the activities relating to Extractive Industries are maintained to a minimum acceptable standard at no extra burden of cost to Council;
6. Prescribe an annual road maintenance contribution, applicable to all Extractive Industries within the Shire of Northam, for recovery of expenses towards maintenance and repair of roads due to heavy and/or extraordinary traffic associated with the operation of an Extractive Industry, in keeping with Sections 84 and 85 of the *Road Traffic Act 1974*; and
7. Ensure that the prescribed road maintenance contribution correlates with activity and usage of the Shire of Northam road network.

4. **APPROVAL REQUIREMENTS**

4.1 Council Development Approval required for new applications

Where a new extractive industry is proposed, or an existing industry is to be increased in size over what was originally approved, Development Approval by full Council is required prior to the industry commencing/extending. An Application for Development Approval is required to be lodged in accordance with Council requirements and scheduled fees.

4.2 Information to be submitted with Application

The following information in the form of a 'Pit Management Plan' is to be provided with the Application for Development Approval:

- a) A plan showing the location any existing and proposed excavation of the land showing distances to property boundaries, water courses, remnant vegetation and buildings;

- b) Details of the material to be excavated, including maximum depth of excavation, area to be open at any one time and expected pit life;
- c) Details of the proposed number and size of trucks entering and leaving the site each day/week/month (as appropriate) and the route of routes to be taken by those vehicles;
- d) A description of the measures to be taken to minimise dust nuisance, erosion, watercourse salinity and dangers to the general public;
- e) Demonstrating that any sensitive land uses (e.g. residences) within 0.5km - 1km of the site will not be adversely affected;
- f) Details of measures to be taken as appropriate to minimise impacts on groundwater quality, visual pollution, flora and fauna and sites of cultural or heritage significance;
- g) Details of the storage of fuel and flammable materials on the site;
- h) What rehabilitation/reinstatement of the excavation site is to be undertaken upon completion of the extraction, including a cost estimate of the rehabilitation/reinstatement works from an independent contractor / consultant; and
- i) Any other information that Council may require in considering the application.

4.3 Matters to be considered by Council

In considering any application, Council will have regard for the following matters:

- a) Merits – each application be examined on its individual merit having regard for the existing land uses, topography of the land, and its specific location;
- b) Whether the site is in a visually significant location such as on a ridge, close to a national park or nature reserve, visible from a major road, tourist destination or scenic route;
- c) Compatibility with adjoining land uses;
- d) Noise, dust and vibration abatement measures;
- e) Proximity and buffers to water courses;
- f) Drainage implications including surface and groundwater impacts;
- g) Whether the application proposes the clearing of significant remnant vegetation;
- h) Intended end use of the land and future planning for the area under Council's Local Planning Strategy;
- i) Rehabilitation measures;
- j) Weed control;
- k) Environmental management and measures proposed to be undertaken by operators to address environmental issues;
- l) Whether the access roads proposed are suitable for the volume of traffic and type of heavy vehicles proposed;

- m) Whether the site has access to major roads, and whether the existing roads to be used by trucks are in good condition;
- n) Proposed road haulage route and whether the use of any state controlled roads are proposed;
- o) Size of trucks and number of truck movements;
- p) Existence of other extractive industry or heavy haulage-associated use in the vicinity;
- q) Details of the storage of fuel and flammable materials on the site;
- r) Material to be excavated, including maximum depth of excavation, area to be open at any one time and expected pit life; and
- s) Consistency with the purposes and relevant considerations of Special Control Areas in the Scheme.

4.4 Requirement for an Extractive Industry Licence under *Shire of Northam Extractive Industries Local Law 2008*

Where Council has granted Development Approval for an extractive industry, the operator must apply for an Extractive Industry Licence under the provisions of Council's Extractive Industries Local Law 2008. A person must not carry on an extractive industry unless the person is the holder of a valid and current licence.

Approval for an Extractive Industry Licence is not transferable unless written approval is granted by Council, and provided all conditions of the existing approval are met.

On or before 30th June in each year, a licensee shall pay to the Shire of Northam the annual licence fee determined by the Shire of Northam from time to time.

5. **DEVELOPMENT GUIDELINES**

5.1 Boundary setbacks

The following setbacks will generally be applied to excavation areas/pits:

- A minimum of 75 metres to any road or thoroughfare;
- A minimum of 50 metres to any property boundary in a different ownership; and
- A minimum of 50 metres to any water course or stands of remnant vegetation.

5.2 Buffers

Generic buffers to sensitive land uses

Table1

| Industry | Description of Industry | Buffer distance (m) |
|---|--|-------------------------------|
| Clay extraction or processing | Mining, extraction or processing of clay | 500 – 1,000 depending on size |
| Extractive Industry – hard rock | quarrying (including blasting), crushing and screening | 500 - 1,000 depending on size |
| Extractive Industry – sand, gravel & limestone | no grinding or milling works | 300 - 500 depending on size |

5.3 Compliance with mine safety requirements

Council will require the Extractive Industry to comply with all relevant requirements of the *Mines Safety and Inspection Act 1994* and Regulations at all times.

5.4 Requirement to obtain Vegetation Clearing Permit

Where the extractive industry necessitates the removal of native vegetation, the applicant is required to seek and obtain a Vegetation Clearing Permit from the Department of Environment and Conservation in accordance with the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*. It is the responsibility of the applicant and/or landowner to ensure compliance with the Clearing Vegetation Regulations.

5.5 Requirement to obtain registration of licence for a Prescribed Premise

The extractive industry may require registration or a licence as a 'prescribed premise' from the Department of Environment Regulation under Part V of the *Environmental Protection Act 1986 (Environmental Protection Regulations, 1987, Schedule 1)* if:

- Category 12: Licensing is required if the material is screened, washed, crushed, ground, milled, sized or separated and more than 50000 tons/annum is processed.
- Category 70: Registration is required if the material is screened, washed, crushed, ground, milled, sized or separated and more than 5000 tons/annum but less than 50,000 tonnes per annum is processed.
- Category 80: Registration is required if non-metallic minerals are being processed (crushed, ground, milled or separated) and more than 100 tonnes/annum is processed.

5.6 Environmental protection requirements

Where the Extractive Industry is located within a Public Drinking Water Source Area, the operation is to comply with the Department of Water Water Quality Protection Note No.15.

5.7 Weed and disease management plan

Council will require the operator to develop in consultation with the Department of Environment Regulation, a management plan to control the spread of noxious weeds and other harmful diseases.

5.8 Pit Rehabilitation Plan

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

- Restrict the area of open pit to 2 hectares. Larger pits may be considered for extraction where the applicant can demonstrate that it will not have any detrimental impact on the environment or amenity of the area (by lodging a detailed environmental management plan).
- How the portions of land subject to extraction are to be rehabilitated (following each stage of extraction) to allow for future rural use and shall include:-
 - Flattening the land;
 - Spreading of stockpiled topsoil (capable of supporting seed and plant re-growth);
 - Forming stable battered banks not to be steeper than 1 in 5; and/or
 - Revegetation using native trees, shrubs and groundcovers / undergrowth.

5.9 Security for Site Restoration and Reinstatement

For the purpose of ensuring that an excavation site is properly restored and/or reinstated, the Shire of Northam shall require that the operator (licensee) give to the Shire of Northam a bond, bank guarantee or other security, of a kind and in a form acceptable to the Shire of Northam, in or for a sum determined by the Shire of Northam from time to time.

5.10 Road Maintenance Contribution

Those portions of Shire of Northam controlled roads affected by the activities relating to an Extractive Industry site shall be maintained to a standard acceptable to the Shire of Northam at the operator's (i.e. licensee's) cost.

The licensee shall pay an annual road maintenance contribution equivalent to an amount specified as shown at **Table 2** below for expenses incurred by the Shire of Northam for the repair and maintenance of Shire of Northam controlled roads.

Table 2

| Tonnes per annum | Fee per tonne |
|---|---|
| Less than 2,000 tonnes per annum | Nil |
| 2,000 tonnes to 40,000 tonnes per annum | 50c per tonne |
| >40,000 tonnes per annum (per tonne) | As negotiated at time of application (minimum of 50c per tonne) |

The road maintenance contribution shall be based on the estimated tonnage of material to be transported from the Extractive Industry site.

The road maintenance contribution shall be made annually for the lifetime of the facility.

Payment of the road maintenance contribution shall be made in advance, with the first payment due upon the commencement of operations and thereafter on an annual basis.

A report detailing all activities and tonnages of material transported to and from the Extractive Industry site for the financial year period ending 30th June is to be submitted to the Shire of Northam by 31st July each year.

| | |
|------------------------|----------------------|
| <i>Date Adopted:</i> | <i>19 April 2017</i> |
| <i>Date Effective:</i> | <i>17 May 2017</i> |
| <i>Date Reviewed:</i> | |
| <i>Next Review:</i> | <i>May 2019</i> |

LPP22 – UNALLOCATED

LPP 23 - OUTBUILDINGS IN THE RESIDENTIAL & MIXED USE ZONES

LOCAL PLANNING SCHEME NO.6

LOCAL PLANNING POLICY NO.23

- OUTBUILDINGS IN THE RESIDENTIAL & MIXED USE ZONES -

1. PRELIMINARY

1.1 Authority to prepare and adopt a Local Planning Policy

Division 2 of Schedule 2, Part 2, clause 3(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, also known as the '*deemed provisions for local planning schemes*', allows Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area.

This policy will be made effective once Council has completed the process stipulated in clause 4(1) up to and including clause 4(4) of the *deemed provisions for local planning schemes*.

1.2 Relationship of this Policy to the Scheme

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

This Local Planning Policy is not part of the Scheme and does not bind Council in respect of any application for development approval. However, Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

1.3 Relationship of this Policy to the Residential Design Codes

This Policy has been made in accordance with clause 7.3 of the Residential Design Codes (R-Codes). This Policy replaces the *deemed-to-comply* requirements relating to Outbuildings (i.e. Part 5, clause 5.4.3 and Part 6, clause 6.4.4) contained in the R-Codes. This Policy is to be read in conjunction with the R-Codes for other relevant provisions.

2. APPLICATION OF THE POLICY

2.1 Definitions

Carport has the meaning given to it in the R-Codes, namely *a roofed structure designed to accommodate one or more motor vehicles unenclosed except to the extent that it abuts a dwelling or a property boundary on one side, and being without a door unless that door is visually permeable.*

Carports are not considered outbuildings for the purposes of this Policy or the R-Codes and are to be assessed under the provisions of the R-Codes relating to carports.

Deemed-to-comply requirements means those provisions of the R-Codes that does not require the exercise of a discretion for it to be implemented.

Deemed-to-comply development provisions are listed in the right-hand column of Part 5 and Part 6 of the R-Codes and are related to the **design principle* and objectives.

* *Design principles* are listed in the left-hand column of Part 5 and Part 6 of the R-Codes and provide guidance on matters which must be addressed and demonstrated by a proposal and the means of achieving the objective/s.

Garage has the meaning given to it in the R-Codes, namely *any roofed structure, other than a carport, designed to accommodate one or more motor vehicles and attached to the dwelling.*

Detached Garages

For the purposes of this Policy and application of the R-Codes, a garage that is detached from the house is considered an outbuilding.

Attached Garages

Garages that are incorporated into the house design and under the same roof line are to be assessed under the provisions of the R-Codes relating to garages and are not considered outbuildings for the purposes of this Policy or the R-Codes.

Lean-to is an ancillary structure to an outbuilding that is attached to an existing or proposed outbuilding and has at least three open sides, generally designed to accommodate one or more motor vehicles.

Natural Ground Level or “NGL”, is the level on a site which precedes the proposed development, excluding any site works unless approved by the Council or established as part of subdivision of the land preceding development.

Outbuilding has the meaning given to it in the R-Codes, namely *an enclosed non-habitable structure that is detached from any dwelling.*

Policy deemed-to-comply requirements means those provisions listed under section 6.1 up to and including 6.11 of this Policy.

Primary Street has the meaning given to it in the R-Codes, namely *unless otherwise designated by the local government, the sole or principal public road that provides access to the major entry (front door) to the dwelling.*

R-Codes means the State Planning Policy 3.1 *Residential Design Codes of Western Australia.*

Secondary Street has the meaning given to it in the R-Codes, namely *in the case of a site that has access from more than one public road, a road that is not the primary street but which intersects with or adjoins that road.*

2.2 Purpose

The purpose of this Policy is to provide local variation to the provisions of the R-Codes relating to outbuildings.

2.3 Application

This Policy applies to new residential outbuildings on land zoned 'Residential' and 'Mixed Use' as identified by the Scheme.

2.4 Exclusions

This Policy does not apply to:

- Residential outbuildings on land zoned 'Rural Residential', 'Rural Smallholding' or 'Rural' as Local Planning Policy No.24 'Outbuildings in the Rural Residential, Rural Smallholding and Rural Zones' applies in this case;
- Carports, either attached or detached from a house as this form of development will be considered under the R-Codes requirements;
- Garages attached to a house and incorporated under the same roof line;
- Verandahs, patios, pergolas, unenclosed gazebos and similar, as this form of development will be considered under the R-Codes requirements;
- Garden sheds with a floor area of less than 10m² and height of 2.4m and not located in the front setback area;
- Commercial or industrial sheds and outbuildings;
- Detached buildings that are to be used for habitable purposes, such as ancillary dwellings ('granny flats'), as this form of development will be considered under the R-Code requirements for ancillary dwellings, including the provisions of Local Planning Policy No.13 'Ancillary Accommodation'; and
- Sea Containers & other similar storage structures as this form of development will be considered under Clause 4.23 of the Scheme and the provisions of Local Planning Policy No.5 – 'Use and Control of Sea Containers and Similar Storage Containers'.

2.5 Relationship of this Policy to other Local Planning Policies

This Policy is to be read in conjunction with any other relevant Local Planning Policy.

3. **POLICY OBJECTIVES**

The primary objectives of this Policy are to:

- Recognise the unique characteristics of outbuilding development in the Shire not adequately catered for by the R-Codes;
- Provide appropriate development standards for outbuildings that reflect the Shire's climate, lifestyle and built form and do not detrimentally affect the amenity of the property or adjoining properties.

4. **APPROVAL REQUIREMENTS**

4.1 Exemptions under the deemed provisions for local planning schemes

Under Clause 61(1)(i) of the *deemed provisions for local planning schemes*, the Development Approval of the Shire is not required for outbuildings that comply

with the Policy *deemed-to-comply* requirements listed under section 6.1 up to and including 6.11 of this Policy.

The above-mentioned exemption does not apply if the outbuilding is located in a place that-

- comes under the *Heritage of Western Australia Act 1990*;
- is included on a heritage list;
- is located within an area designated under the Scheme as a heritage area;
- is within a Special Control Area under the Scheme; and/or
- accessed by an unconstructed road.

4.2 Variations to the Policy *deemed-to-comply* requirements

Council may approve a development at variance with the Policy *deemed-to-comply* requirements where it believes the variation and outbuilding as proposed: -

- meets the stated *design principle* for outbuilding development;
- meets the primary objectives of this Policy; and
- will not set an undesirable precedent for future development.

4.3 Lean-To Requirements

4.3.1 The maximum size of an ancillary “Lean-To” shall be 30% of the roof cover of the existing or proposed outbuilding.

4.3.2 For the purposes of calculating total floor area of an outbuilding(s), a lean-to is deemed to form part of the overall floor area if it is enclosed on two (2) or more sides (including the shared wall with the existing or proposed outbuilding).

4.3.3 A lean-to shall be constructed of materials that match or complement the proposed / existing adjoining outbuilding.

4.4 Need for a Building Permit

Notwithstanding that Development Approval is not required, or may be granted by Council (as the case might be), a **Building Permit is required to be sought and issued prior to on-site works commencing**. The outbuilding will need to meet all relevant requirements under the Building Code of Australia and Australian Standards. Building Permit fees and levies are payable in accordance with the current Shire of Northam Fees and Charges.

5. **DEVELOPMENT GUIDELINES**

Design Principle

The *design principle* for the development of outbuildings contained in the R-Codes applies, namely:

“Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.”

6. POLICY DEEMED-TO-COMPLY REQUIREMENTS

The Policy *deemed-to-comply* requirements illustrate one way of meeting the stated *design principle* above. Where an outbuilding meets these provisions, it is permitted.

Where an outbuilding does not meet these requirements, Council must consider the proposal in accordance with section 4.2 of this Policy and will impose any conditions it considers necessary for the outbuilding to meet the *design principle* and Policy Objectives or determine the outbuilding cannot adequately meet the *design principle* and Policy Objectives and refuse the application.

The following *deemed-to-comply* requirements replace those contained in clauses 5.4.3 (C3) and 6.4.4 (C4) of the R-Codes: -

‘Deemed-to-comply’ Outbuildings are:

- 6.1 **Not** to be **attached** to a dwelling;
- 6.2 To be **non-habitable** (i.e. not used for residential purposes);
- 6.3 Outbuildings with **maximum permissible floor areas** as follows:-

| Lot Size | Maximum Aggregate Outbuilding Area (m ²) |
|--|--|
| Lot less than 1,000m ² | 80m ² or 10% of the site area whichever is the lesser |
| Lot greater than 1,000m ² but less than 2,000m ² | 90m ² |
| Lot greater than 2,000m ² | 120m ² |

Note: Carports, attached garages, garden sheds with a floor area less than 10m² and other non-enclosed structures are excluded.

- 6.4 **Not** to **exceed** a wall height (measured from NGL) of 3.5m, or 2.7m where the outbuilding is located on or less than 1.0m from a boundary;
- 6.5 **Not** to **exceed** a roof ridge height (measured from NGL) of 4.5m, or 4.2m where the outbuilding is located on or less than 1.0m from a side or rear boundary;
- 6.6 **Not** located **within** the primary street or secondary street setback areas;
- 6.7 **Not** to **reduce** the amount of open space required in Table 1 or Table 4 (as the case might be) of the R-Codes for the density code;
- 6.8 **Setback:**
 - a) 1.0m from a side or rear boundary where the wall length is less than 9m; or
 - b) 1.5m from a side or rear boundary where the wall length is greater than 9m; or
 - c) Less than 1.0m from a side or rear boundary or on the boundary where:
 - (i) the wall height does not exceed 2.7m;
 - (ii) roof ridge height does not exceed 4.2m;

- (iii) wall length does not exceed 9.0m; and
 - (iv) stormwater is contained on the property;
- 6.9 **Constructed** of walls of masonry or non-reflective pre-painted steel cladding that is sympathetic to the surroundings and finish of the existing dwelling on the development site;
- 6.10 **Constructed** of new cladding material; and
- 6.11 **Located** on a property where a house is existing, or where a house is approved concurrently.

| | |
|------------------------|--|
| <i>Date Adopted:</i> | <i>21 June 2017</i> |
| <i>Date Effective:</i> | <i>Pending (ratification by WAPC required)</i> |
| <i>Date Reviewed:</i> | |
| <i>Next Review:</i> | <i>June 2019</i> |

LPP 24 - **OUTBUILDINGS IN THE RURAL RESIDENTIAL, RURAL SMALLHOLDING & RURAL ZONES**

LOCAL PLANNING SCHEME NO.6

LOCAL PLANNING POLICY NO.24

- OUTBUILDINGS IN THE RURAL RESIDENTIAL, RURAL SMALLHOLDING & RURAL ZONES -

1. PRELIMINARY

1.1 Authority to prepare and adopt a Local Planning Policy

Division 2 of Schedule 2, Part 2, clause 3(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, also known as the 'deemed provisions for local planning schemes', allows Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area.

This policy will be made effective once Council has completed the process stipulated in clause 4(1) up to and including clause 4(4) of the *deemed provisions for local planning schemes*.

1.2 Relationship of this Policy to the Scheme

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

This Local Planning Policy is not part of the Scheme and does not bind Council in respect of any application for development approval. However, Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

2. APPLICATION OF THE POLICY

2.1 Definitions

Carport means a roofed structure designed to accommodate one or more motor vehicles unenclosed except to the extent that it abuts a dwelling or a property boundary on one side, and being without a door unless that door is visually permeable.

Carports that are included under the main roof of a dwelling are not subject to this Policy.

Garage means any roofed structure, other than a carport, designed to accommodate one or more motor vehicles and attached to the dwelling.

Detached Garages

A garage that is detached from the house is considered an outbuilding.

Attached Garages

Garages that are incorporated into the house design and under the same roof line are not subject to this policy.

Lean-to is an ancillary structure to an outbuilding that is attached to an existing or proposed outbuilding and has at least three open sides, generally designed to accommodate one or more motor vehicles.

Natural Ground Level or “NGL”, is the level on a site which precedes the proposed development, excluding any site works unless approved by the Council.

Outbuilding means an enclosed non-habitable structure that is detached from any dwelling.

2.2 Application

The purpose of this Policy is to provide development controls for the construction of residential outbuildings in the ‘Rural Residential’, ‘Rural Smallholding’ and ‘Rural’ zones as identified by the Scheme.

2.4 Exclusions

This Policy does not apply to:

- Residential outbuildings on land zoned ‘Residential’ and ‘Mixed Use’ as Local Planning Policy No.23 ‘Outbuildings in the Residential and Mixed Use Zones’ applies in this case;
- Carports included under the main roof of a dwelling;
- Garages attached (i.e. structurally joined) to a house and incorporated under the same roof line;
- Verandahs, patios, pergolas, unenclosed gazebos and similar;
- Garden sheds with a floor area of less than 10m² and height of 2.4m and not located in the front setback area;
- Commercial or industrial sheds and outbuildings;
- Detached buildings that are to be used for habitable purposes, such as ancillary dwellings (‘granny flats’), as this form of development will be considered under the provisions of Local Planning Policy No.13 ‘Ancillary Accommodation’; and
- Sea Containers & other similar storage structures as this form of development will be considered under Clause 4.23 of the Scheme and the provisions of Local Planning Policy No.5 – ‘Use and Control of Sea Containers and Similar Storage Containers’.

2.5 Relationship of this Policy to other Local Planning Policies

This Policy is to be read in conjunction with any other relevant Local Planning Policy.

3. **POLICY OBJECTIVES**

The primary objectives of this Policy are to:

13. Recognise the unique characteristics of rural residential development within the Shire as it relates to outbuilding size and construction;
14. Provide Acceptable Development standards for outbuildings in rural residential areas; and
15. Ensure that constructed outbuildings are not utilised for unapproved purposes.

4. APPROVAL REQUIREMENTS

4.1 Exemptions under the deemed provisions for local planning schemes

- 4.1.1 Under Clause 61(1)(i) of the *deemed provisions for local planning schemes*, the Development Approval of the Shire is not required for outbuildings, detached carports and detached garages that comply with the Development Guidelines listed under section 5.1 up to and including 5.13 of this Policy.

The above-mentioned exemption does not apply if the outbuilding is located in a place that-

- comes under the *Heritage of Western Australia Act 1990*;
- is included on a heritage list;
- is located within an area designated under the Scheme as a heritage area;
- is within a Special Control Area under the Scheme; and/or
- accessed by an unconstructed road.

4.2 Variations to the Development Guidelines

- 4.2.1 Where an outbuilding is proposed that does not meet one or more requirements of this Policy, a written justification of the variation to the Policy sought is required to be lodged for consideration together with the Application.
- 4.2.2 Council will take into account the following matters when considering granting approval to a development that varies a provision of this Policy:
- Consistency with the primary objectives of this Policy; and
 - the likely impact on the amenity of the locality and adjoining properties.
- 4.2.3 Where Council considers the proposed variation will adversely impact on the amenity of the locality and adjoining properties, it may place conditions on the approval to ensure the development complies with this Policy or refuse the application outright.

4.3 Lean-To Requirements

- 4.3.1 The maximum size of an ancillary "Lean-To" shall be 30% of the roof cover of the existing or proposed outbuilding.
- 4.3.2 For the purposes of calculating total floor area of an outbuilding(s), a lean-to is deemed to form part of the overall floor area if it is enclosed on two (2) or more sides (including the shared wall with the existing or proposed outbuilding).
- 4.3.3 A lean-to shall be constructed of materials that match or complement the proposed / existing adjoining outbuilding.

4.4 Need for a Building Permit

Notwithstanding that Development Approval is not required, or may be granted by Council (as the case might be), a **Building Permit is required to be sought and issued prior to on-site works commencing**. The outbuilding will need to meet all relevant requirements under the Building Code of Australia and Australian Standards. Building Permit fees and levies are payable in accordance with the current Shire of Northam Fees and Charges.

5. DEVELOPMENT GUIDELINES

5.5 Floor area

The following maximum floor area for a single outbuilding and the combined floor area for all outbuildings on a single lot will apply, dependent on the size of the lot:

| Lot Size | Maximum Outbuilding Size | Maximum Combined Area of all Outbuildings |
|-----------|--------------------------|---|
| Under 2ha | 200m ² | 200m ² |
| 2ha-5ha | 250m ² | 250m ² |
| 5ha-40ha | 300m ² | 500m ² |
| Over 40ha | 1,000m ² | Assessed on a case-by-case basis |

Any outbuilding that does not meet the above floor area limitations will require the approval of full Council.

5.2 Height

The following maximum wall (measured from NGL) and roof ridge height for outbuildings will apply:

| Zone | Wall Height | Ridge Height |
|--------------------|-------------|------------------------------|
| Rural Residential | 4m | 5m |
| Rural Smallholding | 4.5m | 5.5m |
| Rural | 5m | Assumed at a 10 degree pitch |
| Rural (over 40ha) | 6m | Assumed at a 10 degree pitch |

Any outbuilding that does not meet the above wall and ridge height limitations will require the approval of full Council.

5.3 Boundary Setbacks

All outbuildings shall employ the minimum setback distances as provided in Table 2 (Site and Development Requirements Table) of the Scheme.

5.4 Building Envelopes

All outbuildings shall be located wholly within any building envelope required by the Scheme.

5.5 Wall and door cladding

In areas zoned “Rural Residential” and “Rural Smallholding”, walls of steel outbuildings greater than 10m² in floor area are to be clad in a pre-painted steel sheeting and in a colour that complements the main dwelling.

The use of masonry or other non-steel cladding on outbuildings is to be in a style and colour that complements the main dwelling on the property.

5.6 Roof cladding

In areas zoned “Rural Residential” and “Rural Smallholding”, un-painted roof sheeting can be used on all outbuildings where staff are satisfied that reflection will not cause undue impact to neighbouring properties or passing road traffic.

5.7 Use of second-hand materials

The use of second-hand materials is permitted only with full Council approval and where the materials have been approved for reuse by a private building certifier and certified by a structural engineer.

Council’s approval is subject to any conditions deemed appropriate to give the materials an “as new” appearance.

5.8 Outbuildings on vacant land

Construction of an outbuilding on a vacant lot is not permitted unless: -

- an application to construct a dwelling on the lot is made and approved prior to or at the same time as an application for the outbuilding is made; or
- proof of financial commitment (e.g. a contract entered into between a builder and the owner) has been provided as well as financial evidence to demonstrate capability to pay for completion of a dwelling; and
- payment of a \$5,000 bond. This bond is fully refundable upon the Shire having received the notice of completion (Form BA7) from the builder for a residence on the same property.

5.9 Ablutions in outbuildings

Ablutions will only be permitted to be installed in outbuildings where an existing dwelling is located on the same lot.

Ablutions are not permitted in outbuildings approved on vacant land under the provisions of section 5.8 of this Policy unless ablutions are required in conjunction with an approval under Council’s ‘Temporary Accommodation during Construction of a Dwelling’ Policy H 6.5.

5.10 Habitation

No outbuilding is to be used for habitation without prior Council approval and the meeting of the relevant construction requirements for a habitable building

contained in the Building Code of Australia. Where relevant, approval of an ancillary dwelling in accordance with the provisions of Council's Scheme will be required.

5.11 Commercial use

Use of outbuildings for commercial purposes is not permitted. Use of an outbuilding for a home occupation or cottage industry is to be in accordance with Council's Home Occupation, Home Business and Cottage Industry requirements.

5.12 Detached carports and garages

In addition to the maximum combined floor area permitted for outbuildings, a detached carport or garage up to 40m² is permitted provided there is no garage incorporated under the main roof of the dwelling.

5.13 Outbuildings in bushfire prone areas

Outbuildings within bushfire prone areas should be located in cleared areas. Where required, outbuildings are to be constructed in accordance with *Australian Standard AS 3959* construction standards.

5.14 Other requirements

All relevant requirements of Council's Scheme, Council Policies and Local Laws and relevant environmental health and building legislation are applicable to the development of outbuildings.

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|------------------------|---------------------|
| <i>Date Adopted:</i> | <i>21 June 2017</i> |
| <i>Date Effective:</i> | <i>4 July 2017</i> |
| <i>Date Reviewed:</i> | |
| <i>Next Review:</i> | <i>July 2019</i> |