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# LOCAL PLANNING SCHEMES POLICY MANUAL

CURRENT AS AT  
3 DECEMBER 2018



## History Summary

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Item	Meeting	Action	Description
	22 May 2012	Resolution (Agenda item 10.1.729)	Council adopted revised development policies D1,2,3,4,6,7,8, and retained D5.
	26 June 2012	Resolution (Agenda item 10.1.739)	Council adopted new policy D9. Parking of Commercial Vehicles
	12 February 2013	Resolution 1213.003	Council adopted new policy D10. Advertisement Design
	24 June 2014	Resolution 0614.82	D5. Extended Trading Hours Policy rescinded.
	12 July 2016	Resolution 0714.187	D1 Delegations repealed in favour of delegations 10.2, 10.3 and 10.4 contained within the Register of Delegations.
	3 December 2018	Editing	Insertion of Preface and formatting.

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## **Preface**

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### **Scheme (Text & Maps), Strategy and Policy**

This Policy Manual contains all current policies of the Council adopted pursuant to the following:

- Former Shire of Narrogin Town Planning Scheme No. 2 consistent with clause 8.7 of the Scheme
- Former Town of Narrogin Town Planning Scheme No. 2 consistent with clauses 3.3.4 and 7.9 of the Scheme.

### **General**

A Local Planning Scheme is subsidiary legislation of the Planning and Development Act, and therefore has the force of being enacted by Parliament, in the same way that Regulations are. Compliance with the Scheme is mandatory on both Council and community, except where the Scheme permits some discretion. Councils can and have been prosecuted for non-compliance with their Planning Schemes.

Although it is known as Council's Planning Scheme, in real terms, Council is an advisor to the WA Planning Commission (WAPC) who stipulates all aspects of review and preparation of a Scheme.

WAPC directions, instructions and policies also determine how the Scheme is to be prepared as do the Residential Design Codes of Western Australia.

Once it is prepared to their satisfaction, taking into account Council's opinions and input, the Scheme is recommended to the Minister responsible for planning, before being signed into law and published in the Government Gazette as subsidiary legislation under the Planning and Development Act.

Should provisions of the Planning Scheme ever be needed to be produced in Court, the documents that would need to be presented would be the original or certified copies as held by the WAPC.

The Planning Scheme, Maps, Strategy and Policy are generally over-ridden by –

- Commonwealth and State legislation and regulations.

The Planning Scheme Text and Maps override –

- Local Laws
- Council resolutions
- Delegations Register
- Council Policy
- Executive Instructions
- Local Government Guidelines –
  - although are not decisions of Council, close observance is strongly recommended
- Administrative directions/instructions.

The Planning and Development Act 2005 and the Planning and Development (Local Planning Schemes) Regulations, now refers to Local Planning Scheme, rather than Town Planning Scheme, as statutory planning must now be carried out for the whole of a district, and not just townsites.

Scheme amendments can be made between reviews, but must follow the general process of a Scheme review/adoption. However, since an amendment is usually much smaller and dealing with just one or a few specific matters, the process is typically much quicker.

### **Planning Scheme**

The Planning Scheme is not just the text, but includes the maps, as they are referred to in the Scheme text, and have the same force in law. Compliance with Scheme text and maps is mandatory unless discretions are provided for in the Scheme itself. Should there be an appeal against a Council planning decision, it is usually referred to the State Administrative Tribunal in the first instance.

Planning Scheme 3 – The Act also requires that a Local Planning Scheme (LPS) – strategy, text and maps – be reviewed at least once in every five years.

It is expected that Local Planning Scheme No.3 for the merged Shire of Narrogin will be Gazetted in 2019.

The new LPS documents will be –

- Strategy – an outline of the future intentions of Council for the control of development and guides the development of the Scheme
- Scheme Text – outlines the mandatory requirements for development, although many discretionary decisions are available
- Scheme Maps – referred to in the text, and compliance is therefore mandatory
- Planning Policies – to be made under the authority of the Scheme

NOTE – the LPS does not come into effect until Gazetted.

### **Planning Strategy**

WAPC also require that a Local Planning Strategy must be prepared as the first part of the Scheme process. While the Scheme itself stipulates how development (types of buildings, land use etc) is to be done, the Strategy indicates Council's intentions for development in the future, and guides the development and use of the Scheme to achieve these ends.

### **Planning Policy**

Planning Policies are made under the authority of the Scheme, and are generally applied as conditions to a development. 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. Planning Policies have consequently a similar impact to that of Local Laws. However, different rules and requirements are needed for the adoption of a Planning Policy as compared to the process for adoption of a Local Law.

## **Former Shire of Narrogin Town Planning Scheme No 2 Local Planning Scheme Policies**

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Nil

## **Former Town of Narrogin Town Planning Scheme No. 2 Local Planning Scheme Policies**

### **D1 – Delegated Authority**

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History:           Adopted 22 May 2012 (Agenda Item 10.1.729)  
                      Repealed 12 July 2016 (Resolution No. 0714.187)

## **D2 – Subdivisions/Amalgamations**

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History: Adopted 22 May 2012 (Agenda Item 10.1.729)

### **Objectives**

To ensure that proposals for subdivision and/or the amalgamation of land occurs in accordance with the principals of orderly and proper planning and do not prejudice the future development of the townsite.

### **Purpose**

The purpose of this policy is to outline the circumstances in which the Town of Narrogin may be prepared to support applications for subdivision/amalgamation with the Town.

### **Interpretation**

For the purpose of this policy, all terms and references shall have the same meaning as given by the provisions of the Town of Narrogin's Town Planning Scheme No 2 and the Planning and Development Act.

### **Permissibility**

All applications for Subdivision/Amalgamation are lodged with, and determined by the Western Australian Planning Commission who generally take into account the comments of the Local Authority.

### **Assessment**

Prior to providing comment on any application for subdivision/amalgamation for land within the Town of Narrogin, the following matters shall be taken into account:

- a. The Town of Narrogin does not support the amalgamation of more than two residential lots within the townsite, unless prior planning consent has been granted to a co-ordinated development over the land;
- b. All applications for subdivision are to be assessed against the criteria for minimum lot size as identified by the Residential Design Codes of Western Australia for the density identified by TPS No 2.
- c. All new lots should be physically capable of development and use in accordance with the Scheme and other normal requirements for the intended purpose.
- d. Any proposal for the amalgamation of more than two lots may only be determined by Council.
- e. Any application for subdivision of any land into more than 5 lots shall only be determined by Council.
- f. The Chief Executive Officer is granted delegated authority to determine applications for subdivision proposing the creation of 5 lots or less, applications seeking to amalgamate not more than two existing residential lots and all other amalgamations.
- g. The Town of Narrogin shall utilise, where possible, standard conditions of subdivision approval as endorsed by the Western Australian Planning Commission.



## **D3 – Residential Development in Central Business Zone**

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History: Adopted 22 May 2012 (Agenda Item 10.1.729)

### **Objectives**

To ensure that proposals for residential development in the Central Business Zone are compatible with and do not prejudice the primary purpose of the Zone or the Heritage Values of existing buildings in the precinct.

### **Purpose**

The purpose of this policy is to outline the circumstances in which the Town of Narrogin may be prepared to conditionally approve the establishment of Residential Development within the Central Business Zone and the procedure to be followed by Town of Narrogin staff when considering such applications.

### **Interpretation**

For the purpose of this policy, all terms and references shall have the same meaning as given by the provisions of the Town of Narrogin's Town Planning Scheme No 2.

### **Permissibility**

The provisions of the Town of Narrogin's TPS No 2 permit the establishment of residential accommodation in the form of "Shop with Dwelling Above" only. Such a use is "PS" use in the Zone, being a use that is not permitted unless special approval is granted by the Town.

No other form of residential development may be approved within the Central Business Zone.

### **Assessment**

In assessing the suitability of establishing a Shop with Dwelling Above, the following matters shall be taken into account:

- a. The development shall comply with the Multiple Dwelling Requirements as identified by the Residential Design Codes of Western Australia
- b. No residential use may be proposed within ground floor areas (including outdoor) with exception of required parking.
- c. The form, design and location of the residential development (including private open space) must be compatible with the primary purpose of the Zone, being as a regional centre for retailing, employment, entertainment, cultural and other non-residential activities; and
- d. The development, including the proposed appearance, must be in the opinion of Council, compatible with existing commercial premises in the area (including any heritage buildings).
- e. The proposed development must be located so as not to result in land use conflict with other established commercial premises in the vicinity.

## **D4 – Home Based Business**

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History: Adopted 22 May 2012 (Agenda Item 10.1.729)

### **Objectives**

The objective of this policy is to guide the establishment and ongoing operation of residential based business activity within the Single Residential, Other Residential, Rural-Residential and Rural Zones within the Town of Narrogin in manner so as to protect the amenity of the area and ongoing viability of commercial and Industrial Areas within the Town.

### **Purpose**

The purpose of this policy is outline the requirements for all forms of Home Based Business within the Town of Narrogin and the procedure to be followed by Town of Narrogin staff when considering such applications.

### **Interpretation**

For the purpose of this Policy the following definitions, as identified by TPS No 2 and the Planning and Development Act 2005, shall apply:

**Commercial Vehicle:** means a vehicle whether licensed or not, and shall include motor propelled caravans, trailers, semi-trailers, earth moving machines whether self propelled or not, motor wagons, buses and tractors and their attachments but shall not include any, motor car or any other vehicle whatsoever the weight of which is less than 3.5 tonnes.

**Cottage Industry:** being a small arts and craft home based business which occupies not more than 55m<sup>2</sup> that does not employ persons not members of the family as identified by the provisions of TPS No 2 relating to Industry - Cottage.

**Home Business:** “home business” means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which –

- (a) does not employ more than 2 people not members of the occupier’s household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 50 square metres;
- (d) does not involve the retail sale, display or hire of goods of any nature;
- (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone;

**Home Occupation:** being a small based home business occupying not more than 20m<sup>2</sup>, employment of persons not members of the family, retailing or a commercial vehicle more than 2 tonnes as defined by the provisions of Town Planning Scheme No 2.

**Home Office:** means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not –

- (a) entail clients or customers travelling to and from the dwelling;
- (b) involve any advertising signs on the premises; or
- (c) require any external change to the appearance of the dwelling;

### **Permissibility**

The provisions of the Town of Narrogin's TPS No 2 list Home-Occupation as an 'IP' use within the Single Residential Zone. That is a use which may be permitted as incidental to the predominant use.

A Cottage Industry is identified by the Scheme as being an "AP" use within the Rural and Rural Residential Zones. That is a use which may be permitted by Council after advertising of the proposal.

The Town of Narrogin is unable to legally approve a Home-Occupation outside of the Single Residential Zone or a Cottage Industry outside of the Rural/Rural-Residential Zone, given the current provisions of the Scheme (ie clause 2.2.1-2.2.3 of the Scheme).

The Scheme does not define or list Home Office or Home Business as permissible uses in any zone within the Town of Narrogin. As a result all applications for a Home Office may only be considered in accordance with clause 2.2.5 of the Scheme.

By adopting this policy, the Council has determined that:

- i. a Home Office may be established within the Single Residential, Other Residential, Rural-Residential and Rural Zones only.
- ii. A Home Business may be established within the Rural-Residential and Rural Zones only.

### **Approval Not Required**

The Town of Narrogin has determined that home based business complying with the definition of a Home Office is not considered development under the Scheme given that the activity will not impact on the character or amenity of the area. As a result such businesses are exempt from the need to apply for Council's prior planning consent.

### **Application**

Where an application is to be made for Council's Planning Consent, the submitted details should include:

- A completed Application for Planning Consent (Form 1) and payment of the required fee in accordance with the Town of Narrogin's adopted budget;
- Payment of all costs associated with advertising of the proposal for public comment (where required);
- Site and Floor Plans plan confirming the area of the home and associated outbuildings to be utilised for the business.
- Confirmation of all activities to be undertaken;

- Confirmation of the proposed number of employees associated with the business and their relationship to the occupier of the home.

### **Assessment of Proposals**

In considering applications for approval to Home Based Business, Council shall have regard to the following:

- a. Compliance with the respective definitions for Home Business, Home Office, Home-Occupation and Cottage Industry and those matters detailed in clause 3.1.5 of TPS No 4.
- b. The provision of off street /on site parking for the business requirements.
- c. Any application for approval to a home based business involving more than one commercial vehicles shall only be determined by Council following advertising of the proposal.
- d. *No Home based business shall employ a maximum of three (3) staff, including members of the family.*
- e. *No Home Occupation or Home Business proposed within the Residential Zone may involve the parking of a commercial vehicle at the property.*
- f. Where no objections are received in response to advertising of the proposal, the Chief Executive Officer is granted delegated authority to conditionally approve the application without any further consideration of Council.
- g. All applications for Home Business, Home Occupation and Cottage Industry shall be advertised in accordance with clause 3.1.4 and 6.4 of TPS No 4.
- h. All permits for Home Business, Home Occupation and Cottage Industry shall be limited to 12 months in accordance with clause 3.1.5 of TPS No 2.

### **Approval Conditions**

Conditions of approval shall be applicable as deemed necessary by the Director of Technical and Environmental Services. Without limiting the generality of the foregoing, approvals are to contain conditions to address the following:

- a. The development hereby approved shall occur in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of Council. (P)
- b. All parking associated with the activity hereby approval shall be wholly contained on site to the satisfaction of the Director of Technical and Environmental Services.
- c. The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason or appearance or the emission of noise, vibration, odour, vapour, dust, waste water, waste products or otherwise.
- d. In the case of a Home Occupation, Home Office, or a Cottage Industry, the activity must not employ any person not a member of the occupier's family;
- e. In the case of Home Business, Home-Occupation and Cottage Industry the activity must not display a sign exceeding one fifth of a square metre in area. No signs shall be permitted for a home office unless otherwise approved by Council;
- f. This approval shall expire if the development hereby permitted is not completed within two years of the date hereof, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to Council, is granted by it in writing.

## **D5 – Extended Trading Hours**

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History:           Adopted 22 May 2012 (Agenda Item 10.1.729)  
                      Repealed 24 June 2014 (Resolution No. 0614.82)

## **D6 - Ancillary Accommodation**

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History: Adopted 22 May 2012 (Agenda Item 10.1.729)

### **Objectives**

1. To provide for a housing type that accommodates the needs of large or extended families without compromising the landscape, character, environmental attributes and amenity of the area.
2. To allow greater flexibility in the size of ancillary accommodation in rural areas whilst ensuring that it remains related to and subordinate to the main dwelling.
3. Ensure the development of ancillary accommodation does not encourage the future subdivision of land.

### **Purpose**

The purpose of this policy is to outline the circumstances in which the Town of Narrogin may be prepared to conditionally approve the establishment of Ancillary Accommodation within the Town and the procedure to be followed by Town of Narrogin staff when considering such applications.

### **Interpretation**

For the purpose of this policy, Ancillary Accommodation shall have the same meaning as given to the terms in the Residential Design Codes of Western Australia, being:

**Ancillary Accommodation:** means self contains living accommodation on the same lot as a single house that may be attached or detached from the single house, occupied by members of the same family as the occupiers of the main dwelling.

### **Permissibility**

The current provisions of the Town of Narrogin's TPS No 2 do not define or list Ancillary Accommodation as a permissible use in any zone within the Town of Narrogin. As a result all applications for Ancillary Accommodation are to be considered as a "use not listed" in accordance with clause 2.2.5 of the Scheme.

By adopting this policy, the Council has determined that Ancillary Accommodation may be considered within the Single Residential, Other Residential, Rural-Residential and Rural Zones only. The Council considers that the location of Ancillary Accommodation in other zones shall not be permitted.

### **Assessment**

In assessing the suitability of establishing Ancillary Accommodation, Council shall have regard to the following:

- a) A single house must have already been established on the land or be intended to be established on the land concurrent with the construction of the ancillary accommodation.
- b) Not more than one ancillary accommodation unit is to be constructed on any property.
- c) The ancillary accommodation may either be attached or detached from the main dwelling.

- d) The maximum floor area for ancillary accommodation approved under this policy is 100 square metres. Any proposal for larger than 100 square metres may only be determined by Council.
- e) The occupant(s) of the ancillary accommodation are to be members of the family occupying the main dwelling.
- f) Approval to an ancillary accommodation unit shall not be used to support in any way the future subdivision or strata subdivision of the lot.
- g) One additional parking space is to be provided for the ancillary accommodation unit, whether in the form of a garage or carport.
- h) Within the Rural and Rural-Residential Zones, the ancillary accommodation is to be sited in close proximity to the existing residence, to give the appearance of one development and shall utilise the same driveway access as the main dwelling.
- i) All services for the Ancillary Accommodation Unit including water and electricity shall be connected to the same service point/metre as the main dwelling.

### **Conditions of Approval**

Conditions will be applied to approvals as deemed necessary. Without limiting the generality of Council discretion, approvals are to contain the following conditions:

1. The development hereby approved shall occur in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of Council. (P)
2. The applicant entering into a deed of agreement restricting the occupancy of Accommodation to members of the same family occupying the main dwelling. This deed, which must result in a memorial being placed on the title of the land shall be prepared at the applicants cost.
3. Approval to Ancillary Accommodation is not to be used as justification for subdivision or strata titling of the land.
4. This approval shall expire if the development hereby permitted is not completed within two years of the date hereof, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to Council, is granted by it in writing.

## **D7 – Planning Policy Relating to Bed and Breakfast Accommodation**

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History: Adopted 22 May 2012 (Agenda Item 10.1.729)

### **Objectives**

The objective of this policy is to guide the establishment of Bed and Breakfast Accommodation within the Town of Narrogin so as to ensure that the establishment does not detract from the surrounding residential area.

### **Purpose**

The purpose of this policy is outline the requirements for Bed and Breakfast Accommodation in the Town and the procedure to be followed by Council staff when considering such applications.

### **Interpretation**

For the purpose of this Policy “Bed and Breakfast Accommodation” shall be defined as follows:

**Bed & Breakfast Accommodation:** *means a dwelling, or associated residential building on the same property, used by a resident of the dwelling, to provide accommodation for persons away from normal place of residence on a short-term commercial basis and includes the provision of breakfast.*

### **Permissibility**

The current provisions of the Town of Narrogin’s TPS No 2 does not define or list Bed and Breakfast as a permissible use in any zone within the Town of Narrogin. As a result all applications for Bed and Breakfast Accommodation are to be considered as incidental to the predominant use (residential) in accordance with clause 2.2.5 of the Scheme.

By adopting this policy, the Council has determined that a Bed and Breakfast Facility may be considered within the Single Residential, Other Residential, Rural-Residential and Rural Zones only. The Council considers that the location of Bed and Breakfast accommodation in other zones shall not be permitted.

### **Application**

Where an application is to be made for Council’s Planning Consent, the submitted details should include:

- A completed Application for Planning Consent (Form 1)
- A site plan confirming the parking available for both residents and guests;
- A floor plan confirming those rooms that are to be used for Bed & Breakfast Accommodation (maximum of two bedrooms, one bathroom)
- Confirmation of how many guests will be catered for at any one time (maximum of four guests).

### **Assessment of Proposals**

In considering applications for approval to Bed and Breakfast Accommodation, Council shall have regard to the following:



- a) A maximum of two bedrooms and one bathroom shall be used for Bed & Breakfast Accommodation and these rooms shall be located under the main roof of the dwelling on site.
- b) Off street/on site parking to be provided at the ratio of one car bay for every guest bedroom, in addition to two carparking bays required for the dwelling.
- c) Prior to the consideration of an application for Bed and Breakfast Accommodation, the proposal shall be advertised for public comment in accordance with 6.3.2 of the Scheme.
- d) Where no objections are received in response to advertising of the proposal, the Chief Executive Officer is granted delegated authority to conditionally approve the application without any further consideration of Council.

### **Approval Conditions**

Conditions of approval shall be applicable as deemed necessary by the Director of Technical and Environmental Services. Without limiting the generality of the foregoing, approvals are to contain the following conditions:

- a) The development hereby approved shall occur in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of Council. (P)
- b) All parking associated with the activity hereby approval shall be wholly contained on site to the satisfaction of the Director of Technical and Environmental Services.
- c) The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason or appearance or the emission of noise, vibration, odour, vapour, dust, waste water, waste products or otherwise.
- d) The activity must not employ any person not a member of the occupier's family;
- e) The activity must not display a sign exceeding one fifth of a square metre in area;
- f) This approval shall expire if the development hereby permitted is not completed within two years of the date hereof, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to Council, is granted by it in writing.

## **D8 – Oversize Outbuildings**

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History: Adopted 22 May 2012 (Agenda Item 10.1.729)

### **Objectives**

The objective of this policy is to guide the establishment of outbuildings within the Rural and Rural Residential Zones and Residential outbuildings in the Single Residential and Other Residential Zones where the proposed building will exceed the maximum specifications identified by Town Planning Scheme No 2.

### **Purpose**

The purpose of this policy is clarify/review the maximum size outbuildings that may be permitted within the Town of Narrogin.

### **Interpretation**

For the purpose of this Policy all terms shall have the same meaning as defined by TPS No 2 and the Planning and Development Act 2005, shall apply:

### **Permissibility**

Clause 3.4.9 of the Town of Narrogin's TPS No 2 stipulates that within the Single Residential and Other Residential Zone, Council's prior planning consent will be granted for outbuildings with a maximum wall height of 3.0 metres that complies with the following:

- a. a non-masonry outbuilding that does not exceed 55m<sup>2</sup> in area, with a total of 75m<sup>2</sup>; and
- b. a masonry outbuilding having the same appearance of the house that does not exceed 75m<sup>2</sup>, provided such outbuildings do not have a wall length of more than 8 metres or involve a parapet wall (ie nil setback to boundary).

Where a parapet wall is proposed to be constructed the scheme requires that the written agreement of the affected adjoining landowner will be required.

Pursuant to Part 6.2 of the Scheme, the Council may relax a requirement or standard prescribed by the Scheme provided that it is satisfied that approval to the variation will not detrimentally impact on the amenity of the area or adversely impact on the inhabitants of the locality amongst other things.

By adopting this policy, the Council has determined that standards and requirements of the scheme in relation to the maximum size of outbuildings may be relaxed where such outbuildings comply with the requirements of this policy.

### **Approval Not Required**

Council's prior planning consent is not required for any masonry outbuilding less than 75m<sup>2</sup> in area, or 55m<sup>2</sup> in the case of non-masonry construction, provided that the development will not involve the construction of a parapet wall.

### **Application**

Where an application is to be made for Council's Planning Consent, the submitted details should include:

- A completed Application for Planning Consent (Form 1) and payment of the required fee;
- Payment of all costs associated with advertising of the proposal for public comment (where required);
- Site, Floor Plans and elevations demonstrating the proposed floor area and wall heights of the proposed outbuilding; and
- Confirmation of the purpose of the outbuilding.

### **Assessment of Proposals**

- 1) Notwithstanding the provisions of clause 3.4.9, the following maximum sizes shall apply to outbuildings proposed within the Single Residential, Other Residential, Rural-Residential and Rural Zones:

Zone	Size	Maximum Wall Height
Single Residential	10% of the lot size or 60m <sup>2</sup> whichever is the great	As per Residential Design Codes
Other Residential	10% of the lot size or 60m <sup>2</sup> whichever is the great	As per Residential Design Codes
Rural & Rural Residential	10% of the lot size	N/A

- 2) Side setbacks for outbuildings within the Single Residential & Other Residential Zones shall comply with clause 3.4.9 of the Scheme.
- 3) Within the Single Residential & Other Residential Zones outbuildings that are not of masonry construction shall be constructed using non-reflective materials (ie colourbond).
- 4) Proposals that comply with the above criteria, may be approved by the Chief Executive Officer under delegated authority.
- 5) Any proposal to vary the above sizes, required setbacks or building materials may only be determined by Council.

### **Approval Conditions**

Conditions of approval shall be applicable as deemed necessary by the Director of Technical and Environmental Services. Without limiting the generality of the foregoing, approvals are to contain conditions to address the following:

1. This approval shall expire if the development hereby permitted is not completed within two years of the date hereof, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to the Town, is granted by it in writing.
2. The development hereby approved shall occur generally in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of the Town of Narrogin.

3. Unless otherwise approved by Council, the outbuilding hereby approved shall be used for domestic purposes only including the storage, garaging of vehicles or other approved purposes associated with the property, **excluding human habitation**.
4. Building materials to be of a colour not detrimental to the character of the natural landscape of the locality, that is colours to be non-reflective and of muted tones, ie. muted tones of colour not zinalume.

Advice to Applicant:

Any use, additions to and further intensification of any part of the development or land which is not in accordance with the original application or conditions of approval shall be subject to a further development application and consent for that use.

## **D9 – Commercial Vehicle Parking**

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History: Adopted 26 June 2012 (Agenda Item 10.1.739)

### **Objectives**

To facilitate the controlled parking of commercial vehicles in Residential and Rural Environments, in circumstances where it can be demonstrated that the parking will not detrimentally impact on the amenity of the adjacent property or the locality in general.

### **Purpose**

The purpose of this policy is to outline the circumstances in which the Town of Narrogin may be prepared to conditionally approve the parking of Commercial Vehicles and the procedure to be followed by Town of Narrogin staff when considering such applications.

### **Interpretation**

For the purpose of this policy, all terms and references shall have the same meaning as given by the provisions of the Town of Narrogin's Town Planning Scheme No 2 (TPS No 2). Commercial Vehicle, which is not defined by the provisions of TPS No 2, is defined as follows for the purposes of this policy.

*“Commercial Vehicle – means a vehicle whether licensed or not, and shall include motor propelled caravans, trailers, semi-trailers, earth moving machines whether self propelled or not, motor wagons, buss and tractors and their attachments, but shall not include any motor car, or any vehicle what so ever the weight of which is less than 3.5 tonnes.”*

### **Application of Policy**

This Policy applies to the Single Residential, Other Residential, Rural-Residential (Special Rural) and Rural Zones following zones as identified by TPS No 2.

### **Statutory Environment**

The provisions of Town Planning Scheme No 2 define a “Transport Depot” as follows:

*“Transport Depot – means land and buildings used for the garaging of motor vehicles used, or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one such motor vehicle to another such motor vehicle, and includes maintenance, management and repair of the vehicles used, but not of other vehicles”*

TPS No 2 provisions recognise that not all commercial vehicle parking falls with the definition of Transport Depot. To this end, clause 3.1.6 of TPS No 2 regulates the parking of commercial vehicles within a residential zone. The Scheme does not however define the terms “Commercial Vehicle” or “Commercial Vehicle Parking”, nor does it identify commercial vehicle parking as a use within the Zoning and Development Table.

In addition to the above, the State Administrative Tribunal has made a number of decisions in respect to classifying the parking of commercial vehicles as a use. In each case the Tribunal has made a determination having regard to the scale of the activities being undertaken and whether the drivers resided on the site. For example where a single vehicle is stored, the

driver resides on site and the activity only involves the parking of the vehicle, the Tribunal has determined this does not constitute a Transport Depot, but should be classified as Parking of a Commercial Vehicle.

### **Permissibility**

The Parking of Commercial Vehicles is not a listed use within Town Planning Scheme No 2. Where a proposal does not in the opinion of Council constitute a Transport Depot, Council may at its discretion consider approving the use as a “Use not listed” in accordance with clauses 2.2.5 to 2.2.7 of TPS No 2. However prior to approving such a use, the application must be advertised for public comment.

### **Assessment Criteria**

The following criteria and attached Commercial Vehicle Parking Table will be used by the Town of Narrogin in assessing all applications seeking approval to, or involving the parking of commercial vehicles within the Single Residential, Other Residential, Special Rural (Rural-Residential) and Rural Zones:

- a. All applications for the parking of commercial vehicles must be advertised in accordance with clause 2.2.7 and clause 6.3.2 of Town Planning Scheme No 2, prior to being considered by Council.
- b. As detailed by clause 3.1.6 of Town Planning Scheme No 2, the parking of more than one commercial vehicle is not permitted within the Single Residential or Other Residential Zone as identified by the Scheme.
- c. An application for planning consent is not required for the parking of a single commercial vehicle in the Single Residential and Other Residential Zone, however the parking of a commercial vehicle must comply with clause 3.1.6 of the Scheme and the provisions of this policy.
- d. Within the Special Rural (Rural-Residential) and Rural Zone, Council’s prior planning consent is required for the parking of a commercial vehicle. Parking of a commercial vehicle without Council’s prior planning consent is an offence.
- e. Council will only approve the parking of a commercial vehicle where that vehicle forms an essential part of the occupants occupation, or is necessary for the use and management of the subject land. Only bona-fide residents on the property may drive the commercial vehicles approved for commercial vehicle parking on any lot in any zone.
- f. The maximum number of commercial vehicles on any land shall comply with Table No 1 attached to this policy.
- g. The parking of commercial vehicles shall not involve the storage of a load, or equipment ancillary to the commercial vehicles and shall only relate to the parking and the general movements or operation of that vehicle.
- h. Unless otherwise approved by Council, commercial vehicles approved for parking on any lot shall be parked behind the front setback line, screened from view or within a garage.
- i. The parking of a commercial vehicle and its associated movements shall not, in the opinion of Council adversely impact on the amenity of the adjacent land, or land within the locality in general and must be consistent with the objectives of the relevant zone;
- j. Council may vary the requirements of this policy and permit the parking of commercial vehicles in excess of the numbers prescribed in Table No 1, provided that the application has been advertised for public comment and Council is of the opinion that approval to the application will not result in detrimental impacts on the landscape and amenity of the area.

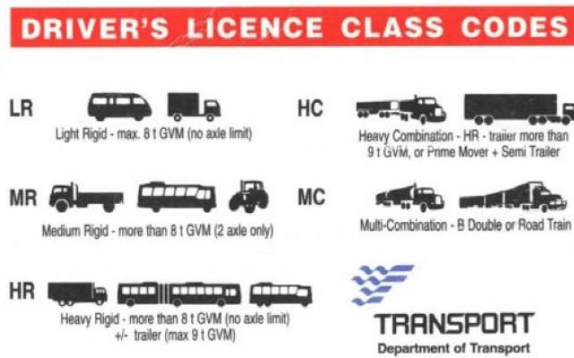
- k. Where the parking and associated vehicle movements are found to be detrimentally impacting on the amenity of the adjacent lots, or the locality in general, Council may revoke the approval to park the commercial vehicle.

**Standard Conditions to be Applied**

Without limiting the conditions that may be imposed, where Council approves the parking of a commercial vehicle, the following conditions will generally be applied:

- i) Any commercial vehicle approved for parking shall be accommodated within a garage or outbuilding, or shall be parked behind the front setback and screened from the street and adjacent properties in a manner satisfactory to Council.
- ii) The Parking of any commercial vehicle shall not detrimentally impact on the amenity of the adjacent property or the locality in general through the emission of light, noise, vibration, smell, fumes, smoke or dust.
- iii) No vehicle repairs, other than minor servicing shall be permitted in the Single Residential, Other Residential or Rural-Residential Zones. Where servicing is undertaken this shall only occur within a garage or other outbuilding.
- iv) No commercial vehicle movements associated with commercial vehicle parking are permitted between the hours of 8pm and 6am.
- v) The approval shall be personal to the applicant and shall not run with the land, or be transferrable to any other person.
- vi) If in the opinion of Council, approval to the parking of a commercial vehicle results in a nuisance or annoyance to the owners or occupiers of the adjacent land or the locality in general, the Council may revoke the approval.
- vii) Any other conditions as deemed applicable.

**Table No 1 – Parking of Commercial Vehicles**



Zoning	License Class Code that may be permitted	Council will generally not support the parking of commercial vehicles in excess of the following:
Single Residential & Other Residential	LR	Single Vehicle Garaged or Adequately screened; and May include trailer subject to adequate screening
Special Rural/Rural (Rural-Residential) Greater than less than 2ha	LR or MR	Maximum of Two LR Vehicles or One MR Garaged or Adequately screened; and May include trailer subject to adequate screening
Special Rural/Rural (Rural-Residential) Greater than 2ha but less than 5ha	LR or MR	Maximum of Two LR Vehicles or One MR Adequately screened; and May include trailer subject to adequate screening
	HR	Single Vehicle Garaged or adequately screened May include trailer subject to adequate screening
Rural Greater than 5ha	LR, MR or HR	Maximum of Two vehicles Adequately screened May include trailer subject to adequate screening.
	HC	Single vehicle; and Garaged or adequately screened;
	MC	Single Vehicle; Direct access or lot frontage to a distributor or major road.

\*Note: The parking of more than two commercial on any lot falls within the land use classification of Transport Depot and shall not be approved under the guidelines for Parking of a Commercial Vehicle.



## **D10 - Advertisement Design**

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History: Adopted 12 February 2013 (Resolution No. 0213.003)

### **Objectives**

It is Council's objective to regulate advertisements within the Town of Narrogin in a manner so as to protect the amenity of the area, whilst still allowing adequate signage to promote local business.

### **Purpose**

The purpose of this policy is to:

- a. Outline all Council requirements and assessment criteria for the erection or display of advertising devices within the Town of Narrogin.
- b. Advise potential advertisers of the specifications and arrangements for the manufacture and erection of signs and devices within the Town of Narrogin.

### **Interpretation**

Except as detailed below, all terms and references shall have the meaning applied by the Town of Narrogin Town Planning Scheme No 2 and the Town of Narrogin By-Laws relating to Signs, Hoardings and Bill Posting. Where there is a conflict between the Scheme and By-Laws, the provisions of the Scheme shall prevail.

### **Application Requirements**

Except those advertisements that are exempt under Clause 5.4 of the Scheme, all advertisements, whether fixed or freestanding, require the Planning Consent of Council, in addition to a Sign Licence. Applications for Council's Planning Consent shall consist of the following:

- A completed Application for Planning Consent detailing the sign type (ie Civil, commercial, directional).
- A detailed site plan outlining all existing improvements on the site and the location of the proposed sign.
- Dimensions, style of sign, including lettering type and size.
- Electrical connection details and Western Power approval, where applicable.
- Applications for Freestanding or Sandwich board signs shall detail the method of securing the sign.

### **Assessment of Proposals**

#### **Size, Location and Minimum Standards**

Except where specified by this Policy, all signs shall comply with the maximum size, location criteria and minimum standards prescribed by the Town of Narrogin By-Laws Relating to Sign, Hoardings and Bill Posting

## Physical Characteristics

Within the Town of Narrogin rotating, flashing or pulsating signs are not permitted.

## **Erection, Maintenance and Alteration of Signs and Devices**

The sign owner is responsible for the erection, maintenance and any alteration to a sign or device. The sign or device shall be kept in a clean, tidy and safe condition in accordance with the requirements of Town of Narrogin Town Planning Scheme No 2.

## **Prohibited Signs**

No sign shall be approved, erected or maintained:

- a. So as to obstruct the view from a street or public place, of traffic in the same street or public place.
- b. So as to be likely confused with, or mistaken for, an official traffic light or sign, or so as to contravene the Road Traffic Act 1974 or the Traffic Regulations.
- c. Except with the specific approval of Council, on any ornamental tower, spire, dome or similar architectural feature or on a lift machinery room, bulkhead over stairs or other superstructure over the main roof of a building.
- d. On any land classified by Council's adopted Town Planning Scheme for residential or grouped dwelling development.
- e. On any building of which the stability is, in the opinion of the Principal Building Surveyor, likely to be affected by the sign.

## **Variations**

Where a proposed sign does not conform to the requirements of this Policy, conditional Approval may be granted by Council provided that:

- a. The proposal is consistent with the provisions and objectives of the Town of Narrogin Town Planning Scheme No. 2 and the Town of Narrogin Local Laws and Local By-Laws.
- b. The proposal will not detrimentally impact on the amenity of the area, or obscure attractive streets or landscaping.

## **Commercial Signs**

Not more than one freestanding sign may be permitted per business.

Not more than one sandwich board sign, not exceeding 900mm in width and 1200mm in height, shall be permitted per business. Such signage shall be located a minimum distance of 200mm from the kerb line and shall not interfere with the free movement of pedestrians or vehicular movements. With the exception of directional signs, commercial signs shall only be approved on the site of the business to which they relate.

## **Heritage Buildings**

Heritage Buildings as Identified in the Town of Narrogin Town Planning Scheme 2, signs which extend the height of a building, dominate the building or screen parts of the building are not appropriate. Signs should be located on the gable end, parapet, verandah or awning edge or end, or above and below windows and generally, should not be fixed to windows.

In addition to the provisions for Commercial signs, signs within these Buildings shall generally conform to the design guidelines shown in the Town Planning Scheme 2 and comply with the following requirements:

#### Physical Characteristics

Style and colour are not restricted; however they should be consistent with the building style and period, to the satisfaction of Council. Where possible, externally illuminated signs should be used. Flashing, pulsating or rotating signs are not appropriate. Internally illuminated and neon signs may only be permitted at the discretion of Council where the proposed sign refers to the Business Name only.

#### Freestanding Signs

Where approved by Council, freestanding or sandwich board signs shall be of routed wood construction, consistent with the Heritage concept and shall be of a style and colour, which promotes this theme.

### **Main Roads**

All signs within and abutting Clayton Road, Great Southern Highway, Williams Road, Herald Street and Kipling Street shall accord with the requirements of Main Roads WA. Signs shall only be permitted where promoting a function or event, or an approved subdivision as outlined below. Commercial signs not relating to the site will not be permitted.

### **Subdivisional Signs**

Where the Western Australian Planning Commission approves a subdivision and substantial subdivisional works have commenced, Council may permit signage promoting the sale of the land.

Preferably, such signage should be erected on the land being subdivided. However, where this is not possible Council may permit one sign within or adjacent to main distributor roads subject to the following conditions:

- a. The sign having a maximum area of 20m<sup>2</sup>.
- b. The sign being within 1.5km to the turn-off from the main distributor road to the subdivision.
- c. Approval being obtained from Main Roads WA.

### **Temporary Signs**

Council may approve a temporary Community Banner or Sign on land under the care and control of Council. The banner shall:

- a. Advise of a meeting, show, fete or exhibition conducted by a community service club, sporting religious, or other non-profit organisations.
- b. Be no greater than six metres in area.
- c. Be placed or erected not more than fourteen days prior to the event and removed the day after the event.
- d. Not to be fixed to a street tree.

### **Election Signage (Temporary)**

An election sign is a sign which encourages persons to vote for a candidate, political party or matter, relating to any federal, state or local government election.

Election signs are exempt where they:

- Are erected on private property with the approval of the landowner of that property;
- Do not exceed one such sign per street frontage;
- Do not exceed 0.75m<sup>2</sup> in area;
- Are erected no more than 28 days prior to the date of the election to which it relates; and
- Are removed within 7 days of the date of the election.

### **Civil Signs:**

Except where outlined by this Policy only civil signs may be located at intersections within the Town. All civil signs shall have a 105mm width blade, with 100 mm high lettering.

Within the municipality civil signs fall into the following categories:

- Street Signs – being Black on Yellow background.
- Directional Signs - white on blue background with crest and distance, eg Narrogin 6km.
- Heritage Signs - Leaf brown background with white upper case CLARENDON style lettering, or alternatively of approved Heritage Colours.
- Tourist Signs - Off-white or beige background with upper case CLARENDON style,
- Heritage coloured lettering, eg brown, deep reds, deep greens etc.
- Townsite or Approach Sign - being green background with white lettering.

### **Parkland Signs**

Where a reserve has been, or is proposed to be, vested with the Town of Narrogin then signage advising of the reserve purpose may be erected with the approval of Council. Such signs shall be:

- a. White lettering on brown background.
- b. Consistent with a post and rail (three rail) concept, of routed wood construction.
- c. Erected on two supporting poles having a maximum height of two metres.

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- End -