

## **HEALTH, BUILDING & PLANNING POLICIES – INDEX**

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<b>Policy Type:</b>	Health, Building & Planning
<b>Date Adopted:</b>	

<b>Policy No:</b>	<b>1</b>
<b>Date Last Reviewed:</b>	May 2002 – Minute #10165

<b>Legal (Parent):</b>
<ol style="list-style-type: none"> <li>Local Government Act 1995 (As Amended) – Section 6.10.</li> <li>Australian Accounting Standards</li> </ol>

<b>Legal (Subsidiary):</b>

<b>Delegation of Authority Applicable</b>
No

<b>Delegation No.</b>

**ADOPTED POLICY**

<b>Title:</b>	<b>1. SWIMMING POOL INSPECTION</b>
<b>Objective:</b>	<ol style="list-style-type: none"> <li>That Council appoint as its “authorised officer” and delegate authority to its Environmental Health Officer or any officer appointed by Council to act in this capacity, to conduct private swimming pool inspections in accordance with the provisions of the Local Government Act.</li> <li>That Council charge \$50 for each private swimming pool fence inspection after the initial inspection which will be included as part of the building approved inspection.</li> </ol>

<b>Policy Type:</b>	Health, Building & Planning
<b>Date Adopted:</b>	

<b>Policy No:</b>	<b>2</b>
<b>Date Last Reviewed:</b>	

<b>Legal (Parent):</b>
<ol style="list-style-type: none"> <li>1. Local Government Act 1995 (As Amended) – Section 6.10.</li> <li>2. Australian Accounting Standards</li> </ol>

<b>Legal (Subsidiary):</b>

<b>Delegation of Authority Applicable</b>
No

<b>Delegation No.</b>

<b>ADOPTED POLICY</b>
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<b>Title:</b>	<b>2. SPORTSGROUND</b>
<b>Objective:</b>	<ol style="list-style-type: none"> <li><b>1. Construction or Amendment to Buildings</b> All applications shall be referred to the Sportsground Advisory Committee prior to consideration by Council. The Committee may refer any application to other users of the Sportsground likely to be affected by the application.</li> <li><b>2. Advertising Signs</b> Signs displaying or promoting tobacco products shall be prohibited from being erected or otherwise displayed as free standing or affixed to the external walls of buildings or fences within Council Reserves.  Proposed signs shall require Council approval.</li> <li><b>3. Future Development</b> Further development of the Sportsground shall be co-ordinated by the Sportsground Advisory Committee subject to Council approval to ensure planned and co-ordinated development of facilities.</li> <li><b>4. Woolorama Committee</b> Council grant the Woolorama Committee with a blanket exemption from the Policy controlling discount sales from outside vendors for all their stall holders during the annual Woolorama</li> </ol>

<b>Policy Type:</b>	Health, Building & Planning
<b>Date Adopted:</b>	

<b>Policy No:</b>	<b>3</b>
<b>Date Last Reviewed:</b>	May 2005 – Minute # 11107

<b>Legal (Parent):</b> <ol style="list-style-type: none"> <li>Local Government Act 1995 (As Amended) – Section 6.10.</li> <li>Australian Accounting Standards</li> </ol>
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<b>Legal (Subsidiary):</b>
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<b>Delegation of Authority Applicable</b>
No

<b>Delegation No.</b>

<b>ADOPTED POLICY</b>	
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<b>Title:</b>	<b>3. DISCOUNT SALE – OUTSIDE VENDOR</b>
<b>Objective:</b>	Council does not hire out any council facility to any person or organisation for the sale or auctioning of goods for profit unless approved by Council. Local organisations, clubs, groups or church organisations are exempted from this policy. Any exemption to be granted only by the Chief Executive Officer.

<b>Policy Type:</b>	Health, Building & Planning
<b>Date Adopted:</b>	

<b>Policy No:</b>	<b>4</b>
<b>Date Last Reviewed:</b>	May 2002 – Minute #10165

<b>Legal (Parent):</b>
<ol style="list-style-type: none"> <li>1. Local Government Act 1995 (As Amended) – Section 6.10.</li> <li>2. Australian Accounting Standards</li> </ol>

<b>Legal (Subsidiary):</b>

<b>Delegation of Authority Applicable</b>
Yes

<b>Delegation No.</b>

<b>ADOPTED POLICY</b>	
<b>Title:</b>	<b>4. APPROVAL/REFUSAL OF BUILDING APPLICATION</b>
<b>Objective:</b>	Council delegates authority to the Principal Environmental Health Officer/Building Surveyor to issue a building licence to those applications in conformity to the Building Code of Australia and those not in conformity to be referred to Council.

<b>Policy Type:</b>	Health, Building & Planning
<b>Date Adopted:</b>	

<b>Policy No:</b>	<b>5</b>
<b>Date Last Reviewed:</b>	May 2005 – Minute #11107

<b>Legal (Parent):</b>
<ol style="list-style-type: none"> <li>1. Local Government Act 1995 (As Amended) – Section 6.10.</li> <li>2. Australian Accounting Standards</li> </ol>

<b>Legal (Subsidiary):</b>

<b>Delegation of Authority Applicable</b>
Yes

<b>Delegation No.</b>

<b>ADOPTED POLICY</b>
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<b>Title:</b>	<b>5. DUMPING OF GRAIN</b>
<b>Objective:</b>	<p>That delegated authority be provided to the Chief Executive Officer to accept small quantities of spoilt grain for disposal at the Wagin Refuse Site provided that Council charges private works rates for its staff time required. Further that requests for disposal of larger quantities of spoil grain be referred to Council.</p> <p>Note: The Chief Executive Officer is to use his discretion in determining small and large quantities. A small quantity as a guide could be 1 truck load and covered.</p>

<b>Policy Type:</b>	Health, Building & Planning
<b>Date Adopted:</b>	

<b>Policy No:</b>	<b>6</b>
<b>Date Last Reviewed:</b>	May 2005 – Minute#11107

<b>Legal (Parent):</b>
<ol style="list-style-type: none"> <li>Local Government Act 1995 (As Amended) – Section 6.10.</li> <li>Australian Accounting Standards</li> </ol>

<b>Legal (Subsidiary):</b>

<b>Delegation of Authority Applicable</b>
No

<b>Delegation No.</b>

**ADOPTED POLICY**

<b>Title:</b>	<b>6. THE HEALTH AND SAFETY REQUIREMENTS OF CONTRACTORS</b>
<b>Objective:</b>	<p>The Council requires contractors to inform each of their employees of the policies, procedures and information on potential hazards contained in this document before they commence work on Council premises.</p> <p>An induction checklist is attached to this document that shall be signed by the employee and the employer/contractor representative to indicate that the employee has an adequate understanding of the policies, procedures and information on potential hazards contained in this document and given to the Safety and Health Co-ordinator before work commences.</p> <p>Contractors shall provide each employee with:</p> <ul style="list-style-type: none"> <li>• a copy of this document; and</li> <li>• a copy of the Council's Emergency Evacuation Procedures</li> <li>• a copy of the Emergency Procedure the Services Failure</li> </ul> <p>Copies of such documents to be made available to the contractor.</p> <p>The Safety and Health Co-ordinator shall ensure that each Contractor has been suitably inducted to enable compliance with these procedures.</p> <p><b>COUNCIL CONTRACT</b></p> <p>All contractors and or employees shall report to the nominated Council Officer prior to commencement of any work. The nominated Council Officer in this instant is.....</p> <p><b>PLANNING AND DESIGNING THE WORK</b></p>

Prior to any work being undertaken, the Contractor shall take appropriate steps to ensure adequate planning and design of the work and processes have been carried out to avoid any foreseeable safety and health issues.

Also the contractor shall ensure that adequate supervision of the work is provided and that staff have been appropriately trained for the tasks which they are required to undertake.

### **ROADWORKS AND PUBLIC PLACES**

The contractor shall ensure that when working on roadways, reserves or public places that suitable signage is provided in accordance with Main Roads WA Traffic Management for Roadworks General Field Guide and provision of signage is supervised by a accredited person to ensure the safety of the general public and the workforce alike.

Road safety jackets are to be worn at all times when undertaking works on road reserves, or in public places by all employees.

### **EMERGENCY PROCEDURES**

Contractors shall ensure each employee is aware of emergency procedures to be taken in the event of:

- a fire
- an emergency evacuation
- a bomb threat
- having to contact a warden

### **FIRST AID**

Contractors shall ensure each employee is aware of the location of first aid boxes or cabinets readily accessible on Council premises.

### **SMOKING**

Contractors shall ensure each employee is aware of Council's smoking policy and areas in which smoking is not permitted.

### **INFORMATION ON POTENTIAL HAZARDS**

Contractors and their employees are required to carry out their work in such a manner that does not expose themselves or occupants of the workplace to hazards.

The Council has considered the hazards likely to be encountered during maintenance of Council premises and equipment and what action is required to prevent exposure. The following information outlines appropriate regulations, standards or procedures should a potential hazard be encountered.

### **ASBESTOS**

Any equipment or plant containing asbestos material which is required to be removed, shall be removed in accordance with Part 8, Division 1, of the Occupational Health, Safety and Welfare Regulations 1988.



**ATMOSPHERIC QUALITY**

The contractor shall take effective measures in accordance with Regulation 330 to control the level of all gases, vapours, dust or other airborne contaminants that may be generated.

**CONFINED SPACE WORK**

The contractor shall ensure that all work in a confined space, such as in a lift shaft, air conditioning ducts, in false ceilings and drainage/sewerage pits, tanks, tunnels is carried out in accordance with Regulation 320 and AS 2865-1986.

**ELECTRICAL SAFETY**

All electrical installation, maintenance, modification and/or removal in or on Council premises and equipment shall be carried out by licensed electricians in accordance with Regulation 334, AS3000-1986 and AS1076.

All portable electric power driven equipment used by contractors shall comply with Regulation 944 and shall have earth leakage circuit protection provided in accordance with Regulation 946. All electrical equipment shall be inspected and tested in accordance with Regulation 947.

**ESSENTIAL SERVICES**

The contractor shall arrange work practices and schedules to ensure minimal disruption to all essential services including telephones, electrical supply, lifts, access to first aid facilities, access to air-conditioning, lighting and kitchen facilities.

**HAZARDOUS SUBSTANCES**

All hazardous substances used shall have a Material Safety Data Sheet (MSDS) whose format is consistent with the "Guidance Note for Completion of a Material Data Sheet" published by the National Occupational Health and Safety Commission. A copy of the MSDS shall be provided to the Safety and Health Co-ordinator.

The storage, use, transport and disposal of all hazardous substances shall be undertaken in accordance with the information supplied on the respective MSDS.

**MANUAL HANDLING**

The contractor shall ensure that all manual handling occurs in accordance with the "Code of Practice for Manual Handling" released by Worksafe Western Australia.

**NOISE HAZARDS**

The contractor shall comply with Regulations 302 to 313, both with respect to their own employees and those of the Council. Reference should be made to the "Code of Practice for Noise Control in the Workplace" published by Worksafe Western Australia.

**NOISE NUISANCE**

Unless suitable arrangements have been made, potentially noisy activities shall be carried out prior to 0800 hours and after 1700 hours or on weekends and public holidays. AS 2107-1987 table 1 provides guidance.

## **PAINTS, SOLVENTS AND ADHESIVES**

Where practicable all paints and adhesives used shall be water based. All paints, solvents and adhesives shall be used or applied in such a manner as to minimise the generation of fumes (vapour) and mists.

## **PERSONAL PROTECTIVE EQUIPMENT**

All personal protective equipment and clothing shall be selected, used and maintained in accordance with the relevant Australian Standard including:

Eye protection	AS 1336-1982
	AS 1337-1984
	AS 1338-1981
Respiratory Protection	AS 1715-1991
	AS 1716-1991
Safety Helmets	AS 1801-1981
Hearing Protection	AS 1269-1989
	AS 1270-1988
Safety Footwear	AS 2210-1980
Safety Gloves	AS 2161-1978

## **SILICA DUST**

The generation of airborne silica dust is hazardous and should be controlled by using local extraction systems connected to the machinery generating the dust. Silica is a component of bricks, concrete, tiles and other building materials. The occupational exposure standard for respirable silica dust is 0.1mg/m<sup>3</sup> averaged over 8 hours.

## **SYNTHETIC MINERAL FIBRES (SMF)**

All SMF's shall be used and handled in accordance with the "Code of Practice for the Safe Handling of Synthetic Mineral Fibres" published by the National Occupational Health and Safety Commission

## **EMERGENCY CONTACT NUMBERS**

In the case of an emergency the following numbers should be used:

Dial	000
Wagin Police	98 611211
Wagin Hospital	98 611033
Wagin Shire Office	98 611177
Wagin Shire Depot	98 611252
In Case of Fire Use UHF Radio Channel 5 or dial 000	

## **CONTRACTORS INDUCTION CHECK LIST**

The Council requires employers/contractors to instruct their employees in the following safety, health policies and procedure and information on potential hazards, before they commence working on Council premises.

Indicate with a tick that your employee has achieved an adequate understanding of the policy or

procedure to enable them to work safely.

**(1) INDUCTION**

**Fire**

**Location of:**

- Extinguishers
- Alarms
- Wardens
- Emergency Exits

**Knowledge of:**

- Procedure in the event of fire
- Extinguisher operation

**EMERGENCY EVACUATION**

- Procedure for evacuation in an emergency
- Assembly area location

**BOMB THREAT**

- Procedure in the event of bomb threat

**WARDEN**

- Location of warden
- Location of deputy warden

**FIRST AID**

- Location of first aid cabinet
- Other special instructions

**GENERAL**

- Smoking policy
- Information on potential hazards
- Other special instructions
- Copy of documents from Co-ordinator

**DECLARATION**

I,.....Employees Name

an employee of.....Employer's name

.....Address

declare that I have an adequate understanding and will abide by the Council's Occupational Safety and Health Policies and Procedures for employees of contractors working on Council premises.

.....(Signature) .....(Date)

.....

(Signature of Employers/Representative)

**SHIRE OF WAGIN**  
**EMERGENCY PROCEDURE**  
**FOR**  
**SERVICE FAILURE**

Note that all services should be suitably located, any approval required on insurances necessary should be obtained prior to the commencement of works.

In the event of a service failure the following procedure should be followed in the specific instance.

**1. Road or Bridge Failure**

In the event of a failure to road or bridge the managing authority should be contacted immediately. The Managing Authority will be either.

- a) Main Roads Western Australia (on a Main Road)  
Contact: Jim Crombie Narrogin Office  
Phone: 98 810566
- b) Local Government Shire of Wagin  
Contact: Works Manager  
Phone 98 611252  
98 611038 a/h  
or CEO  
Phone 98 611177  
98 611692 a/h

If possible note the road name and describe the location and the hazard occurring.

**2. Electricity Failure**

Notify

- a) Western Power Phone 131351  
Emergency 98 211330
- b) Local Government Shire of Wagin  
contact Works Manager  
Phone 98 611252  
98 611038 a/h  
or Chief Executive Officer  
Phone 98 611177  
98 611692 a/h

Report the type of failure and any danger or hazards which exist. Where necessary for public safety cordon off the hazard until relief arrives. **DO NOT TOUCH POWER LINES. KEEP PUBLIC WELL CLEAR.**

**3. Sewerage and Water Failures**

Notify as soon as possible the following agencies.

- 1. Water Corporation Phone 131375

2. Local Government Shire of Wagin  
 contact Works Manager  
 Phone 98 611252  
                   98 611038   a/h  
 or CEO  
 Phone 98 611177  
                   98 611692   a/h

Report the type of failure and any danger or hazard which exists. Where necessary cordon off the hazard until relief arrives.

4. **Telephone Failure**

Notify as soon as possible the following agencies.

1. Telstra                   Phone 132255
2. Local Government Shire of Wagin  
 contact Works Manager  
 Phone 98 611252  
                   98 611038   a/h  
 or CEO  
 Phone 98 611177  
                   98 611692   a/h

5. **Other**

In the case of other service failures contact the Wagin Shire.

Works Manager  
 Phone 98611252  
 A/H 98611038  
 Chief Executive Officer  
 Phone 98611177  
 A/H 98611692

In emergencies the following emergency numbers are applicable.

Dial	000 in Emergency	
Police	98 611211	
Fire Brigade	000	
Ambulance	98 611033	
or	000	
Hospital	98 611033	
or	000	
Doctors Surgery	98 611633	
Veterinary Surgeon	98 611844	018 900908 mobile

<b>Policy Type:</b>	Health, Building & Planning
<b>Date Adopted:</b>	

<b>Policy No:</b>	<b>7</b>
<b>Date Last Reviewed:</b>	September 1998 – Minute #8516

<b>Legal (Parent):</b>
<ol style="list-style-type: none"> <li>1. Local Government Act 1995 (As Amended) – Section 6.10.</li> <li>2. Australian Accounting Standards</li> </ol>

<b>Legal (Subsidiary):</b>

<b>Delegation of Authority Applicable</b>
No

<b>Delegation No.</b>

<b>ADOPTED POLICY</b>
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<b>Title:</b>	<b>7. SMOKING AT SWIMMING POOL AND COUNCIL BUILDINGS</b>
<b>Objective:</b>	<p>The Shire of Wagin recognises that passive smoking is hazardous to health and that non-smokers should be protected from the involuntary inhalation of tobacco smoke. Accordingly, the following policy devised by the Shire of Wagin applies to the Wagin Swimming Pool as from the 1<sup>st</sup> October 1998. This policy applies to all Councillors, Staff, visitors, and members of the public visiting the swimming pool.</p> <p><b><u>Non Smoking Areas</u></b></p> <p>Smoking is prohibited in all buildings, covered areas and paved concourse around pools at the Wagin Public Pool.</p>

<b>Policy Type:</b>	Health, Building & Planning
<b>Date Adopted:</b>	

<b>Policy No:</b>	<b>8</b>
<b>Date Last Reviewed:</b>	April 1999 – Minute#8752

<b>Legal (Parent):</b>
<ol style="list-style-type: none"> <li>1. Local Government Act 1995 (As Amended) – Section 6.10.</li> <li>2. Australian Accounting Standards</li> </ol>

<b>Legal (Subsidiary):</b>

<b>Delegation of Authority Applicable</b>
No

<b>Delegation No.</b>

**ADOPTED POLICY**

<b>Title:</b>	<b>8. SMOKING IN ENCLOSED COUNCIL BUILDINGS AND VEHICLES</b>
<b>Objective:</b>	<p>That Council adopt the following policy to prohibit smoking in all Council buildings that the public has access to and all enclosed Council vehicles.</p> <p>The Shire of Wagin recognises that passive smoking is a hazard to health and that non-smokers should be protected from involuntary inhalation of tobacco smoke. Accordingly the following policy devised by the Shire of Wagin is to apply at all times in the following places;</p> <ol style="list-style-type: none"> <li>1. No smoking in any Council building that the public normally has access to.</li> <li>2. No smoking in any enclosed cab of any Council vehicle.</li> </ol>

<b>Policy Type:</b>	Health, Building & Planning
<b>Date Adopted:</b>	

<b>Policy No:</b>	<b>9</b>
<b>Date Last Reviewed:</b>	May 2005 – Minute #11107

<b>Legal (Parent):</b>
<ol style="list-style-type: none"> <li>1. Local Government Act 1995 (As Amended) – Section 6.10.</li> <li>2. Australian Accounting Standards</li> </ol>

<b>Legal (Subsidiary):</b>

<b>Delegation of Authority Applicable</b>
No

<b>Delegation No.</b>

## ADOPTED POLICY

<b>Title:</b>	<b>9. RELOCATED BUILDING AND DWELLINGS</b>
<b>Objective:</b>	<p>Any person wishing to relocate a building within the Shire of Wagin must first receive Council's planning approval before a building licence will be issued. In matters of emergency such applications shall be referred to Council's Health, Building and Planning Committee which has delegated authority to approve developments of this type. The following conditions shall apply to all applications for planning approval:</p> <ol style="list-style-type: none"> <li>1. Plans and specifications together with photographs and a structural engineers or building surveyors report of the proposed building must be submitted to Council / Council's Health, Building and Planning Committee prior to approval.</li> <li>2. If approval to the application is granted Council may require the building to be painted externally and all external defects rectified within six (6) months of the building being positioned on its new site.</li> <li>3. Council may require that any sub-floor space under any building built on stumps be enclosed by either brick, stone, fibro sheeting or vermin proof battens placed horizontally with the openings not greater than 50% of the width of the batten, or such other materials as approved by Council.</li> <li>4. All asbestos shall be removed in accordance with the Health (Asbestos) Regulations 1992.</li> <li>5. Prior to Council issuing a building licence the applicant will be required to lodge with the Shire of Wagin a bond of \$1 500.00 which will be refunded at the completion of the following stages:</li> </ol>



	<ul style="list-style-type: none"><li>a) After the building has been positioned on its new site and all conditions relative to the external appearance of the building have been fulfilled to the satisfaction of Council's Building Surveyor, an amount of \$500.00 will be refunded;</li><li>b) On certification of the septic tank installation or connection to sewer a further \$500 will be refunded; and</li><li>c) The remaining \$500.00 will be refunded to the applicant when the building has been completed and approved including removal of all rubbish and building material.</li></ul>
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<b>Policy Type:</b>	Health, Building & Planning
<b>Date Adopted:</b>	

<b>Policy No:</b>	<b>10</b>
<b>Date Last Reviewed:</b>	June 2003 – Minute #10573

<b>Legal (Parent):</b>
<ol style="list-style-type: none"> <li>1. Local Government Act 1995 (As Amended) – Section 6.10.</li> <li>2. Australian Accounting Standards</li> </ol>

<b>Legal (Subsidiary):</b>

<b>Delegation of Authority Applicable</b>
No

<b>Delegation No.</b>

<b>ADOPTED POLICY</b>	
<b>Title:</b>	<b>10. LAND SUBJECT TO DAMPNES OR FLOODING</b>
<b>Objective:</b>	Council is aware that areas within the Shire of Wagin may be subject to inundation. Apart from those areas subject to inundation which are designated on maps Council reserves the right to prohibit construction of buildings in areas considered by Council to be subject to inundation unless the proponent can establish the 100 year flood level and a practising structural engineer certifies the suitability of the site and the method of construction to be used.

<b>Policy Type:</b>	Health, Building & Planning
<b>Date Adopted:</b>	

<b>Policy No:</b>	<b>11</b>
<b>Date Last Reviewed:</b>	May 1999 – Minute #8782

<b>Legal (Parent):</b>
<ol style="list-style-type: none"> <li>1. Local Government Act 1995 (As Amended) – Section 6.10.</li> <li>2. Australian Accounting Standards</li> </ol>

<b>Legal (Subsidiary):</b>

<b>Delegation of Authority Applicable</b>
No

<b>Delegation No.</b>

**ADOPTED POLICY**

<b>Title:</b>	<b>11. DEVELOPMENT OF LOTS ABUTTING UNCONSTRUCTED ROADS</b>
<b>Objective:</b>	<p>Council is aware that there are a number of unconstructed roads in the Wagin townsite. Where an application is made for planning consent in respect of land abutting an unconstructed road Council reserves the right to:</p> <ol style="list-style-type: none"> <li>a) refuse the application until the road has been constructed;</li> <li>b) approve the application subject to a condition that the applicant contribute to the cost of constructing the road; or</li> <li>c) require other permanent access arrangements to the satisfaction of the Council.</li> </ol>

<b>Policy Type:</b>	Health, Building & Planning
<b>Date Adopted:</b>	

<b>Policy No:</b>	<b>12</b>
<b>Date Last Reviewed:</b>	May 1999 – Minute #8984

<b>Legal (Parent):</b>
<ol style="list-style-type: none"> <li>1. Local Government Act 1995 (As Amended) – Section 6.10.</li> <li>2. Australian Accounting Standards</li> </ol>

<b>Legal (Subsidiary):</b>

<b>Delegation of Authority Applicable</b>
No

<b>Delegation No.</b>

**ADOPTED POLICY**

<b>Title:</b>	<b>12. RESIDENTIAL DEVELOPMENT STANDARDS – PROPOSED SUBDIVISION OF WAGIN TOWN LOTS 741 &amp; 752 PEDERICK DRIVE WAGIN</b>
<b>Objective:</b>	<p>Council shall apply the following standards to all future residential development within the subdivision of Wagin Town Lots 741 &amp; 752 Pederick Drive:</p> <ol style="list-style-type: none"> <li><b>i) Minimum Floor Area</b> All dwellings shall have a minimum floor area of 120 square metres (excluding garages and open terraces).</li> <li><b>ii) Building Materials – External Walls</b> All external walls of the dwelling house are to be constructed predominantly of brick, brick veneer, rammed earth or masonry. All external walls of other buildings shall be the same as the dwelling house or of colorbond.</li> <li><b>iii) Building Setbacks</b> The dwelling house shall have a minimum setback of 6 metres from the front boundary. Side and rear setbacks for the dwelling house and other buildings shall be in accordance with the minimum requirements of the Residential Planning Codes of Western Australia.</li> <li><b>iv) Fencing</b> All boundary fencing shall have a maximum height of 1.8 metres. No fence of asbestos or fibro cement is permitted to be constructed on any part of any lot. All</li> </ol>

	<p>fencing constructed in front of the front building line shall have a maximum height of 900 mm.</p> <p><b>v) Landscaping</b></p> <p>All garden areas which are in public view shall be landscaped within six months of occupation of the dwelling.</p> <p><b>vi) Airconditioners, Rainwater Tanks and Clotheslines</b></p> <p>Airconditioners, rainwater tanks and clotheslines shall be located on the property so as to be screened from public view.</p> <p><b>vii) Driveways</b></p> <p>All driveways shall be constructed and sealed or paved within six months of occupation of the dwelling house.</p> <p><b>viii) Vehicle Parking</b></p> <p>The parking of commercial vehicles (i.e. trucks, buses etc), boats, caravans and trailers is required to be behind the front building line of the dwelling house.</p> <p><b>ix) Repairs to Motor Vehicles</b></p> <p>The repair or restoration of any motor vehicle, boat, caravan, trailer or any other vehicle or aircraft is not permitted unless such activity is screened from public view.</p>
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<b>Policy Type:</b>	Health, Building & Planning
<b>Date Adopted:</b>	

<b>Policy No:</b>	<b>13</b>
<b>Date Last Reviewed:</b>	May 1999 – Minute #8782

<b>Legal (Parent):</b>
<ol style="list-style-type: none"> <li>1. Local Government Act 1995 (As Amended) – Section 6.10.</li> <li>2. Australian Accounting Standards</li> </ol>

<b>Legal (Subsidiary):</b>

<b>Delegation of Authority Applicable</b>
No

<b>Delegation No.</b>

**ADOPTED POLICY**

<b>Title:</b>	<b>13. AGISTMENT AND STABLING OF HORSES ON “RESIDENTIAL” ZONED LAND</b>
<b>Objective:</b>	<p>Council’s requirements with respect to the agistment and/or stabling of horses on “Residential” zoned land are as follows:</p> <ol style="list-style-type: none"> <li>i) All Residential zoned land used for the agistment or stabling of horses is required to be registered with the Shire Council.</li> <li>ii) Where a property which is registered with the Shire Council is sold, the use rights shall be transferred to the new owner who shall immediately re-register with the Shire Council.</li> <li>iii) Existing stables are permitted to be upgraded through renovation or reconstruction.</li> <li>iv) The agistment of horses or development of new horse stables on “Residential” zoned land having an area less than 4000 square metres is not permitted.</li> <li>v) The agistment of horses or development of new horse stables on “Residential” zoned land having an area equal to or greater than 4000 square metres may be permitted at the discretion of Council if it can be demonstrated that such usage will not have a detrimental impact upon the general amenity of surrounding properties.</li> <li>vi) Before issuing any approval to the agistment of horses or development of new horse stables on “Residential” zoned land Council shall give notice of the proposed use in accordance with the advertising procedures specified in Clause 6.3 of Town Planning Scheme No.3.</li> </ol>

	<p>vii) Every application for the development of new horse stables shall be supported by a diagram at a suitable scale which shows the lot and surrounding lots, lot size, the nature of development on surrounding lots, position on the property where the horse stables are to be constructed and horses kept, distance of the stables from existing buildings and boundaries, the extent of the fenced area where horses will be contained, the extent of existing trees and vegetation and the location of proposed landscaping.</p> <p>viii) Generally no more than two horses will be permitted to be agisted or stabled on “Residential” zoned land unless the applicant can demonstrate a clear capacity of the lot to sustain greater numbers.</p> <p>ix) In issuing any approval to the agistment of horses or the development of new horse stables Council may require the establishment and maintenance of approved landscaping to screen the stables from public view.</p>
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<b>Policy Type:</b>	Health, Building & Planning
<b>Date Adopted:</b>	

<b>Policy No:</b>	<b>14</b>
<b>Date Last Reviewed:</b>	May 2002 – Minute #10165

<b>Legal (Parent):</b>
<ul style="list-style-type: none"> <li>3. Local Government Act 1995 (As Amended) – Section 6.10.</li> <li>4. Australian Accounting Standards</li> </ul>

<b>Legal (Subsidiary):</b>

<b>Delegation of Authority Applicable</b>
No

<b>Delegation No.</b>

## ADOPTED POLICY

<b>Title:</b>	<b>14. INDUSTRIAL ZONED LAND</b>
<b>Statement:</b>	This policy has been adopted by the Wagin Shire Council to complement the provisions and requirements of the Shire of Wagin Town Planning Scheme No.2 as these relate to land zoned “Industrial”. Council’s aim in applying this policy is to foster a high standard of development in this zone and ensure that all future industrial development satisfies the demands and requirements of the community and does not result in being a nuisance.
<b>Objectives:</b>	<p>In controlling development on land zoned “Industrial” Council’s objectives are to:</p> <ul style="list-style-type: none"> <li>• provide for the needs of industry to support the community and development in the District;</li> <li>• nurture existing and encourage new industries compatible with the amenity of the Wagin townsite;</li> <li>• encourage industrial development with diverse employment opportunities;</li> <li>• provide appropriate buffers between industry and adjacent land uses to avoid land use conflicts.</li> <li>• provide industrial development which is not obtrusive in or detrimental to the amenity of the “Industrial” zone;</li> <li>• achieve and maintain a high standard of presentation within the “Industrial” zone; and</li> <li>• secure the safe movement of vehicular and pedestrian traffic.</li> </ul>
<b>Policies Provisions:</b>	<ul style="list-style-type: none"> <li>i) Industrial development in the “Industrial” zone shall comply with the objectives for that zone as outlined in Part III of the Shire of Wagin Town Planning Scheme No.2 and the objectives outlined above.</li> <li>ii)</li> </ul>



	<p>iii) Council shall require an overall concept development plan to be submitted prior to issuing planning consent for an industry in the “Industrial” zone. In considering any application for planning consent for development in this zone the Council, in order to achieve satisfactory standards of amenity and appearance, may impose conditions relating to the following matters:</p> <ul style="list-style-type: none"> <li>• building appearance</li> <li>• building materials</li> <li>• building height and scale</li> <li>• building setbacks</li> <li>• landscaping and visual screening</li> <li>• vehicle parking</li> <li>• on-site traffic circulation and access to public roads</li> <li>• location of loading docks and storage areas</li> <li>• control of dust, management of wastes and storm water disposal</li> <li>• signage</li> </ul> <p>iii) Prior to issuing planning consent for an industry in the “Industrial” zone the Council will ascertain the appropriate buffer for that industry as specified in the Environmental Protection Authority’s Buffer Distance Guidelines, and such industry may only be granted planning consent if the relevant buffer can be accommodated wholly within the zone.</p> <p>iv) In considering proposals for industries which would generate industrial liquid, solid or gaseous wastes the Council may refer such proposals to the Department of Environmental Protection, and the granting of planning consent for such industries shall be subject to wastes being treated and disposed of in accordance with advice / guidelines received.</p> <p>v) Development standards relating to building setbacks, plot ratio, landscaping and car parking shall generally comply with the provisions specified in Part IV – General Development Requirements of the Shire of Wagin Town Planning Scheme No.2 as these relate to industrial development.</p> <p>vi) Council may require the first three (3) metres of the front setback on any lot in the “Industrial” zone shall be landscaped and maintained to the satisfaction of the Council. Where a lot has frontage to two streets the Council may vary the landscaping requirement only where the setback is reduced in which case the whole of the setback so reduced shall be landscaped and maintained to the satisfaction of the Council.</p> <p>vii) Landscaping shall generally be located in such positions on a site so as to enhance the appearance of any development or screen from view any parking area, open storage area, drying areas and any other space which, by virtue of its use, is likely to detract from the visual amenity of the surrounding area.</p> <p>viii) The front setback area may be used only for the purposes of landscaping, visitors car parking or access. The Council may approve the use of the front setback area for trade display purposes or for loading and unloading of vehicles. No material or product may be stored within the front setback area.</p>
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	<p>ix) The front façade of all buildings in the “Industrial” zone shall be orientated to the street.</p> <p>x) The whole of any wall or building facing any street shall be constructed in brick, concrete or masonry, provided however, that an owner or his/her agent may apply to the Council for permission to use materials other than those prescribed and the Council may permit the use of such other materials where it is satisfied that such use will not detract from the amenity of the area.</p> <p>xi) Industrial buildings occupied or intended to be occupied by more than one separate business establishment (i.e. factory tenement buildings) shall be constructed so that every occupancy:</p> <ul style="list-style-type: none"> <li>a) has a floor area of at least 100 square metres and neither its width or length is less than eight metres;</li> <li>b) has an adjacent open yard area no smaller than one-third of the floor area of the occupancy;</li> <li>c) has an open yard with direct access to a service access road not less than 6 metres in width;</li> <li>d) is separated from every other occupancy by a suitable distance or an internal wall or walls constructed of brick, stone, concrete or other material of equal or greater fire rating approved by the Building Code of Australia.</li> </ul> <p>xii) All development within the “Industrial” zone shall be limited to a maximum building height of 8.0 metres measured from the natural ground level to the highest point of the building.</p> <p>xiii) Loading docks and access ways shall be provided sufficient in size to wholly contain delivery vehicles on site or within the building and to permit the passage of vehicles from and to the street without having to reverse.</p> <p>xiv) All on-site access ways are required to be sealed and drained to the specifications and satisfaction of the Council.</p> <p>xv) Each open storage area, drying area and any other space which, by virtue of its location and use is likely to detract from the visual amenity of the surrounding area, shall be screened from public view by a closed wall or fence no less than 1.8 metres in height or screen landscaping approved by Council.</p> <p>xvi) The minimum standard fence for lots used for industrial purposes shall be a 1.8 metre high link mesh security fence unless otherwise approved by Council.</p> <p>xvii) Fencing shall be provided to all boundaries abutting reserved land to prevent vehicular ingress and egress. Such fencing shall be of a uniform design, colour, material and height, to the satisfaction of Council, so as to not detract from the amenity of the reserved land and the general amenity of the surrounding area.</p> <p>xviii) The Council may require a bond or bank guarantee from a developer to ensure that landscaping and / or other development works are designed and carried out to the satisfaction of the Council. In the case of landscaping, the works shall be brought to a standard considered by the Council to be properly established.</p> <p>xix) All advertising signage shall be provided in accordance with the requirements specified in Part V and Appendix 8 of the Shire of Wagin Town Planning Scheme No.2.</p>
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<b>Policy Type:</b>	Health, Building & Planning
<b>Date Adopted:</b>	

<b>Policy No:</b>	<b>15</b>
<b>Date Last Reviewed:</b>	December 1999 – Minute #9097

<b>Legal (Parent):</b>
<ul style="list-style-type: none"> <li>5. Local Government Act 1995 (As Amended) – Section 6.10.</li> <li>6. Australian Accounting Standards</li> </ul>

<b>Legal (Subsidiary):</b>

<b>Delegation of Authority Applicable</b>
No

<b>Delegation No.</b>

**ADOPTED POLICY**

<b>Title:</b>	<b>15. CARETAKERS DWELLING ON INDUSTRIAL ZONED LAND</b>
<b>Objectives:</b>	<p>Under the terms of Town Planning Scheme No.2 a caretakers dwelling is classified as an ‘AA’ use in the Industrial Zone. As such it is not permitted unless the Council has granted planning approval.</p> <p>The objective of this policy is to ensure that land zoned “Industrial” under the Scheme is not used primarily for residential purposes. Due to the nature, scale and operation of industrial uses it is considered inappropriate to encourage potentially incompatible uses such as residential dwellings to be established in close proximity to industrial uses. Residential uses will only be permitted in the Industrial Zone if such usage is incidental to the intended principal industrial use of the land and the future inhabitants will not be placed in an unduly hazardous position.</p> <ul style="list-style-type: none"> <li>i) A caretaker’s dwelling shall not be constructed on any lot zoned “Industrial” until an approved predominant use for that lot has been established and Council has resolved that a caretaker’s dwelling is incidental to the predominant use of the lot and the future inhabitants will not be placed in an unduly hazardous position.</li> <li>ii) Where an approved use does not exist on-site, a bank guarantee and/or bond is required to be lodged with the Council prior to the issuance of a building licence for the caretaker’s dwelling to ensure that buildings associated with the approved use are completed prior to, or in conjunction with, the development of the caretaker’s dwelling.</li> <li>iii) Where Council approves the development of a caretakers dwelling on “Industrial” zoned land the caretakers dwelling is required to be developed at the rear of the lot unless otherwise approved by Council and shall be screened from the road frontage.</li> </ul>

	<ul style="list-style-type: none"> <li data-bbox="300 197 1489 331">iv) If the predominant use approved by Council on the property ceases or the dwelling is unoccupied, Council may require that any transportable caretaker's dwelling be removed from the site within three (3) months from the date of ceasement or non-occupancy.</li> <li data-bbox="300 383 1489 454">v) The total floor area measurement of a caretaker's dwelling from the external face of walls (including verandahs) shall not be greater than one hundred square metres.</li> <li data-bbox="300 506 1489 607">vi) Only one caretaker's dwelling is permitted on a given lot. This includes the provision of only one caretaker's dwelling on a lot with existing and/or proposed strata lots.</li> <li data-bbox="300 658 1489 696">vii) The use of a caravan as a caretaker's dwelling is not permitted.</li> <li data-bbox="300 748 1489 819">viii) The caretaker's dwelling shall not be occupied by any person other than the owner or manager or an employee of the industrial use established on the land.</li> <li data-bbox="300 871 1489 1005">ix) The owner of land containing a caretaker's dwelling shall, by way of a written undertaking, indemnify Council against any costs or claims arising from the affects of noise, dust, odours or any other negative impacts caused by adjacent industrial land uses.</li> <li data-bbox="300 1057 1489 1229">x) Should there be a change in the ownership of the land on which a caretakers dwelling has been approved such an approval is immediately cancelled. Any new landowner wishing to have a caretaker on the land is required to make application to Council for formal approval in accordance with the requirements of Council's current town planning scheme.</li> <li data-bbox="300 1281 1489 1543">xi) The Council will not support the subdivision or development of land in the Industrial Zone that will: <ul style="list-style-type: none"> <li data-bbox="400 1406 1385 1478">a) allow a residence to be sold separately from the industrial use of the land; or</li> <li data-bbox="400 1509 1235 1543">b) restrict the use of the land for further industrial purposes.</li> </ul> </li> </ul>
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<b>Policy Type:</b>	Health, Building & Planning
<b>Date Adopted:</b>	

<b>Policy No:</b>	<b>16</b>
<b>Date Last Reviewed:</b>	July 2013 – Minute #2221

<b>Legal (Parent):</b>
<ul style="list-style-type: none"> <li>7. Local Government Act 1995 (As Amended) – Section 6.10.</li> <li>8. Australian Accounting Standards</li> </ul>

<b>Legal (Subsidiary):</b>

<b>Delegation of Authority Applicable</b>
No

<b>Delegation No.</b>

## ADOPTED POLICY

<b>Title:</b>	<b>16. DEVELOPMENT OF OUTBUILDINGS IN THE TOWN-SITE OF WAGIN</b>
<b>Statement:</b>	The development of outbuildings on all zoned land within the town-site of Wagin has the potential to have a negative impact upon the amenity of land within the town-site. Councils aim in applying this policy is to ensure that all new outbuildings on land within the town-site of Wagin are developed in such a way as to maintain a high standard of residential amenity in these areas.
<b>Objective:</b>	To ensure that the development of all new outbuildings on “land” within the town-site of Wagin does not have a detrimental impact upon the general amenity and character of these areas.
<b>Policy Provisions:</b>	<ul style="list-style-type: none"> <li>i) The erection of an outbuilding on any land within the town-site of Wagin is not permitted unless a building licence has been issued for the erection of a house on the lot.</li> <li>ii) A building licence application is not required for an outbuilding of less than 9 square metres (3m x 3m) in floor area and not greater than 2.1 metres in height providing it complies with the following: <ul style="list-style-type: none"> <li>a) It shall be constructed of new non-flammable material and be easily dismantled; and</li> <li>b) It shall be adequately anchored.</li> </ul> </li> <li>iii) A building licence application is required for any outbuilding having a total floor area in excess of 9 square metres.</li> </ul>

	<ul style="list-style-type: none"> <li>iv) The maximum floor area of an outbuilding constructed of reflective wall cladding (e.g. zincalume) shall be 45 square metres.</li> <li>v) The maximum floor area of an outbuilding constructed of non-reflective wall cladding (e.g. brick, colorbond® or timber) shall be 110 square metres.</li> <li>vi) In all instances the open space requirements of the Residential Planning Codes (R-Codes) are to be complied with unless otherwise approved by Council.</li> <li>vii) An outbuilding shall be separated from the building to which it is appurtenant in accordance with the Building Code of Australia.</li> <li>viii) The wall height of any outbuilding shall not exceed 3 metres or 3.9 metres at the apex of a pitched roof unless otherwise approved by Council.</li> <li>ix) The setback of all outbuildings and carports shall be as required by the R-Codes.</li> <li>x) Notwithstanding any other provision of this policy, Council may approve of the siting of an outbuilding that is a carport (being an open-sided garage without doors) in a position other than that prescribed by other provisions of this policy.</li> <li>xi) Council will not grant approval to the use of second-hand or used building materials for an outbuilding unless it is satisfied that it will not have a detrimental impact on the visual appearance of the immediate locality.</li> <li>xii) Where an application is received for the erection of an outbuilding which does not comply with any provision of this policy the applicant shall submit to Council in writing the reason(s) why such variation is required.</li> </ul>
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<b>Policy Type:</b>	Health, Building & Planning
<b>Date Adopted:</b>	

<b>Policy No:</b>	<b>17</b>
<b>Date Last Reviewed:</b>	December 1999 – Minute #9097

<b>Legal (Parent):</b>
<p>9. Local Government Act 1995 (As Amended) – Section 6.10.</p> <p>10. Australian Accounting Standards</p>

<b>Legal (Subsidiary):</b>

<b>Delegation of Authority Applicable</b>
No

<b>Delegation No.</b>

**ADOPTED POLICY**

<b>Title:</b>	<b>17. HOME OCCUPATIONS</b>
<b>Statement:</b>	<p>A Home Occupation is a home based business activity which may be permitted by Council if it considers that such usage will not have a detrimental impact upon the general amenity of the neighbourhood in which it is proposed to be established.</p> <p>A Home Occupation is defined in Schedule 1 of Town Planning Scheme No.2 as a business or activity carried out within a dwelling house, domestic outbuilding or the curtilage of a house by a person resident in the dwelling house that:</p> <ul style="list-style-type: none"> <li>a) entails the conduct of a business, office, a workshop only, and does not entail the retail sale or display of goods of any nature;</li> <li>b) does not cause injury to or prejudicially affect the amenity of the neighbourhood in which it is located;</li> <li>c) does not detract from the residential appearance of the dwelling house or domestic outbuilding;</li> <li>d) does not entail the employment of any person not a member of the occupier's household;</li> <li>e) does not occupy an area greater than 20 square metres;</li> <li>f) does not display a sign exceeding 0.2 square metres in area;</li> <li>g) in the opinion of Council is compatible with the principal uses to which land in the zone in which it is located may be put;</li> <li>h) will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling and will not result in a substantial increase in the amount of vehicular traffic in the locality; and</li> <li>i) does not entail the presence, parking and garaging of a vehicle of more than two (2) tonnes tare weight.</li> </ul>

	<p>This Policy is to be read in conjunction with Town Planning Scheme No.2, specifically Part VI, Table 1 (Zoning Table) and Schedule 1 (Interpretations).</p>
<p><b>Objectives:</b></p>	<ul style="list-style-type: none"> <li>• To outline the procedures required to be followed in seeking Council's approval to the establishment of a Home Occupation on land within the Scheme Area.</li> <li>• To ensure that an approved Home Occupation does not have a detrimental impact upon the general amenity of the neighbourhood in which it is proposed to be established.</li> <li>• To provide Council with powers to require a Home Occupation to cease operations where the Proprietor has failed to comply with the conditions of a formal approval or such usage is having a detrimental impact on the amenity of the neighbourhood in which it has been established.</li> </ul>
<p><b>Policy Provisions:</b></p>	<ul style="list-style-type: none"> <li>i) All proposals for the establishment of a Home Occupation require the prior approval of Council. Accordingly no person shall establish a Home Occupation on any land without first having applied for and obtained Council's planning consent pursuant to the provisions of Part VI of the Scheme.</li> <li>ii) This Policy shall apply to all Home Occupations subject to the individual conditions imposed or variations permitted by Council in any particular case.</li> <li>iii) In considering an application Council shall have due regard to those matters specified in sub-clause 6.5.1 of Town Planning Scheme No.2.</li> <li>iv) An approved Home Occupation shall not: <ul style="list-style-type: none"> <li>a) display a sign which is not of a suitable standard of presentation;</li> <li>b) conduct business before 8am or after 6pm daily unless the nature of the proposed activity could not reasonably be expected to have a detrimental impact upon the amenity of the neighbourhood in which it is located; and</li> <li>c) involve the display, repair, maintenance or sale of motor vehicles, machinery or like products.</li> </ul> </li> <li>v) An approval to conduct a Home Occupation is issued to a specific occupier of a particular parcel of land, it shall not be transferred or assigned to any other person, and shall not be transferred from the land in respect of which it was granted.</li> <li>vi) Should there be a change of the occupier of the land in respect of which a Home Occupation approval is issued the approval is cancelled.</li> <li>vii) Any change in the nature, size and character of the business approved as a Home Occupation shall require Council's planning approval.</li> </ul>



	<p>viii) If, in the opinion of Council, a Home Occupation is causing a nuisance or annoyance to owners or occupiers of land in the locality the Council may:</p> <ul style="list-style-type: none"><li>a) revoke the approval; or</li><li>b) require the occupier of the land in respect of which the Home Occupation approval is issued to implement those measures specified by the Council which in the opinion of the Council will remove the nuisance or annoyance.</li></ul> <p>ix) Where the conditions of approval to conduct a Home Occupation are breached Council may revoke the approval.</p> <p>x) Where approval for a Home Occupation is not renewed or is revoked the business shall cease operations within fourteen (14) days of the required date of renewal or revocation or be liable to prosecution and such penalties as are prescribed by Section 10 of the Town Planning and Development Act.</p>
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<b>Policy Type:</b>	Health, Building & Planning
<b>Date Adopted:</b>	

<b>Policy No:</b>	<b>18</b>
<b>Date Last Reviewed:</b>	December 1999 – Minute #9097

<b>Legal (Parent):</b>
<p>11. Local Government Act 1995 (As Amended) – Section 6.10.</p> <p>12. Australian Accounting Standards</p>

<b>Legal (Subsidiary):</b>

<b>Delegation of Authority Applicable</b>
No

<b>Delegation No.</b>

## ADOPTED POLICY

<b>Title:</b>	<b>18. INSTALLATION OF SATELLITE DISHES, MICROWAVE ANTENNAE AND RADIO MASTS</b>
<b>Statement:</b>	This policy applies to the consideration of proposals to install satellite dishes, microwave antennae and radio masts in the Shire’s townsites. The Council is concerned about the detrimental effect that these structures can have on visual amenity. As such this policy aims to ensure that the amenity in each of the Shire’s townsites is adequately protected where the installation of these facilities is proposed.
<b>Objectives:</b>	<ul style="list-style-type: none"> <li>• To protect the amenity of townsites within the Shire of Wagin by ensuring that the visual impact of any proposal to install a satellite dish, microwave antenna or radio mast is minimised;</li> <li>• To provide guidelines for proposals to install satellite dishes, microwave antennae and radio masts in the Shire’s townsites; and</li> <li>• To recognise that satellite dishes, microwave antennae and radio masts will play an important and increased role in facilitating communications in the future.</li> </ul>
<b>Policy Provisions:</b>	<p><b>Satellite Dishes</b></p> <p>i) Council’s planning approval is required for the installation of a satellite dish except where it complies with all of the following criteria:</p> <ul style="list-style-type: none"> <li>a) the satellite dish is less than 1 metre in diameter;</li> <li>b) the satellite dish is not located on the facade or that portion of the roof which faces the street;</li> </ul>

	<ul style="list-style-type: none"> <li>c) the satellite dish is not located within any street setback area;</li> <li>b) the satellite dish does not project above the ridge line of the building or is not visible from the street;</li> <li>e) the satellite dish is of a similar colour to the roof of the building if it is visible from any nearby properties;</li> <li>f) there are no existing satellite dishes, microwave antennae or radio masts on the lot.</li> </ul> <p>ii) In assessing an application for a satellite dish the Council shall have regard to:</p> <ul style="list-style-type: none"> <li>a) the visual impact of the satellite dishes on the subject site, the street and the general locality in terms of its design, bulk, colour, height and general appearance;</li> <li>b) the location of the satellite dish does not have an adverse impact upon the architectural integrity of any existing building;</li> <li>c) the location of the satellite dish (roof mounted) does not have an adverse impact upon the visual amenity of the adjoining properties;</li> <li>d) roof mounted satellite dishes greater than 1 metre and less than 1.5 metres in diameter will only be permitted in instances where it can be demonstrated that they will not have an adverse impact upon the visual amenity of the adjoining area and do not extend beyond the ridge line or within the street setback areas;</li> <li>e) satellite dishes with a diameter greater than 1.5 metres shall be located at ground level, have a maximum height of less than 3.0 metres and be located so that they are not visible from any street.</li> </ul> <p><b>Microwave Antennae</b></p> <p>i) Council's planning approval is required for the installation of a microwave antenna except where it complies with all of the following criteria:</p> <ul style="list-style-type: none"> <li>a) the antenna has an area less than 0.6 square metres;</li> <li>b) the antenna does not project higher than three metres above the ridge line of the building except where it is attached to an existing television mast; or</li> <li>c) there are no existing satellite dishes, microwave antennae or radio masts on the lot.</li> </ul> <p><b>Radio Masts</b></p> <p>i) Council's planning approval is required for the erection of a radio mast for the transmission and receipt of radio signals where it exceeds five metres in height above the natural ground level.</p>
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- ii) Where approval is sought for a mast greater than five metres in height above the natural ground level the opinion of all adjoining property owners affected by its installation must be obtained prior to Council making a final determination on the application.

**Cases where Council's Planning Approval is not required**

- i) Council's planning approval is not required for:
  - a) mobile communication facilities temporarily located at any one specific place for a period not exceeding one week;
  - b) State Emergency Services communication equipment;
  - c) any other emergency service authority or telecommunications authority acting within the scope of its statutory responsibilities; and
  - d) domestic satellite dishes, microwave antennae and radio masts which comply with the criteria specified above;

**Special Cases**

- i) Council may consider applications that do not meet the criteria specified above and in so-doing will take into account the following:
  - a) the applicant submitting satisfactory information from a qualified consultant that there are valid technical reasons why the structure must be located in a visible position;
  - b) there are no suitable locations where the structure can be located so as to be obscured from view;
  - c) the comments of the adjoining land owners;
  - d) the structure is to serve more than three dwellings;
  - e) the structure is to be installed on a lot used for commercial purposes and would have minimal impact upon the visual amenity of the immediate locality; and
  - f) the measures to be taken to reduce the visual impact of the proposed structure.

**Administration Requirements**

- i) An application to install a satellite dish, microwave antenna or radio mast shall be made in accordance with Part VI of Town Planning Scheme No.2. The application shall be accompanied by:
  - a) three (3) copies of a site plan at a scale of 1:100 showing the location of the proposed structure in relation to the dwelling and lot boundaries; and

	<p>b) details of the finish of the proposed structure and its height in relation to the road and natural ground levels of the subject site.</p> <p>ii) Where in the opinion of Council a proposed structure is likely to have a detrimental impact upon the amenity of a given locality or does not comply with the provisions of this Policy the owners of those lots abutting and fronting the land the subject of the application shall be invited to comment on the proposal and shall be given a minimum of 14 days to provide a written response.</p>
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<b>Policy Type:</b>	Health, Building & Planning
<b>Date Adopted:</b>	

<b>Policy No:</b>	<b>19</b>
<b>Date Last Reviewed:</b>	May 2002 – Minute #10165

<b>Legal (Parent):</b>
<p>13. Local Government Act 1995 (As Amended) – Section 6.10.</p> <p>14. Australian Accounting Standards</p>

<b>Legal (Subsidiary):</b>

<b>Delegation of Authority Applicable</b>
No

<b>Delegation No.</b>

**ADOPTED POLICY**

<b>Title:</b>	<b>19. USE OF SEA CONTAINERS AND TRANSPORTABLE STRUCTURES</b>
<b>Statement:</b>	The use of sea containers and transportable structures for purposes other than the transportation of goods (e.g. storage, shed, workshop etc.) has the potential to have a negative impact upon the visual amenity of areas in which they are located due to the general size and appearance of such structures. In order to guard against the potential negative impact of such usage Council requires that all proposals of this type be submitted to Council for its formal planning approval prior to commencement.
<b>Objectives:</b>	<ul style="list-style-type: none"> <li>• To protect the amenity of the Scheme Area by ensuring that the visual impact of any proposal to use a sea container or transportable structure is minimised.</li> <li>• To specify the circumstances under which Council may permit the use of sea containers or transportable structures within the Scheme Area.</li> <li>• To outline the procedures required to be followed in seeking Council's approval to the use of sea containers or transportable structures within the Scheme Area.</li> </ul>
<b>Policy Provisions:</b>	<p>i) The use of sea containers or transportable structures within the Scheme Area for purposes other than the transportation of goods is generally not permitted. Council may however issue its planning consent for the use of such structures for purposes other than the transportation of goods where all of the following circumstances apply:</p> <p>a) Where the land the subject of such an application is classified / zoned "Commercial" , "Industrial" or "Rural";</p>

	<p>b) Where the structure is located on the land so as to be completely screened from public view.</p> <p>c) Where the height of such structures does not exceed 3 metres.</p> <p>ii) All applications for planning approval to use a sea container or transportable structure shall be made in the form prescribed in Appendix 4 to Town Planning Scheme No.2 and shall be accompanied by the following information:</p> <ul style="list-style-type: none"> <li>• Details of the proposed use of the structure;</li> <li>• Details of the dimensions and finish of the proposed structure;</li> <li>• A photo of the proposed structure;</li> <li>• Details of the structure's proposed location on the subject land; and</li> <li>• The proposed method of screening.</li> </ul> <p>iii) In considering any application for planning consent to use a sea container or transportable structure within the Scheme Area Council shall have regard to the objectives and provisions of its Town Planning Scheme and may take into account any matters relevant to Town and Regional Planning, the public interest in general and the locality surrounding the proposed development in particular.</p> <p>iv) In issuing planning approval for the use of a sea container or transportable structure Council will for safety reasons require the provision of adequate ventilation and the installation of a door which allows personal access to and from the structure.</p> <p>v) Where a sea container is being used to transport goods it is not permitted to remain on any land within the Scheme area for a period exceeding twenty eight (28) days without Council's approval.</p>
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<b>Policy Type:</b>	Health, Building & Planning
<b>Date Adopted:</b>	

<b>Policy No:</b>	<b>20</b>
<b>Date Last Reviewed:</b>	December 1999 – Minute #9097

<b>Legal (Parent):</b>
<p>15. Local Government Act 1995 (As Amended) – Section 6.10.</p> <p>16. Australian Accounting Standards</p>

<b>Legal (Subsidiary):</b>

<b>Delegation of Authority Applicable</b>
No

<b>Delegation No.</b>

## ADOPTED POLICY

<b>Title:</b>	<b>20. EXTRACTIVE INDUSTRIES</b>
<b>Statement:</b>	<p>Under the terms of the Shire of Wagin Town Planning Scheme No.2 an Extractive Industry is classified as an ‘SA’ use in the “Industrial” and “Rural” zones. As such an Extractive Industry is not permitted to be developed in these zones unless Council has granted planning approval after having given notice of the details of a specific proposal in accordance with the public advertising requirements of Clause 6.3 of Scheme No.2.</p> <p>The development of an extractive industry in all other zones of the Scheme is not permitted due to its potential negative impacts.</p>
<b>Objectives:</b>	<ul style="list-style-type: none"> <li>• To regulate the development and operation of extractive industries in the Scheme Area to ensure minimal damage to the environment, roads and other peoples health and property.</li> <li>• To specify the circumstances under which Council may permit an extractive industry to operate without Council’s formal planning approval.</li> <li>• To provide for the restoration and reinstatement of any excavation site.</li> <li>• To outline the procedures required to be followed in seeking Council’s approval to establish and operate an extractive industry within the Scheme Area.</li> </ul>
<b>Policy Provisions:</b>	<p>i) The provisions of this policy do not apply to:</p> <p>a) the carrying on of an extractive industry on Crown Land;</p>



	<p>b) the extraction of gravel or sand by the Shire of Wagin for public purposes;</p> <p>c) the extraction of less than 5000 tonnes per annum of gravel or sand from a lot.</p> <p>ii) Where an application for planning approval is required for the establishment of an extractive industry such application shall be made in the form prescribed in Appendix 4 to Town Planning Scheme No.2 and shall be accompanied by the following information:</p> <ul style="list-style-type: none"> <li>• Location of the proposed extraction works;</li> <li>• Methods of extraction and on-site processing;</li> <li>• Depth and extent of extraction works;</li> <li>• Nature of existing vegetation to be cleared;</li> <li>• Methods by which existing vegetation is to be cleared and topsoil and overburden removed or stockpiled;</li> <li>• Anticipated life of the mine;</li> <li>• Hours of operation;</li> <li>• Number and size of trucks proposed to enter and leave the site each day and the route or routes to be taken by those vehicles;</li> <li>• Location of existing and proposed improvements on the subject land including buildings, treatment plant, fences, gates, warning signs, drainage infrastructure, vehicle access roads etc. ;</li> <li>• Location of existing essential service infrastructure (e.g. power, water, gas, telecommunications, drainage, transport etc.);</li> <li>• Location of all existing dams, watercourses, drains or sumps on or adjacent to the subject land;</li> <li>• Measures to be taken to minimise dust nuisance, erosion, water course siltation and dangers to the general public;</li> <li>• Measures to be taken to screen the excavation area from nearby roads and adjoining properties to minimise any adverse visual impacts;</li> <li>• Methods and timing of rehabilitation works to be undertaken to reinstate the excavation areas including details of earthworks, revegetation and on-going maintenance.</li> </ul> <p>iii) In issuing planning approval to the development of an extractive industry Council may impose conditions in respect of the following matters:</p> <ul style="list-style-type: none"> <li>• the orientation of the excavation area to reduce visibility from other land;</li> <li>• the appropriate siting of access roads, buildings and plant;</li> <li>• the stockpiling of materials;</li> <li>• the hours during which any excavation work may be carried out;</li> <li>• the hours during which any processing plant associated with or located on the site may be operated;</li> <li>• requiring all crushing and treatment plant to be enclosed within suitable buildings to minimise the emission of noise, dust, vapour and general nuisance to the satisfaction of the Shire of Wagin;</li> <li>• the depths below which a person must not excavate;</li> <li>• distances from adjoining land or roads within which a person must not excavate;</li> <li>• the control of dust and wind-blown material;</li> <li>• the planting, care and maintenance of trees, shrubs and other landscaping features during the time in which the extractive industry is carried out in order to effectively screen the area to be excavated and to provide for progressive rehabilitation;</li> <li>• the prevention of the spread of dieback or other disease;</li> </ul>
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	<ul style="list-style-type: none"> <li>• the drainage of the excavation site and the disposal of water;</li> <li>• the restoration and reinstatement of the excavation site, the staging of such works, and the minimising of the destruction of vegetation;</li> <li>• the provision of retaining walls to prevent subsidence of any portion of the excavation or of land abutting the excavation;</li> <li>• certification from a licensed surveyor that material has not been excavated below the final contour levels of the excavation programme originally approved by Council;</li> <li>• requiring the person or persons to whom an approval has been granted for the development of an Extractive Industry to enter into an agreement with the Shire of Wagin in respect of any condition or conditions imposed by Council in issuing planning approval;</li> <li>• any other matter for properly regulating the operation of an extractive industry.</li> </ul> <p>iv) Council may before issuing planning approval require the applicant to enter into an agreement for the payment to Council of a sum of money, being the expense estimated by Council as likely to be incurred by it in repairing and maintaining roads under its control in the vicinity of the proposed Extractive Industry by reason of extraordinary damage as a result of heavy or extraordinary traffic conducted by the applicant or any person acting on the applicant's behalf and any such agreement shall be deemed to have been entered into under the provisions of Section 57(1) of the Road Traffic Act 1974 (as amended).</p> <p>v) For the purpose of ensuring that an excavation site is properly restored or reinstated Council may require as a condition of planning approval the provision by the applicant to Council of a bond, bank guarantee or other security of a kind and in a form acceptable to Council in or for a sum determined by Council from time to time.</p> <p>vi) Subject to any conditions imposed by Council in issuing planning approval, a person shall not, without the written approval of Council, excavate within:</p> <ul style="list-style-type: none"> <li>a) 20 metres of the boundary of any land on which the excavation site is located;</li> <li>b) 20 metres of any land affected by a registered grant of easement;</li> <li>c) 40 metres of any road; or</li> <li>d) 40 metres of any water course.</li> </ul> <p>vii) The person or persons to whom an approval has been granted for the development of an Extractive Industry must have at all times a current public liability insurance policy taken out in the joint names of themselves and the Shire of Wagin indemnifying both parties for a sum of not less than \$10, 000, 000 in respect of any one claim relating to any of the excavation operations.</p> <p>viii) The person or persons to whom an approval has been granted for the development of an Extractive Industry shall provide to the Shire of Wagin a copy of the public liability insurance policy taken out under Provision iv) within 14 days after the issue of that policy and shall provide to the Shire of Wagin evidence of renewal of that policy within 14 days of each renewal date.</p> <p>ix) If, in the opinion of Council, an Extractive Industry is causing a nuisance or annoyance to the owners or occupiers of land in the locality the Council may:</p> <ul style="list-style-type: none"> <li>a) revoke the approval; or</li> <li>b) require the occupier of the land in respect of which the Extractive Industry is issued to implement those measures specified by the Council which in the opinion of Council will remove the nuisance or annoyance.</li> </ul>
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<b>Policy Type:</b>	Health, Building & Planning
<b>Date Adopted:</b>	

<b>Policy No:</b>	<b>21</b>
<b>Date Last Reviewed:</b>	March 1999 – Minute #8708

<b>Legal (Parent):</b>
<ul style="list-style-type: none"> <li>17. Local Government Act 1995 (As Amended) – Section 6.10.</li> <li>18. Australian Accounting Standards</li> </ul>

<b>Legal (Subsidiary):</b>

<b>Delegation of Authority Applicable</b>
No

<b>Delegation No.</b>

**ADOPTED POLICY**

<b>Title:</b>	<b>21. AUTHORITY TO DEAL WITH APPLICATIONS FOR PLANNING APPROVAL</b>
<b>Objectives:</b>	That the Wagin Shire Council delegate authority to the Chief Executive Officer to grant approval to applications for planning consent in circumstances where the proposed development is classified as being a permitted (“P”) use in the zone in which it is located and such development complies with all of the requirements of Town Planning Scheme No.2.

<b>Policy Type:</b>	Health, Building & Planning
<b>Date Adopted:</b>	

<b>Policy No:</b>	<b>22</b>
<b>Date Last Reviewed:</b>	August 2000 – Minute #9422

<b>Legal (Parent):</b>
<ul style="list-style-type: none"> <li>19. Local Government Act 1995 (As Amended) – Section 6.10.</li> <li>20. Australian Accounting Standards</li> </ul>

<b>Legal (Subsidiary):</b>

<b>Delegation of Authority Applicable</b>
No

<b>Delegation No.</b>

<b>ADOPTED POLICY</b>	
<b>Title:</b>	<b>22. RURAL ZONE BUILDING SETBACKS</b>
<b>Objectives:</b>	All buildings within the Rural Zone shall be a minimum of 20m from the front and rear boundaries and 10m from the sides unless a variation is approved by Council.

<b>Policy Type:</b>	Health, Building & Planning
<b>Date Adopted:</b>	

<b>Policy No:</b>	<b>23</b>
<b>Date Last Reviewed:</b>	August 2005 – Minute#32

<b>Legal (Parent):</b>
<ul style="list-style-type: none"> <li>21. Local Government Act 1995 (As Amended) – Section 6.10.</li> <li>22. Australian Accounting Standards</li> </ul>

<b>Legal (Subsidiary):</b>

<b>Delegation of Authority Applicable</b>
Yes

<b>Delegation No.</b>

<b>ADOPTED POLICY</b>
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<b>Title:</b>	<b>23. CAMPING ON RESERVE 29817 LAKE NORRING</b>
<b>Objectives:</b>	<p>On receipt of a written request Council will permit temporary camping on the Reserve subject to:-</p> <ul style="list-style-type: none"> <li>1) Maximum duration of stay 3 consecutive nights in any one week.</li> <li>2) Council will determine the maximum numbers of campers at any one time dependant on available toilet facilities and waste collection arrangements.</li> <li>3) Non compliance with Councils conditions will negate the permit.</li> <li>4) The Chief Executive Officer is delegated authority to authorise camping consistent with this policy.</li> </ul>

<b>Policy Type:</b>	Health, Building & Planning
<b>Date Adopted:</b>	December 2011 – Minute #1816

<b>Policy No:</b>	<b>24</b>
<b>Date Last Reviewed:</b>	

<b>Legal (Parent):</b>
<p>23. Local Government Act 1995 (As Amended) – Section 6.10.</p> <p>24. Australian Accounting Standards</p>

<b>Legal (Subsidiary):</b>

<b>Delegation of Authority Applicable</b>
No

<b>Delegation No.</b>

## ADOPTED POLICY

<b>Title:</b>	<b>24. FARM /BED &amp; BREAKFAST ACCOMMODATION</b>
<b>Objectives:</b>	<ul style="list-style-type: none"> <li>• To make provision for the proper and orderly development of farmstay/bed &amp; breakfast accommodation within the Shire of Wagin in accordance with a prescribed set of standards and procedures.</li> <li>• To provide for a wide range of tourist accommodation that showcases and complements the attributes of the Shire.</li> <li>• To minimise any potential negative impacts of farmstay/bed &amp; breakfast accommodation on the character of local neighbourhoods and the amenity of adjoining residents.</li> <li>• To provide for tourist accommodation in the rural areas of the Shire in a manner that does not conflict with existing or potential agricultural, pastoral, horticultural, viticultural or rural residential pursuits.</li> <li>• To ensure the appropriate location and siting of farmstay/bed &amp; breakfast accommodation and increase the safety of motorists and guests.</li> <li>• To ensure the maintenance of a satisfactory standard of farmstay/bed and breakfast accommodation that has town planning as well as environmental health and building approval.</li> <li>• To ensure the community is suitably consulted regarding any planning application for the development of farmstay/bed &amp; breakfast accommodation within the Shire.</li> </ul>
<b>Policy</b>	The Wagin Shire Council will not consider any application for planning approval

<b>Statement:</b>	proposing the development of farmstay / bed & breakfast accommodation without the applicant first having provided suitable documentation and plans in support of the application that demonstrates compliance with the following policy provisions.
<b>Definitions:</b>	<p><b>“Council”</b> means the Council of the Shire of Wagin.</p> <p>The Shire of Wagin Town Planning Scheme No.2 (TPS No.2) does not define ‘Farmstay’ or ‘Bed &amp; Breakfast Accommodation’. This policy therefore provides the following definitions for these uses:</p> <p><b>“Farmstay”</b> means a dwelling, chalet or cabin situated on a rural property or farm, used by a person to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and may include the provision of breakfast. Farmstay may also offer involvement in farm activities, tours and experiences on the property or at nearby working farms.</p> <p><b>“Bed &amp; Breakfast”</b> 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.</p>
<b>Governance References:</b>	<ul style="list-style-type: none"> <li>• Shire of Wagin Town Planning Scheme No. 2: <ul style="list-style-type: none"> <li>- <i>Part VI - Use and Development of Land</i></li> <li>- <i>Clause 8.6 - Planning Policies</i></li> </ul> </li> <li>• Health Act 1911 and any relevant regulations such as the Health (Food Hygiene) Regulations 1993 etc.</li> <li>• Building Code of Australia</li> </ul>
<b>Policy Administration:</b>	This policy has been prepared and adopted by the Wagin Shire Council on the 20 day of December 2011 pursuant to Clause 8.6.1 of TPS No.2. Whilst the policy is not part of TPS No.2 and does not bind Council in respect of any application for planning approval, Council is to have due regard for the provisions of the policy and the objectives which the policy is designed to achieve before making its determination.
<b>Amendments:</b>	This policy may be varied in part or in full at any time by Council subject to the procedures and requirements of Clause 8.6.2 of TPS No.2.
<b>Planning Controls:</b>	<p><b>Preferred Development</b></p> <p>Council prefers farm stay / bed and breakfast development that:</p> <ul style="list-style-type: none"> <li>(a) provides some on-site activity or feature of interest to tourists;</li> <li>(b) is low profile, both physically and in setting, and is designed to be in harmony with the character of existing buildings and the local environment;</li> <li>(c) provides an eco-tourism or agro-tourism experience;</li> <li>(d) is not situated in a visually prominent location, such as on a ridge or along an unscreened section of the land or regional or tourist road; and</li> <li>(e) does not involve major disturbance of remnant bushland or natural areas.</li> </ul>

### **Planning Criteria**

Council will only support the development of farmstay accommodation on land classified 'Rural' zone.

Council will only support the development of bed & breakfast accommodation on land classified 'Residential', 'Commercial' or 'Rural' zone.

The following matters shall be satisfactorily addressed in any planning application to Council:

(a) Scaled site plan detailing:

- The layout of all buildings/structures on the land and clear identification of the rooms proposed for guest accommodation and the rooms to be occupied by the permanent residents of the dwelling;
- The location of the dwelling and any proposed buildings for guest accommodation in relation to front, side and rear boundaries;
- Distances and sightlines to adjoining dwelling(s);
- The location of any proposed landscaping areas;
- The location of water tanks if applicable. In relation to water supply, dwellings intending to be used as a farmstay / bed and breakfast establishment must be either connected to the Water Corporation's scheme water supply or, alternatively, be serviced by a rain water tank with a minimum storage capacity of 92,000 litres. The capacity of this tank may be reduced should the Shire be satisfied that on-site groundwater supplies are of acceptable quality and reliability;
- The location of the ingress/egress point to the site;
- Sight distances (in metres) in each direction at ingress/egress point;
- Location of any obstructions within the road reserve (i.e. trees, crests)
- The location and extent of all on-site vehicle access and parking areas;
- Bush fire management arrangements (where appropriate); and
- The nature and type of adjoining land uses and any associated buffer areas.

(b) Scaled floor plan detailing the proposed accommodation, bathroom/toilet facilities and dining/kitchen areas;

(c) Confirmation of the speed limit of the road from which access to and from the site is proposed to be gained;

(c) Details of the approximate number and type of vehicles likely to attend the establishment on a weekly basis. Any application which proposes to gain direct vehicular access from a road under the care and control of Main Roads Western Australia (MRWA) shall be referred to MRWA for comment. In determining the application Council shall consider any comments received by MRWA.

(e) Building approval will be required if any structural changes (internal and/or external) are proposed for any new or existing buildings. Any major new premises may be deemed commercial under the requirements of the



Building Code of Australia and will therefore be required to incorporate the necessary fire safety provisions.

Farmstay / bed & breakfast establishments are to be located in close proximity to the existing residence (existing building envelope) on the land and not result in the clearing of any significant on-site vegetation.

Farmstay / bed & breakfast establishments are to be operated by the residents/owner(s) of the subject dwelling/land. The use of farmstay / bed & breakfast accommodation shall be incidental to the predominant use and nature of the dwelling(s). The appearance of the dwelling(s) shall remain residential and shall not impact adversely upon any surrounding property.

Farmstay / bed & breakfast establishments must be for short term accommodation purposes only and are not permitted to be used as long term, permanent accommodation.

### **Car parking**

Onsite parking is to be provided on the basis of one bay per guest room, in addition to existing parking for permanent residents. On-site parking is to be clearly marked and signposted and is to be located in close proximity to the guest accommodation. Guest car parking should not be located close to neighbouring properties so as to minimise the potential for noise and light pollution.

For establishments in rural areas all vehicle access and parking areas should be constructed to a compacted gravel and/or limestone condition to the specifications and satisfaction of the Shire.

For establishments in rural areas where driveways are steeply inclined or stabilisation problems are likely to occur, the Shire may require the sealing of vehicle access and parking areas to avoid stabilisation and erosion problems occurring at a later date.

### **Landscaping**

Farmstay / bed & breakfast accommodation must be sited in a manner that will not impinge on the amenity, character or natural landscape qualities of the immediate locality. Council may require additional screening-type landscaping to be planted and maintained as a condition of planning approval.

### **Setbacks**

All building setbacks for the development of farm stay/bed & breakfast accommodation on land classified 'Rural' zone shall be at the discretion of Council. In determining the required boundary setbacks Council shall have due regard for the nature of any existing and/or proposed adjoining land uses and any associated buffer requirements.

The development of bed & breakfast accommodation on land classified 'Residential' zone shall comply with building setback requirements of the Residential Design Codes of Western Australia (2010).

All building setbacks for the development of bed & breakfast accommodation on land classified 'Commercial' zone shall be at the discretion of Council. In determining the required boundary setbacks Council shall have due regard for the nature of any existing

and/or proposed adjoining land uses and any associated buffer requirements.

### **Signs**

Council may permit the erection of one (1) sign on a property to indicate a farmstay/ bed & breakfast establishment. The sign shall not exceed 0.3m<sup>2</sup> (i.e. 1.0m x 0.3m) and should be placed along the property frontage. Operators of farmstay / bed and breakfast establishments will be expected to send directional maps to guests and tourist bureaus and use other methods for directional purposes rather than relying on directional signage. To this end off-site directional signage is generally not supported.

### **Building Requirements**

Each guest bedroom is to be provided with an approved smoke detector installed in accordance with the specific requirements of the Building Code of Australia and a dry chemical portable fire extinguisher. An emergency lighting system is to be installed in appropriate areas of the building as deemed necessary.

### **Bushfire Management**

Council shall determine on application the need for bush fire protection measures such as firebreaks, escape routes, clearing of vegetation and standpipe and hose facilities if necessary and in consultation with the local Bush Fire Brigade. Council may require the preparation and endorsement of a suitable Bushfire Management Plan as a condition of planning approval.

### **Environmental Health Requirements**

Kitchen facilities and food handling practices are to be in accordance with the minimum requirements of the Food Hygiene Regulations 1993, and breakfast/dining room facilities may be shared with the occupants of the households.

Separate bathroom and toilet facilities are to be provided for guests.

The Shire's Environmental Health Officer will conduct a minimum of one compliance inspection of the establishment per year. Council will only support continued approval of premises which demonstrate a high standard of hygiene and facilities.

Upgrading of plumbing, including septic disposal systems, may be required if an existing domestic system is inadequate as determined by the Shire's Environmental Health Officer.

### **Fees & Charges**

All establishments shall be licensed annually by the Shire of Wagin and an appropriate fee paid to the Shire. Upon payment of such fees the Shire shall issue an annual licence for a farmstay / bed & breakfast accommodation premises.

### **Public Advertising**

Public advertising of any planning application for a proposed farmstay/bed & breakfast establishment will be undertaken by the Shire in accordance with the specific requirements of Clause 6.3 of TPS No. 2.

The matters to be considered by Council when forming an opinion as to whether or not the use and enjoyment of any adjacent property may be detrimentally affected by the

proposed farmstay/bed & breakfast establishment shall include:

- (a) The views and vistas to and from the land;
- (b) Overshadowing and loss of solar access to adjoining and neighbouring land and buildings;
- (c) Privacy of adjoining and neighbouring land;
- (d) Drainage, noise, dust, odours and similar emissions;
- (e) The visual quality of the building(s) in relation to the character and amenity of the streetscape and the immediate locality;
- (f) The effect of the proposed development on adjoining property, its continued use and any persons whose amenity is likely to be affected by the development;
- (g) Compatibility with existing or proposed adjacent land use(s);
- (h) The bulk and scale of the proposed establishment; and
- (i) Any other matter which Council deems relevant in the circumstances.

**Revoking of a Farmstay/Bed & Breakfast Licence**

Council may revoke or withdraw its approval of a farmstay/bed & breakfast licence for non-compliance if the approved use:

- (a) Causes a disturbance or annoyance to neighbours or occupiers of land in the immediate locality;
- (b) Causes traffic problems; or
- (c) Contravenes any of the other criteria as laid down in this policy or any condition/s of planning approval issued by Council.

<b>Policy Type:</b>	Health, Building & Planning
<b>Date Adopted:</b>	February 2013 – Minute #2168

<b>Policy No:</b>	<b>25</b>
<b>Date Last Reviewed:</b>	

<b>Legal (Parent):</b>
1. Local Government Act 1995 (As Amended) – Section 6.10.

<b>Legal (Subsidiary):</b>

<b>Delegation of Authority Applicable</b>
No

<b>Delegation No.</b>

**ADOPTED POLICY**

<b>Title:</b>	<b>25. LOCAL PLANNING POLICY FOR HERITAGE</b>
<b>Objective:</b>	<p><b>Background</b></p> <p>The Shire of Wagin is one of the most heritage rich rural towns in WA. It has an extensive cultural heritage, both European and Aboriginal and many places of heritage significance still exist in both the built and natural environment.</p> <p>Heritage places provide a tangible link to the past and a valuable cultural and educational resource. They contribute toward the Shire’s character and identity, which is a key factor in attracting population growth, tourism and increased economic activity. The retention and adaptive reuse of existing buildings also reduces consumption of building materials and the embodied energy required to manufacture them.</p> <p>The Shire’s heritage assets are however coming under increasing threat from both development pressure and neglect. The policy seeks to encourage the retention, conservation and adaptive reuse of heritage places and ensure that any development that is carried out respects the integrity and significance of these places.</p> <p><b>Applications/Definitions</b></p> <p>This policy applies to all heritage places and heritage areas included in the Scheme Heritage List and where noted in the policy to development on land adjoining heritage places and areas.</p> <p><i>Adaptive Re-Use</i> means the process of adapting or modifying a Heritage Place for a compatible new use, different from its original or previous use.</p> <p><i>Cultural Heritage Significance</i> means the relative value which a site or group of sites has in terms of its aesthetic, historic, scientific, and/or social significance for the present</p>

community and future generations.

*Heritage Area* means a group of sites that together form an area which is of cultural heritage significance, notwithstanding that each site within the area may not itself be a Heritage Place, and is included in the Scheme Heritage List.

*Heritage Place* means land, building/s or structure/s within a defined area that is of recognised cultural heritage significance and is included in the Scheme Heritage List.

*Local Government Inventory* means the inventory of Heritage Places and Heritage Areas of local and State importance prepared and adopted by the Shire in accordance with section 45 of the *Heritage of Western Australia Act 1990*.

*Scheme* means the Shire of Wagin Town Planning Scheme No 2 or any subsequent Town Planning Scheme operative within the Shire.

*Scheme Heritage List* means the list adopted under Part V SPECIAL CONTROLS of the Scheme which identifies those places which are of cultural heritage significance and worthy of conservation.

### **Planning Approval Requirements**

All proposals for development of heritage places or land within a heritage area, including interior works, exterior works, a change of use, demolition and/or the pruning, removal or other destruction of a heritage tree require planning approval of the Shire before the commencement of the use or development, except internal works to heritage places with a management category B, C or D.

Applicants will need to clearly demonstrate that their proposal meets all of the objectives and requirements of this policy. Applications must also meet any other requirement of the Shire's planning framework that may be applicable for a particular site under a Town Planning Scheme or any applicable Outline Development Plan, Structure Plan, Local Planning Policy or Detailed Area Plan.

The objectives of the policy are to:

1. Conserve, protect and enhance the cultural heritage significance of heritage places and heritage areas.
2. Ensure that development does not adversely affect the cultural heritage significance of heritage places or heritage areas.
3. Promote the continued use and adaptive re-use of heritage places.
4. Ensure that cultural heritage significance is given due weight in planning decision making.
5. Provide improved certainty to landowners and the community about the planning processes for heritage identification and protection in the Shire.

### **Requirements Level of Significance**

Each heritage place included within the Scheme Heritage List has been allocated a

management category based on its level of cultural heritage significance. Development of a heritage place is to meet the stated desired outcomes for the management category relevant to the heritage place.

<b>Management Category</b>	<b>Description</b>	<b>Desired Outcome</b>
Category A	Exceptional Significance – Essential to the heritage of the locality. Rare or outstanding example.	The place should be retained and conserved unless there is no feasible and prudent alternative to doing otherwise. Any alterations or extensions should be sympathetic to the heritage values of the place and in accordance with a Conservation Plan (if one exists for the place).
Category B	Considerable Significance – Very important to the heritage of the locality.	Conservation of the place is highly desirable. Any alterations or extensions should be sympathetic to the heritage values of the place.
Category C	Significant Contributions to the heritage of the locality.	Conservation of the place is highly desirable. Any alterations or extensions should be sympathetic to the heritage values of the place and original fabric should be retained wherever feasible.
Category D	Significant Tree (s)	Heritage trees should be removed only in order to protect public safety or private or public property from imminent danger.  Heritage trees may be pruned as part of routine tree maintenance in accordance with International Society of Arboriculture standards provided the pruning would not reduce the tree’s height or crown diameter, alter the tree’s general appearance, increase the tree’s susceptibility to insects or disease, or otherwise increase its risk of mortality.

**Alterations or Extensions to a Heritage Place**

Any development should conserve and protect the cultural heritage significance of a heritage place based on respect for the existing building or structure and its setting, and should involve the least possible change to significant fabric.

Alterations and additions to a heritage place should not detract from its significance and should be compatible with the location, scale, architectural style and form, materials and external finishes of the place. Compatibility requires additions or alterations to be compatible with the original fabric rather than simply copying or mimicking it.

Alterations and additions to a heritage place should be sensitively located and designed so that they do not become visually dominant, especially where these are of a height greater than that of the original building. Alterations and additions are also to be located and designed to preserve existing important views and the setting of the place.

**Adaptive Re-Use**

It is preferred that heritage places continue to be used for the purpose for which they

were built, or for a use with which they have had a long association. In some cases however, the conservation and protection of a heritage place may require a change of use to ensure a reasonable beneficial return to use. Sympathetic adaptation and change of use should be supported in such cases provided it:

- Achieves a new use that is compatible with the physical conservation of the place.
- Ensures the conservation of the significant fabric and context of the place.
- Ensures the retention of the existing layout and access patterns of the development.
- Retains the ability to interpret the significance of the place.
- Incorporates interpretative heritage treatments to assist the appreciation of the significance of the place.

### **Demolition of a Heritage Place**

Heritage places should be conserved and maintained to a high standard where ever possible. Demolition of a heritage place is rarely appropriate and should require the strongest justification. Any application for demolition is to include clear and convincing evidence that there is no feasible and prudent alternative. Partial or complete demolition will only be approved in exceptional circumstances. The onus rests with the applicant to provide a clear justification for demolition.

Demolition approval should not be expected simply because redevelopment is a more attractive economic proposition, or because a building has been neglected. Consideration of a demolition proposal should be based upon the significance of the building or place; the feasibility of restoring or adapting it, or incorporating it into new development and the extent to which the community would benefit from the proposed redevelopment.

Exceptional Circumstances for Demolition may include:

- Where the building or part of the building or structure has been identified as having no cultural heritage significance, as not contributing to the significance of the heritage place or heritage area, or is considered to be intrusive.
- Where it can be conclusively demonstrated by a suitably qualified professional that a building is beyond repair, both physically and economically, or the significance of the place has been diminished to a degree that it cannot be re-established.
- Where the removal or relocation of a significant heritage building or structure is the only means of ensuring the place's survival, or
- Where the heritage place is listed in the Scheme Heritage List with a Management

Category D.

In considering an application to demolish, the Shire will have regard for the recognised cultural heritage significance, the statement of significance, management category and associated desired outcome statement, the justification provided by the applicant and whether it is desirable to retain elements of the building fabric.

### **Development Within a Heritage Area**

Development within a heritage area should respect and complement the heritage significance of the area as identified in the associated local planning policy. A respectful design approach is to give special consideration to the site, scale, architectural style and form, materials and finishes of the proposed development in relation to its neighbours rather than copying historic detailing or decoration.

Alterations and additions to existing buildings should be designed and sited in a manner that respects and complements the cultural heritage significance of the area.

A general presumption should apply in favour of retaining buildings that make a positive contribution to the cultural heritage significance of the area notwithstanding the buildings may not be individually significant.

Planning Approval to demolish a heritage place or other building within a heritage area will not normally be granted unless accompanied by a proposal for replacement buildings or works to avoid gap sites. Approval for demolition, if granted, may be conditional on undertaking an acceptable redevelopment proposal. If redevelopment is likely to be delayed, consideration should be given to the interim use of the land including a requirement for sympathetic treatment such as facade retention, landscaping or boundary treatment.

Any new buildings erected in heritage areas should be designed and sited in a way that respects and complements the cultural heritage significance of the area. New development that is imaginative, well designed and harmonious should not be discouraged.

### **Development Adjacent to a Heritage Place or Area**

Development of a site located adjacent to a heritage place or heritage area, is to be respectful to and not adversely affect the recognised cultural heritage significance of the place or area. Development is to be designed to:

- Provide appropriate architectural style, built form, location and setbacks, materials and finishes, within the context of adjacent sites and the overall streetscape.
- Not imitate, replicate or mimic the heritage architecture.
- Not overwhelm or dominate heritage places or other development within a heritage area.

Preserve views to significant elevations, the features and setting of the heritage place or heritage area

### **General Development Provisions**

New development is to be of a high design quality which reinforces and relates to the existing heritage character and features of the place, yet which is visually distinguishable from heritage fabric.

Development should not imitate, replicate or mimic the heritage architecture or detract



from the cultural heritage significance of the heritage place or heritage area.

Development is not to adversely affect, damage or destroy the cultural heritage significance of a heritage place or heritage area.

### **Applications for Planning Approval – Accompanying Materials**

The Shire may require an applicant to provide one or more of the following to assist in the determination of its application. This is additional to the requirement for accompanying material set out in the Town Planning Scheme No. 2.

### **Heritage Impact Statement**

If a proposal is likely to have a substantial impact on a heritage place or heritage area, the Shire may require a heritage impact statement to be submitted with the application for planning approval. The heritage impact statement should be prepared by an appropriately qualified and experienced heritage professional and is to identify what impact the proposed development will have on the heritage place or area, and is to address the following:

- Identify how the proposed works will affect the significance of the place or area.
- Explain what alternatives have been considered to ameliorate any adverse impacts.
- Explain how the proposal will result in, or could be amended to result in, any heritage conservation benefits that might offset any adverse impacts.

If a proposal affects a heritage place that has been allocated a Management Category A, the Shire may require a conservation plan to be prepared.

### **Structural Condition Assessment in the Case of Demolition**

If structural failure is cited as a justification for the demolition of a heritage place, 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 costs of restoration works would be prohibitive.

### **Archival Recording in the Case of Demolition**

If a proposal is for the demolition or substantial development of a heritage place, the Shire 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 Heritage Council of Western Australia standards for archival recording.

### **Procedure for Adding, Deleting or Amending Entries in the Local Heritage List**

The procedures for adding places to the Scheme Heritage List are set out in the Scheme. The Shire may consider amending the Scheme Heritage List over time in the following circumstances.

<b>Event</b>	<b>Action</b>
A place is found to be significant in a new or reviewed local heritage survey.	The Shire will consider inclusion of a place in the Scheme Heritage List if the findings of a new or reviewed Local Government inventory or other local heritage survey support it.
A place is nominated for inclusion in the Local Government Inventory or Scheme Heritage List by the owner or a member of the public.	The Shire will consider inclusion of a place in the Heritage List if assessment documentation to the required standard is provided by the nominator.
A heritage assessment is prepared in conjunction with a development proposal.	The Shire may consider inclusion of a place in the Heritage List if a heritage assessment is prepared:  as part of a Heritage Impact Statement submitted by an applicant, or  by the Shire.
A place is demolished, or substantially damaged or destroyed.	The Shire will consider removing a place from the Heritage List if it is demolished or is damaged or destroyed, to the extent that its significance is lost.

**Council Owned Property**

The Shire will seek to lead by example by managing its own property in accordance with this policy.

<b>Policy Type:</b>	Health, Building & Planning
<b>Date Adopted:</b>	April 2013 – Minute # 2167

<b>Policy No:</b>	<b>26</b>
<b>Date Last Reviewed:</b>	

<b>Legal (Parent):</b>	<ol style="list-style-type: none"> <li>1. Local Government Act 1995 (As Amended) – Section 6.10.</li> <li>2. Australian Accounting Standards</li> </ol>
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<b>Legal (Subsidiary):</b>	
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<b>Delegation of Authority Applicable</b>	
	No

<b>Delegation No.</b>	

<b>ADOPTED POLICY</b>
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<b>Title:</b>	<b>26. ADVERTISING SIGNS</b>
<b>Statement:</b>	<p>This local planning policy sets out Council's position regarding the development and use of advertising signs throughout the Shire of Wagin.</p> <p>In applying this policy Council will aim to ensure that any future advertising signage within the Shire satisfies the objectives and standards prescribed in the policy and does not have a detrimental impact on the amenity, character, functionality or safety of its urban and rural environments.</p> <p>Council will not consider any application for planning approval proposing the erection of advertising signage within the Shire without the applicant having first provided suitable documentation and plans in support of the application which demonstrate compliance with the following policy objectives and provisions.</p>
<b>Objectives:</b>	<ul style="list-style-type: none"> <li>• To improve the quality and appropriateness of advertising signs through the application of good design principles;</li> <li>• To ensure that the display of advertisements does not have any adverse impacts on the amenity of surrounding land;</li> <li>• To avoid the proliferation of advertising signs on individual sites and buildings;</li> <li>• To improve the streetscape of major roads;</li> <li>• To encourage the rationalisation of advertising signs on individual premises;</li> <li>• To encourage the incorporation of advertising signs into the design of buildings;</li> <li>• To ensure that advertising signs do not present a hazard or obstruction to pedestrians or block motorists' views of traffic control signals or information signs;</li> </ul>

	<ul style="list-style-type: none"> <li>• To ensure that all advertising signs are not discriminatory or offensive;</li> <li>• To ensure that advertising signs only relate to the activities, products and/or services provided on the site on which they are displayed; and</li> <li>• To provide increased certainty for advertisers, landowners, the community and others as well as consistency in decision making by Council.</li> </ul>
<p><b>Policy Provisions:</b></p>	<ol style="list-style-type: none"> <li>1. This policy applies to all advertising signs that are visible from outside any given property, complex or facility, either from private land or from public places or streets.</li> <li>2. In accordance with the Shire of Wagin Town Planning Scheme No.2 (TPS No.2), Council's prior planning approval is not required for those types of advertisements listed in Schedule No.8 of the TPS (i.e. 'exempted advertisements'). The exemptions listed in Schedule No.8 do not apply to land, buildings, objects, structures and places included on the Shire's Heritage List or within a Heritage Area.</li> <li>3. Where an advertising sign requires Council's planning approval, including those that form a component of a particular development proposal, the applicant shall complete and lodge an 'Additional Information for Advertisements' form contained in TPS No.2 (see copy in Appendix No.1 of this policy) in addition to an 'Application for Planning Approval' form contained in TPS No.2.</li> <li>4. All advertising signage requiring Council's planning approval shall comply with the relevant standards prescribed in Table 1 of this policy unless otherwise approved by Council.</li> <li>5. The erection of advertising signs within a road reserve managed by Main Roads Western Australia (MRWA) or near a highway or main road under the control of MRWA requires the prior approval of both Council and MRWA. It is recommended that a planning application be submitted to the Shire in the first instance and that the proposal be formulated with due regard for the provisions and standards of <i>Main Roads (Control of Advertising) Regulations 1996</i>.</li> <li>6. Protection of the amenity and character of an area shall be a priority when considering any planning application for advertising signage. Proposals which are not in harmony with the character and amenity of a given area shall be refused by Council.</li> <li>7. The following general provisions shall apply to all proposed new advertising signs in the Shire. <ul style="list-style-type: none"> <li><u>Design</u></li> <li>Advertising signs shall: <ol style="list-style-type: none"> <li>i) be incorporated into the overall design of the existing and/or proposed building/s on the land;</li> <li>ii) be in keeping with the scale and form of the existing and/or proposed building/s on the land;</li> <li>iii) not cause visual clutter of the streetscape or the existing and/or proposed building/s on the land;</li> <li>iv) not obscure any architectural features of the existing and/or proposed building/s on the land;</li> <li>v) not extend beyond any boundary of a lot;</li> </ol> </li> </ul> </li> </ol>

- vi) not cause a nuisance, by way of light spillage, to abutting sites; and
- vii) not comprise flashing or running lights unless otherwise approved by Council and only on land classified Commercial, Townsite or Industrial zone.

#### Safety

Advertising signs shall:

- i) not pose a threat to public safety or health;
- ii) not obstruct visual sightlines of vehicles and/or pedestrians;
- iii) not interfere with or be likely to be confused with traffic control signals or information signs; and
- iv) not obstruct pedestrian movement.

#### Content

Advertising signs shall:

- i) not advertise activities, services or products other than those available on the lot; and
- ii) not contain any material or content considered by Council to be discriminatory or offensive.

8. Approval for the continuation of advertising signage approved by Council on a temporary basis requires that a request be made to the Shire in writing prior to the designated expiry date. Approval for the continuation of advertising signage previously approved on a temporary basis may be granted by the Shire's Chief Executive Officer under delegated authority for a period not exceeding twelve (12) months.
9. Where, in the opinion of Council, an approved advertising sign has been permitted to deteriorate to a point where it conflicts with the objectives of TPS No.2. and this policy or it ceases to be effective for the purpose for which it was erected or displayed, the Shire may by notice in writing require the advertiser and/or landowner to:
  - i) repair, repaint or otherwise restore the advertisement to the standards and within that period of time specified by the Shire in the notice; or
  - ii) remove the advertisement in its entirety and undertake any necessary site remediation works to the standards and within that period of time specified by the Shire in the notice.

**TABLE 1 – DEVELOPMENT STANDARDS FOR NON-EXEMPT ADVERTISING SIGNS**

Location/Zones & Reserves	Sign Purpose	Development Standards
All Locations	All Advertising Signs	<ul style="list-style-type: none"> <li>• Signage must be complementary to its surroundings.</li> <li>• Signage is only permitted where it relates to the activities, products or services provided on the site on which it is displayed unless otherwise approved by Council.</li> <li>• Any signage which in the opinion of Council may have any adverse impact on traffic safety shall not be approved.</li> <li>• Signage is not to obstruct pedestrian or vehicle movements.</li> <li>• With the exception of land classified Commercial, Townsite &amp; Industrial zones, flashing or illuminated signs shall not be approved.</li> <li>• Should the business, organisation or activity cease to operate, all relevant signage must be removed within 28 days of cessation of the use.</li> </ul>
Within Road Reserves under the control of the Local Government	Community Organisations	<ul style="list-style-type: none"> <li>• Maximum area of 2m<sup>2</sup>.</li> <li>• Signage must be specific to an event and time period. Ongoing approval shall not be granted.</li> <li>• On conclusion of the specific event, the signage shall immediately be removed.</li> </ul>
	Commercial Advertising	Not Permitted
Adjacent roads under the control of Main Roads WA (MRWA)	All Advertising	<ul style="list-style-type: none"> <li>• Not permitted unless approved by Council and MRWA.</li> <li>• Maximum area of 16m<sup>2</sup>.</li> <li>• Maximum height of 4m above natural ground level (including any supports).</li> <li>• Limited to a maximum of one (1) sign per lot.</li> <li>• All signage must comply with the setback requirements contained in Table 2 of TPS No.1 ('Site &amp; Development Requirements Table') unless otherwise approved by Council.</li> <li>• All signage within the 'Regional Rural' zone must comply with the setback requirements contained in Clause 5.8.7 of TPS No.1 unless otherwise approved by Council.</li> <li>• Advertising shall be for businesses, activities or events located within 5km of the sign.</li> </ul>
Within Road Reserves controlled by Main Roads WA	Community Organisations	<ul style="list-style-type: none"> <li>• Not permitted unless approved by Council and MRWA.</li> <li>• Signage must be specific to an event and time period. Ongoing approval shall not be granted.</li> <li>• On conclusion of the specific event, the signage shall immediately be removed.</li> </ul>
	Commercial Advertising	Not Permitted
Residential Zone	All Advertising Signs	Not Permitted

Location/Zones & Reserves	Sign Purpose	Development Standards
Townsite & Commercial Zones	All Advertising Signs	<ul style="list-style-type: none"> <li>• Maximum individual area of 5m<sup>2</sup>.</li> <li>• Not to exceed 10m<sup>2</sup> in aggregate per lot.</li> <li>• Signage is not permitted to protrude above the roofline of a building.</li> <li>• A limit of one (1) pylon sign per lot. Pylon signs are limited in height to 6m above natural ground level and a maximum area of 4m<sup>2</sup>.</li> </ul>
Industrial Zone	All Advertising Signs	<ul style="list-style-type: none"> <li>• Maximum individual area of 6m<sup>2</sup>.</li> <li>• Not to exceed 20m<sup>2</sup> in aggregate per lot.</li> <li>• A limit of one (1) pylon sign per lot. Pylon signs are limited in height to 6m above natural ground level and a maximum area of 4m<sup>2</sup>.</li> </ul>
Local Rural Zone	All Advertising Signs	Not Permitted
Regional Rural Zone	All Advertising Signs	<ul style="list-style-type: none"> <li>• Maximum area of 5m<sup>2</sup>.</li> <li>• Limited to a maximum of one (1) sign per lot.</li> <li>• All signage within the 'Regional Rural' zone must comply with the setback requirements contained in Clause 5.8.7 of TPS No.1 unless otherwise approved by Council.</li> </ul>
Reserves & Recreation Zone	Community Organisations	<ul style="list-style-type: none"> <li>• Maximum area of 4m<sup>2</sup>.</li> <li>• Signage must be specific to an event and time period. Ongoing approval shall not be granted.</li> <li>• On conclusion of the specific event, the signage shall immediately be removed.</li> </ul>
	Commercial Advertising	<p>Not permitted except for sponsorship signs which must comply with the following requirements:</p> <ul style="list-style-type: none"> <li>• All signs shall be securely fixed and include the club's name in a legible form on at least some part of the sign;</li> <li>• All signs shall immediately be removed at the expiration of the sponsorship agreement;</li> <li>• Signage shall be restricted to a maximum of three per club;</li> <li>• Where there are two or more clubs on one reserve, signage shall be restricted to a maximum of three per club; and</li> <li>• All signs shall comply with the relevant provisions of the club's lease agreement with the Shire of Wagin where applicable.</li> </ul>

## APPENDIX 1 - ADDITIONAL INFORMATION FOR ADVERTISEMENTS

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NOTE: TO BE COMPLETED IN ADDITION TO THE APPLICATION FOR PLANNING APPROVAL FORM

1. Name of Advertiser (if different from owner):

.....

2. Address in full:

.....  
.....

3. Description of property upon which advertisement is to be displayed including full details of its proposed position within that property:

.....  
.....

4. Details of Proposed Sign:

- (a) Type of structure on which advertisement is to be erected (i.e. freestanding, wall mounted, other):

.....

- (b) Height: ..... Width: ..... Depth: .....

- (c) Colours to be used: .....

- (d) Height above ground level - (to top of advertisement): .....

- (to underside): .....

- (e) Materials to be used: .....

Illuminated: Yes / No. If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating and state intensity of light source:

.....

5. Period of time for which advertisement is required: .....

6. Details of signs (if any) to be removed if this application is approved: .....

.....  
.....  
.....

Note: This application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in point 6 above.

Signature of Advertiser(s): .....

(if different from land owners)

Date: .....



<b>Policy Type:</b>	Health, Building & Planning
<b>Date Adopted:</b>	26 May 2015

<b>Policy No:</b>	<b>27</b>
<b>Date Last Reviewed:</b>	New

<b>Legal (Parent):</b>
1. Local Government Act 1995 (As Amended) – Section 6.10.

<b>Legal (Subsidiary):</b>
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<b>Delegation of Authority Applicable</b>
No

<b>Delegation No.</b>
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**ADOPTED POLICY**

<b>Title:</b>	<b>MOBILE AND ITINERANT VENDORS AND COMMERCIAL ACTIVITIES IN PUBLIC PLACES</b>
<b>Objective:</b>	<ul style="list-style-type: none"> <li>• <i>To allow for the operation of trading activities in such manner that they do not conflict with or prejudice the Shire’s permanent retail and service base, or other normal functions of the Shire;</i></li> <li>• <i>To protect existing levels of public amenity and safety from the impact of trading activities by adequately addressing potential risk management issues;</i></li> <li>• <i>Set appropriate minimum standards in the interest of public safety, environmental protection and social amenity;</i></li> <li>• <i>Identify specific locations for particular activities and cap the number of activities weighted against the environment, conflict of use and broader public interest to accessibility;</i></li> </ul> <p><i>To ensure that commercial activities on reserves do not diminish the recreational amenity of residents or visitors who are attracted to the Shire</i></p> <p><b>POLICY STATEMENT</b></p> <p><i>This Policy has been developed to provide clarity and guidance on the preparation and assessment of stallholder / mobile and itinerant vendor applications including commercial</i></p>

activities. Each application is assessed on its merits.

With the introduction of the Food Act 2008 and associated legislation, all regulation of Itinerant Vendors (e.g Food Vans) was repealed, necessitating these businesses being considered 'traders' and therefore captured by the Trading in Public Places Local Law

## **1.0 Definition**

1.1 The main difference between an "Itinerant Vendor" and a "Mobile Vendor" is that a mobile vendor can solicit business from a parked location whereas an itinerant vendor has to be stopped by customers (an ice cream van is an itinerant vendor whereas a vehicle parked selling fresh flowers or produce is a mobile vendor).

For the purposes of this Policy:

**"Mobile"** means working in one place for a short period of time and then moving on to operate in another place.

**"Itinerant"** means a person who travels along a road looking for customers and who sells, hires or provides a product or service from a vehicle which is parked temporarily to customers who stop the vendor or come to the vendor while the vehicle is parked

**"Vendor"** means someone who promotes, exchanges or hires goods or services for money.

**"Public Place"** includes a road or place which the public are allowed to use, whether or not the road or place is on private property.

## **2.0 Licensing**

The following conditions apply to all **itinerant and mobile food vendors** operating or

*intending to operate within land under the management, care and control of Shire of Wagin'. Trading on land not vested with the Shire will require the applicant to seek the necessary statutory approvals from the managing authority.*

*2.1 All food vendors must have a health clearance certificate issued under the Food Act and Regulations.*

*2.2 Vendors must be present to receive the licence and vehicles must have received a health clearance certificate (see 6.2).*

*2.3 The approval period will be from 1<sup>st</sup> July each year to 30<sup>th</sup> June the following year.*

*2.4 Approvals are not transferable.*

*2.5 A separate approval must be obtained for each vehicle.*

*2.6 Employees of the applicant must be nominated on the licence application form.*

*2.7 An approval fee will exist as specified in Council's fees and charges policy.*

*2.8 All vendors shall be limited to the supply of products and services approved by the Shire.*

*2.9 In response to an issue of public safety (as determined by the Chief Executive Officer) all operations shall cease until the matter has been resolved to the satisfaction of the local government.*

### **3.0 General**

*3.1 The use of mechanical chimes or amplified music which could cause a noise*

*nuisance is not permitted unless otherwise approved by the Shire..*

- 3.2 Itinerant vendors are to move on when all customers at a particular location have been satisfied.*
- 3.3 Public liability insurance cover of \$20 million is required where an activity occurs on local government managed land.*
- 3.4 The local government may seek contribution towards the upgrading and/or construction of a site.*
- 3.5 An approval to operate may be cancelled by Council at its discretion due to non-compliance with any of the requirements outlined in this policy or if a reasonable complaint is received by Council.*
- 3.6 A vehicle, cart, stall or the type of food sold etc., cannot be altered without consulting Councils Environmental Health Officer or Planning Officers for approval.*
- 3.7 No animal is to be used as part of the vehicle, cart or stall etc.without Shire approval.*
- 3.8 No additional flashing or rotating lights, except that required under the Motor Traffic Act, are permitted.*
- 3.9 All vehicles must be registered as per the requirements of the Motor Traffic Act.*
- 3.10 Trading within a reserve controlled by Main Roads WA will not be permitted unless permission is received from Main Roads WA.*
- 3.11 Vendors shall not obstruct traffic, pedestrians, entrance ways to shops and laneways.*

- 3.12 *Illegal, dangerous or offensive goods are not to be sold by the vendor.*
- 3.13 *No direct soliciting or collecting of donations will be permitted without approval by the Shire.*
- 3.14 *Banners, signs, bunting and the like are not permitted to be erected without approval.*
- 3.15 *The vendor's operation must not unduly disrupt normal business activities nor unduly disturb the ambience of both residents and passers-by.*
- 3.16 *Persons granted approval shall comply with the requirements of this code and such licences must be available to be shown on demand by an authorised officer.*
- 3.17 *All elements of the stall / vehicle will need to be of a high standard and maintained as to not detract, damage, or lead to the degradation of the Town sites. In the case of such an event occurring, the Shire is to be notified immediately.*
- 3.18 *Approval for Trading in Public Places Licence is strictly limited to one-year. Inspections and reviews of the service may be conducted by the Shire of Wagin. The Shire of Wagin reserves the right to decline the renewal of, or amend the conditions of all Trading in Public Places Licence in the future.*

#### **4.0 Application of Policy**

- 4.1 *Vendors are not permitted to operate within 100m of an outlet selling a similar product if that outlet is open.*
- 4.2 *Vendors are required to obtain permission from event organisers when attending events (For example festivals, charity markets and sporting events).*

- 4.3 *Any rubbish or waste associated with the business is the responsibility of the Vendor.*
- If not complied with, Council may revoke the licence to operate or an infringement will be issued.*

#### **5.0 Legislative Requirements**

- 5.1 *A vendor's operation, including the vehicle, cart or stall, must be in accordance with the requirements of the Food Act 2008.*
- 5.2 *A vendor's operation must be in accordance with the Environmental Protection Noise Regulations.*

#### **6.0 Inspections**

- 6.1 *Regular Food Inspections will be carried out by Council's Principal Environmental Health Officer at random. A fee will be charged if the vendor's operation is unsatisfactory in accordance with the Shire's schedule of fees and charges.*
- 6.2 *A vendor's vehicles, carts, stalls, etc., must be made available for inspection by the Principal Environmental Health Officer for a health clearance certificate which is required to obtain approval. A fee for the inspection, as set out in Council's fees and charges policy, will exist.*

#### **7.0 COMMERCIAL RECREATIONAL TOURISM ACTIVITY ON CROWN LAND**

- 7.1 *If local government roads, car parks or dual use paths are to be used, then the activity will be assessed in terms of whether it will create a danger or obstruct other uses, or result in a major loss of car parking spaces.*

7.2 *Activities are to be ancillary and beneficial to the designated purpose of the reserve and do not damage, or lead to the degradation of the local government property. In the event of damage to infrastructure or the environment the Shire may seek costs for repair and restoration works.*

7.3 *All activities are to demonstrate that they will not create a public nuisance to adjacent residential areas in context of noise, traffic, etc and not create a conflict with the informal users of the reserves.*

7.4 *Where appropriate, activities should be located adjacent to constructed public car parking areas and public conveniences (within 100 metres). The applicant may be required to contribute towards the construction of the public facilities. Approved applications may be required to contribute towards the upkeep of the local public infrastructure and facilities if considered necessary as a consequence of that activity.*

7.5 *In response to an issue of public safety (as determined by the Chief Executive Officer) all operations shall cease until the matter has been resolved to the satisfaction of the local government.*

#### **8.0 Application for Approval**

8.1 *Applicants should address the criteria as outlined in Clause 9 and provide the local government with the following information:*

a) *Full details of type of service to be operated;*

b) *Previous relevant experience of the applicant(s);*

c) *Preferred location of operation;*

d) *Hours and dates of operation;*

e) *Type and numbers of equipment to be hired/used including details of make, age,*

*special features;*

- f) Ability to provide appropriate safety requirements and duty of care responsibilities, all of the intended safety measures – i.e. signs;*
- g) A cover note or similar statement from an insurance company indicating a willingness to promote insurance coverage (minimum \$20 million public liability coverage required and must be held in Australia);*
- h) Any additional information specific to the individual service to be provided.*

**9.0** *Applicants are to provide a Plan/Diagram of layout of operation upon the public place showing location of equipment, trailers, signs, operators table, what areas are to be used and the like. This needs to be of a scale that demonstrates the location clearly and should not be indicated as being for the entire public place.*

## **10 General Approval Terms**

**10.1** *The local government will prepare all approvals.*

**10.2** *For land not under the care, control and management of the local government, a draft approval will be forwarded to the relevant statutory authority/land owner for consent prior to execution.*

**10.3** *Copies of the approval will be prepared and stamped with one (1) copy to be forwarded to the applicant, one (1) copy to be forwarded to the owner of the land and one (1) copy to be retained by the local government.*

**10.4** *The approval should be signed prior to the commencement of the permitted period to which the approval relates.*

**10.5** *The approval will include an automatic termination clause, if the activity is found to breach any of the conditions of the agreement.*



10.6 *The approval is with the individual parties and is non-transferable.*

10.7 *All approvals and Permits are non-exclusive and do not grant the proponent the right to a particular portion of the public place. The proponent will need to renegotiate access with the Shire and/or event organisers when events are scheduled on Shire Reserves.*

10.8 *All approvals are for one year and subject to review after the first year. The Shire reserves the right to decline the renewal of, or amend the conditions of the approval in the future.*

**11. Fees**

11.1 *The Chief Executive Officer can grant exemption to charges if in their opinion the charges should be waived.*

11.2 *Not-for-profit community groups and charities are exempt from fees and charges.*

<i>Planning Approval by way of an agreement</i>	<i>\$175</i>
<i>Planning Approval by way of a Traders Permit</i>	<i>\$147</i>
<i>Agreement preparation fees</i>	<i>\$150</i>
<i>Reserve User fee</i>	<i>\$500 *</i>
<i>Itinerant Food Vendors Permit / Trading in Public Places Permit</i>	
<i>1 month</i>	<i>\$100 *</i>
<i>12 month</i>	<i>\$600 *</i>

*\* for the first two years the fee is set at 50% of the stated amount as an*

*encouragement to establish new businesses in the Shire.*

*11.3 Agreement Preparation Fees and other costs*

*11.3.1 \$150 (GST inclusive)*

*11.3.2 Standard 'template' Agreement should cover most 'simple' applications however, should the local government consider that an application is 'complex' and warrants legal preparation of the Agreement then these additional legal costs will be charged to the applicant.*