

3.1 Relocated Second Hand Buildings

Policy Owners:	Chief Executive Officer Development			
Directorate:				
Statutory Environment:	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> <i>Town Planning Scheme No. 3</i> <i>Building Act 2011</i>			
Council Adoption:	Date:		Resolution #:	
Last Amended:	Date:	Mar 2013 Aug 2017 Aug 2019	Resolution #:	
Review Date:	May 2019 June 2021			

Objective:

The primary objectives of this policy is to:

1. To ensure compliance with the relevant provisions of Council's Town Planning Scheme in a manner which is realistic and which ensures that the relocation of second-hand buildings is undertaken to an **approved acceptable standard** which pays regard to local amenity and aesthetics;
2. To provide clear standards as to what constitutes an acceptable type of relocated second-hand building to be used for residential purposes; and
3. To ensure the style, construction and design of relocated buildings is in keeping with the character of the surrounding buildings in particular and the locality in general.

Policy:

1. PRELIMINARY

1.1 Relationship of a Town Planning Scheme Policy to the Scheme

Any Town Planning Scheme Policy prepared under this part shall be consistent with the Scheme and if any inconsistency arises the Scheme shall prevail.

A Town Planning Scheme Policy is not part of the Scheme and shall not bind Council in any respect of any application for Planning Approval, but Council shall take into account the provisions of the Policy and the objectives that the Policy is designed to achieve.

2. APPLICATION OF THE POLICY

This policy applies to all proposals for the relocation of second-hand buildings (including repurposed buildings) on land situated within the Shire of Brookton.

This policy does not apply to new pre-fabricated buildings or other new transportable buildings built and re-fitted within an industrial area that have not been previously installed on any other location.

The placement of relocated second hand buildings shall not be permitted on the following lots within the Brookton town site, or any subdivisions thereof: Lots 100 – 106, Brookton Highway (Koornong Estate) shall be determined by Council based on visual, landscape and streetscape amenity considerations taking into account the standard of surrounding housing stock. All other locations will be assessed on merit against the objectives of this policy and may be determined by the CEO under delegation.

3. REQUIREMENT FOR PLANNING APPROVAL

3.1 Determination

Applications for the relocation of second-hand buildings on property within the Shire of Brookton require Council Planning Approval prior to a Building Permit being issued and relocation taking place. All applications for the relocation of second-hand buildings will be assessed against this policy prior to a decision being made under the provisions of the Scheme.

In determining the application, Council (or CEO under delegated authority) may approve the application with or without conditions. The Council may also refuse the application should the proposed development not accord with the objectives of this policy.

Planning approval is valid for a period of two (2) years from the date of approval, during which time a Building Permit must be issued and development substantially progressed or the approval will lapse.

3.2 Information to be supplied with Application

All applications for planning approval to relocate a second-hand building must be accompanied by the following prior to consideration:

- Signed and completed Application for Planning Approval Form;
- ~~Signed and completed Application for Inspection and Report Form;~~
- Photographs clearly showing the four elevations of the building;
- Site plan showing the proposed location of the building and distances from property boundaries, other buildings and any natural features on the property;
- Floor plans, elevations, cross sections, and specifications;
- Certification from a practicing structural engineer that the design and condition of the building is suitable for transportation and re-erection (where the building is a purpose-built transportable building, sufficient documentation proving this will suffice); ~~and~~

- Certification from a registered pest control company that the building is free from termites **if of a timber frame construction**;
- **A statutory declaration that the building is free of hazardous material (including asbestos)**
- **A Bushfire Attack Level (BAL) assessment if the Building is to be located within a designed Bushfire Prone Area as illustrated on the Department OF Fire and Emergency Services mapping website:**

<https://www.dfes.wa.gov.au/regulationandcompliance/bushfireproneareas/Pages/default.aspx>

3.3 Need for a Building Permit

Notwithstanding that Council may grant Planning Approval, a Building Permit is generally required to be sought and issued prior to relocation **of the building** commencing.

3.4 Advertising

An application for a relocated second-hand building within the Brookton townsite may need to be advertised in accordance with Clause ~~7.2 of its Town Planning Scheme~~ **64 of the Planning and Development (Local Planning Scheme) Regulations 2015** where surrounding properties and/or residences may be affected by the relocation of the building taking place.

3.5 Building Inspection

A suitably qualified person (ie Structural Engineer or Building Surveyor) is required to inspect the building prior to its relocation in order to ascertain its suitability for relocation. ~~The inspection will be reported on by completion of the Relocated Second Hand Building Inspection Report.~~

4. GENERAL PROVISIONS

4.1 Minimum Dwelling Standard

If the relocated second-hand building is to be used for residential purposes, the following minimum dwelling standard is required to be provided:

- At least one (1) bedroom separate from the other rooms in the dwelling;
- A lounge/dining area;
- A kitchen; and
- A separate toilet, bathroom & laundry facility.

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

Buildings that are not designed for predominant use as a dwelling and do not meet the above criteria will not be approved for use as a primary residence.

Mobile park homes will only be considered if the above criteria for minimum dwelling standard is met and the mobile home is consistent with all other relevant requirements of this policy, particularly Section 5.3 relating to amenity.

4.2 Non-Residential Building Standard

Relocated buildings to be used for non-residential purposes will be assessed based upon their suitability for the proposed use, the zone in which they are to be located and against all other relevant provisions of this policy relating to asbestos, amenity and design. If considered necessary, Council will prohibit the use of the building for residential purposes through a condition of approval.

If the relocated building is to be used as an outbuilding, the application will be assessed against the relevant provisions of Council's prevailing Outbuildings Policy.

4.3 Asbestos-Hazardous Materials

Second-hand dwellings must have all **hazardous materials** (ie asbestos) materials removed prior to relocation taking place. Council will require documentation proving cement sheeting (**walls and roof**) is **asbestos hazardous** free where the age of the building indicates **asbestos hazardous materials** may have been utilised in construction.

4.4 Amenity

When giving consideration to an application for planning approval, Council may give consideration to:

- The building in its relocated position being rendered visually acceptable by the use of verandas, screening and / or landscaping;
- The design, scale and bulk of the proposed building being compatible with the type of buildings that exist in the locality in which it is to be located; and
- With respect to the relocation of second-hand buildings within the Brookton Town site, Council may not approve the relocation of non-brick buildings where the predominant building type in the locality in which it is proposed to be located is either brick and tile and / or brick and iron.

Council will not grant planning approval for relocating any building if it is considered to be in 'conflict' with the age and design of buildings in the immediate vicinity of the proposed new location.

4.5 Earthquakes

The Shire area is within the Zone 2 Seismic Zone. Consequently, all relocated structures must meet the appropriate standard of construction required by the Building Code of Australia.

4.6 Works to be carried out

Council ~~will~~ **may** place any conditions on its planning approval if deemed appropriate to ensure the relocated second-hand **dwelling building** meets the objectives of this policy, and preserves the amenity of the locality. These conditions may include the following if deemed appropriate by Council:

- The exterior of the building being painted in a manner that is consistent with the colours and styles of the surrounding buildings;
- The construction of verandas and / or alterations to the roof pitch and / or materials to ensure the relocated building is consistent with the design of surrounding buildings;

- Other conditions to ensure an individual building meets all relevant Council requirements and policies.

5. BOND

5.1 Payment

As a condition of planning approval for a relocated second-hand building a \$5,000 bond may be required. Bank or other guarantees are not acceptable. ~~This money will be refunded where the following requirements have been satisfied:~~

- ~~▪ Any other conditions on the planning approval having been addressed.~~

5.2 Return of Bond

A bond held in trust will be returned to the applicant once all conditions of the planning approval has been addressed within the 2 year statutory approval period to the satisfaction of the local government.

Should the applicant fail to satisfy the conditions of approval the local government may draw down on the bond to pay for the works to be performed under the direction of the local government to a satisfactory standard.

3.2 Development Requirements for Rural Subdivision

Policy Owners:	Chief Executive Officer Development			
Directorate:				
Policy Origin:				
Statutory Environment:	Town Planning Scheme No. 3			
Council Adoption:	Date:		Resolution #:	
Last Amended:	Date:	Aug 2017 Aug 2019	Resolution #:	
Review Date:	May 2019- June 2021			

Objective:

The purpose of this Policy is to outline Council's requirements for subdivision for rural/farming and rural-residential ~~use~~ zoned land. Council will from time to time require conditions be placed on a subdivision approval for certain works to be undertaken, particularly relating to road construction and the preparation of fire management plans. Other related matters include drainage, electricity supply and water supply.

Policy:

Road Construction

The following outlines the construction requirements for roads to either serve a subdivision in the 'Farming' or 'Special Rural' Zones of rural/farming or rural-residential zoned land, or to construct an unmade road reserve in the Shire of Brookton.

Road Types

There are five types of rural and rural residential road types that are identified in the Shire. These are:

- Rural Residential Road
- Major Rural Road
- Standard Rural Road
- Minor Rural Road Type A
- Minor Rural Road Type B

Rural Residential Road applies to new roads (either on an existing road reserve or a road reserve created as part of a subdivision) that are to be constructed to serve a Rural Residential development (Lot sizes normally 2ha – 5ha). Council will require the sealing of Rural Residential Roads serving lots of 5ha or less in area as a reflection of the relatively high traffic volumes that are created by this form of subdivision.

A **Major Rural Road** is a road that carries large volumes of traffic or connects significant areas of the shire to other rural areas or the town centre. Sealing of these roads may occur should traffic volumes or use by heavy vehicles warrant this. Existing

examples of major rural roads in the Shire are Corberding Road, Brookton-Kweda Road and Copping Road between the Great Southern Highway and the BALCO plant.

A **Standard Rural Road** generally carries moderate volumes of traffic from major roads to farming areas. The majority of existing shire roads would be classified under this category.

A **Minor Rural Road Type A** is a road that has the potential to serve a maximum of 10 farming locations or lots (with lot sizes normally greater than 30-40ha) and is typically a no-through road.

A **Minor Rural Road Type B** is a road that has the potential to serve a maximum of 5 farming locations or lots (with lot sizes greater than 30-40ha) and is typically a no-through road.

Road Reserve Requirements

Where a new road reserve is proposed to serve a subdivision, a reserve width of 25 metres will normally be required, unless topography requires a greater width. In rural areas, lot truncations of 8m will be required for lots on road corners.

Road Construction Requirements

The following outlines the normal construction requirements for each road type. Council reserves the right to determine the standard of road required for each subdivision application or application for construction of an existing road reserve.

Rural Residential Roads:

- Road pavement to have a minimum 6.0m wide bitumen seal with 2.0m wide gravel shoulders.
- Seal to be two coat bitumen and aggregate.
- Road construction to be a minimum of 150mm compacted base-course and a minimum 150mm compacted sub-base.

Major Rural Roads

- Pavement width to be a minimum of 10.0m (7.0 roadway, 2 x 1.5m shoulders).
- Can be a gravel road unless otherwise required by Council due to envisaged traffic volumes or the use of the road by heavy vehicles.
- Pavement to be a minimum of 150mm compacted gravel.

Standard Rural Roads

- Pavement width to be a minimum of 8.0m (5.6m roadway, 2 x 1.2m shoulders).
- Pavement to be a minimum of 150mm compacted gravel.

Minor Rural Roads Type A

- Pavement width to be a minimum of 6.0m (4.0m roadway, 2 x 1.0m shoulders).
- Pavement to be a minimum of 150mm compacted gravel.

Minor Rural Roads Type B

- Pavement width to be a minimum of 6.0m (4.0m roadway, 2 x 1.0m shoulders).
- Pavement material to be natural (in situ) where suitable.
- Where gravel is required, pavement to be a minimum of 75mm compacted gravel.

All Roads

- A cross fall of 4% either side of the centreline crown.
- Through horizontal curves, one-way cross fall or super elevation shall be applied in accordance with Austroads publication 'Rural Road Design 1989'.
- Crossovers to be constructed to each property entrance to a design that avoids property access roads draining onto the Shire road.
- Crossovers to be located a minimum of 50m away from intersections and junctions and provide 300m clear sight distance in either direction.
- Piped crossovers to be a minimum width of 9.6m for rural properties and 7.6m for urban properties and to include headwalls.
- Roadside drains to be a minimum of 300mm – 500mm deep with batters having a minimum slope of 1 in 3.

Costs Associated with Road Construction

The construction of roads associated with a subdivision, either on new road reserves or those already existing but not constructed, will be at the cost of the subdivider. This requirement also relates to roads to be constructed for public road access to each new lot in a boundary realignment application (i.e. where no additional lots are created over that existing prior to the boundary realignment taking place).

The proponent may be required by Council to engage a Consulting Engineer to plan, design and supervise the road construction at their cost. The design may include a comprehensive water drainage plan.

A 3% maintenance retention amount is to be lodged with Council for a period of 12 months on roads subject to a subdivision application.

A 1.5% supervision loading is payable throughout the project on roads subject to a subdivision application.

Clearance of Subdivision Condition

Where the subdivider requests Council clear a condition of subdivision relating to road construction prior to the construction having taken place, Council may accept a cash bond that is equivalent to the full estimated construction cost of the road(s). The subdivider will be required to enter into a written agreement with Council for the operation of the bond.

The bond is to be paid to Council and held in trust and is to be used by Council to either:

- a) Design and construct the road(s) itself as a private work; or
- b) Pay a contractor engaged by the subdivider or the Shire to undertake the works to Council's specifications.

Should there be a residual amount remaining in trust at the completion of the construction, this is to be refunded to the subdivider. Should the trust amount not be sufficient to cover all costs associated with the design and construction of the road(s), the outstanding amount is to be provided by the subdivider.

Drainage

Open drains is permitted for new subdivisions. Stormwater is to be retained on site and not allowed to drain onto a Shire road.

Water

For **new** Rural-Residential subdivision ~~providing for with lot size~~ of 4ha or less in area, a reticulated potable water supply is required to be provided in accordance with Clause 5.3.2 of Statement of Planning Policy No.11 'Agricultural and Rural Land Use Planning'.

On lots greater than 4ha, an on-site potable water supply will suffice, in accordance with Clause 5.1.4 of the Shire of Brookton Town Planning Scheme No.3.

Electrical Power

Western Power sets the provision of power as a condition of subdivision. This authority will decide whether the supply is to be under ground or above ground.

Fire Management Plans

Council **may** require a Fire Management Plan be prepared and implemented for **all** subdivision of rural land ~~depending on the circumstances in each case. This~~ **As a requirement is in accordance with the Shire generally adhere to the provisions of** WAPC Policy DC 3.7 'Fire Planning'. A notification is to be placed on the titles of each lot created informing each subsequent landowner of the existence of the Fire Management Plan **where applicable**.

3.3 Sewerage Connection for Subdivision of Land

Policy Owners:	Chief Executive Officer Development		
Directorate:			
Policy Origin:			
Statutory Environment:	Town Planning Scheme No. 3 Health Act 1911 and WA Country Sewerage Policy		
Council Adoption:	Date:		Resolution #:
Last Amended:	Date:	Aug 2017 Aug 2019	Resolution #:
Review Date:	May 2019 June 2021		

Objective:

The purpose of this policy is to provide direction when conditioning subdivision approvals ~~in extent of 2,000 m² and less~~ in the Brookton Town site area ~~in line with the State Government Country Sewerage Policy.~~

Policy:

The following sewerage connection conditions apply to all approved applications for subdivision on any lots within the Brookton Town site boundary where the newly created lots will have a land area of 2,000 m² or less:

Prior to Council clearing the conditions imposed by the Western Australian Planning Commission the proponent of the subdivision must, at their cost –

- a) Provide an easement approved by Council on the Certificate of Title of each lot, as part of the subdivision process, for the future extension of the sewer main. The area required for the easement to be specified by Council in accordance with the requirements of the legislative provisions relating to sewerage scheme extensions.
- b) Lodge a memorial on the Certificate of Title of each of the newly created lots, notifying subsequent owners that connection to the sewer will only be available when Council deems it necessary or economically feasible to extend the existing sewerage scheme main to the lot.
- c) Provide written acceptance that future extension of the existing sewerage scheme to the newly created lots is not guaranteed.

3.4 Town Planning Fees Refund

Policy Owners:	Chief Executive Officer Development			
Directorate:				
Policy Origin:				
Statutory Environment:	<i>Town Planning (Local Government Planning Fees) Regulations 2000</i> <i>Town Planning Scheme No. 3 Local Government Act, 1995 (Council adopted Schedule of Fees and Charges)</i>			
Council Adoption:	Date:		Resolution #:	
Last Amended:	Date:	Aug 2017 Aug 2019	Resolution #:	
Review Date:	May 2019 June 2021			

Objective:

To provide clear guidelines for the refund of Town Planning **Application** Fees.

Policy:

REFUND OF DEVELOPMENT APPLICATION FEES

Where Council has resolved to refuse to grant Planning Approval, any fees that have been paid to Council are not refundable. The applicant is to be made aware that the fee is for the determination of an application, not its approval.

Where a development application has been lodged and is subsequently withdrawn by an applicant or not been processed by the Shire within the statutory time frame, and a request for refund of the planning fees is made, the following refund guidelines will apply:

- Where ~~Council has determined an application~~ the application has been assessed and determined: no refund.
- Where an application has been assessed but not determined: 50% refund.
- Where an application has not assessed and determined: 100% refund.
- ~~Where a request for withdrawal is made within one (1) week of the Ordinary Council Meeting where the application will be determined: no refund.~~
- ~~At any stage prior to one (1) week before the Ordinary Council Meeting where the application will be determined: 50% refund.~~

OTHER MATTERS

Council will have regard to the *Town Planning (Local Government Planning Fees) Regulations 2000* and subsequent amendments for matters not covered by this Policy.

3.5 Residential Development on Farming Zoned Lots/Locations without Frontage to Dedicated and Constructed Public Roads

Policy Owners:	Chief Executive Officer-Development		
Directorate:			
Policy Origin:			
Statutory Environment:	Town Planning Scheme No. 3 - Cl. 8.7		
Council Adoption:	Date:		Resolution #: 10.03.09.04
Last Amended:	Date:	Jun 2013 Aug 2019	Resolution #: 10.06.13.03
Review Date:	May 2019 June 2021		

Objective:

~~This policy is made to ensure that occupants of a residential development are assured of reasonably safe and secure access to all services and amenities available to the wider community.~~ This policy ~~supersedes all other policies relating to~~ is to provide clarity around residential development on farming zoned lots/locations without frontage to dedicated and constructed public roads.

Policy:

~~Within the 'Farming' zone of the Shire of Brookton, Council will only give consideration to the approval of a Residential land use, including a dwelling, when the provisions of Clause 5.6 of the Shire of Brookton Town Planning Scheme No.3 and any other relevant provisions of that Scheme and the Shire of Brookton Local Planning Strategy have been complied with and/or have been paid proper regard, as determined by Council.~~

To comply with Clause 5.6(c) of the Shire of Brookton's Town Planning Scheme No 3, which states Council shall "require such other arrangements are made for permanent access as shall be to the satisfaction of the Council" the following are minimum acceptable access requirements:

1. Absence of a dedicated public road

Where there is no frontage to a dedicated public road reserve, the Council will support at the applicant's cost, a carriageway access easement being created, ~~and registered and constructed on the neighbouring title(s) with the respective landowners consent~~ for the purpose of providing permanent access to the subject property, to the satisfaction of the Shire of Brookton. ~~Where no such~~

formal access arrangement exists the Council will condition on a formal planning approval this requirement to be met on a 'land locked' parcel of land.

2. Use of an unconstructed dedicated public road

Where there is a dedicated yet unconstructed road frontage the Council will support at the applicant's cost minimal construction for vehicle access to a 2 wheel drive all weather standard. Such access will need to be compliant with legislative requirements and standards, and be applied for, assessed and approved by the Shire Administration prior to any construction.

ADVICE NOTE:

Compliance with this policy is not required where direct road frontage is achieved through the creation of a battle-axe lot via subdivision and amalgamation or access is provided through compliance with Clauses 5.6(a) and 5.6(b) of the Shire of Brookton's Town Planning Scheme No. 3

3.6 Outbuildings

Policy Owners:	Chief Executive Officer Development			
Directorate:				
Policy Origin:				
Statutory Environment:	<i>Town Planning Scheme No. 3 - Cl. 8.7</i>			
Council Adoption:	Date:		Resolution #:	10.03.09.04
Last Amended:	Date:	December 2017 Aug 2019	Resolution #:	OCM.12.17.5
Review Date:	May 2019 June 2021			

Objective:

To provide a guide for the assessment and determination of applications for planning approval for outbuildings (sheds/garages) in all zones.

1. BACKGROUND

Under the Shire of Brookton's Town Planning Scheme No. 3 except where specifically exempt, Planning Approval is required for a shed (outbuilding) in all zones.

The Shire's Town Planning Scheme has no criteria under which an application for an outbuilding is to be determined. As such, the objective of this policy is to give clarity as to what the Council may approve.

2. OBJECTIVES OF THE POLICY

The primary objectives are to:

- 2.1 To limit the impact of outbuildings by specifying ~~such things as~~ maximum areas and height, location, material colour, landscaping and the like;
- 2.2 To ensure aesthetic and amenity impacts on neighbouring properties are considered when determining outbuilding proposals.

3. POLICY

- 3.1 Outbuildings that comply with all of the criteria corresponding to the relevant zone in Table 1 of this Policy may be approved, subject to compliance with other relevant clauses of this Policy, as set out below.
- 3.2 Outbuildings that do not comply with all of the criteria corresponding to the relevant zone in Table 1 of this Policy will be referred to Council. Such proposal is deemed an 'Oversize Outbuilding' for the purpose of lodging an application for planning approval.

- 3.3 Ablution facilities within outbuildings will only be approved in accordance with this policy for 'Farming' zoned allotments of 10 hectares or more in area to support on farm agricultural activities. In all other circumstances an application for planning approval is to be submitted with accompanying justification to be considered and determined by Council on merit.
- 3.4 Setbacks to lot boundaries shall be in accordance with the Shire of Brookton Town Planning Scheme No.3 and the *Residential Design Codes*, where applicable.
- 3.5 Under this policy "Sheds" are defined as outbuildings with a floor area greater than 10m². Outbuildings with a floor area of 10m² or less do not require a Planning Approval or Building Permit.
- 3.6 The construction of an outbuilding on vacant land within the Residential, ~~Rural Town site, Rural Residential and Rural Smallholdings~~ zone will not be permitted without an application for ~~the construction of~~ a residence having been approved and construction having commenced.
- 3.7 Sea containers shall ~~generally~~ only be approved as outbuildings ~~in the Farming zone. Where a sea container is proposed to be used as an outbuilding the onus is on~~ for storage purposes where the applicant ~~to~~ can demonstrate the ~~exterior finish~~ the sea container will not have a detrimental impact on the amenity of the property or surrounding area.
- 3.8 Within the Residential ~~zone and Rural Town site, Rural Residential and Rural Smallholding Zones, as well as~~ on lots of less than 2ha in ~~the Farming all other~~ Zones, outbuildings other than a carport or garage will not be permitted in the area between the house and the front boundary of the property. Front setbacks for carports and garages in the 'Residential' ~~and 'Commercial'~~ zones will be subject to the *Residential Design Codes*.

CRITERIA					
Zone	Maximum Total area of all outbuildings on the lot (m ²)	Maximum individual area of proposed outbuilding (m ²)	Maximum Wall height (m)	Maximum Roof height (m)	Design / Location
Residential R10 and above	75	75	3.0	4.0	Where the outbuilding: (a) Is not a sea container; (b) Is not closer to the primary street alignment than 50% of the required setback for the relevant density coding specified in Table 1 of the R-Codes; (c) Walls and roofs are constructed of colorbond, masonry or the like (excludes zincalume); and (d) Is not constructed prior to the commencement of construction of a residence.
Residential below R10	100	75	3.0	4.0	(c) Walls and roofs are constructed of colorbond, masonry or the like (excludes zincalume); and (d) Is not constructed prior to the commencement of construction of a residence.
Rural Residential, Rural Town site & Rural Smallholding	200	150	3.0	4.0	Where the outbuilding: (a) Is not a sea container; (b) Walls and roofs are constructed of colorbond, masonry or the like (excludes zincalume); and (c) Is not constructed prior to the commencement of construction of a residence
Farming below 1 hectare	100	75	3.0	4.0	Where the outbuilding: (a) Is not a sea container; (b) Walls and roofs are constructed of colorbond, masonry or the like (excludes zincalume); and (c) Is not constructed prior to the commencement of construction of a residence
Farming between 1 – 10 hectares	200	150	3.0	4.0	Where the outbuilding: (a) Is not a sea container; (b) Walls and roofs are constructed of colorbond, masonry or the like (excludes zincalume)

3.7 Tree Cropping

Policy Owners:	Chief Executive Officer-Development			
Directorate:				
Policy Origin:				
Statutory Environment:	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> <i>Shire of Brookton Town Planning Scheme no. 3</i>			
Council Adoption:	Date:		Resolution #:	10.02.09.06
Last Amended:	Date:	Aug-2017 Aug 2019	Resolution #:	
Review Date:	May 2019 June 2021			

Objective:

The objective of this Local Planning Policy to:

- Achieve a consistent, efficient and equitable system for assessing and approving tree crop applications;
- To align the grant of planning approval by Council with industry guidelines and standards as specified in relevant codes of practice and other documents and ensure a consistent approach to the establishment of Tree Cropping as an acceptable land use;

This policy aims to be consistent and complementary with existing regulations and not to place additional undue burden on landowners and investors wishing to pursue tree crop development.

Policy:

1. Background

Tree crops have the potential to become an important land use in medium to low rainfall agricultural areas in Western Australia (WA). Landholders and private investors are looking to capitalise on emerging opportunities for farm forestry and carbon off set in these regions, diversify income streams and to gain the on-farm environmental benefits that integrated tree cops can provide. Given the increasing opportunities and interest in tree crop development, it is timely for local governments to ensure that these developments are adequately supported and addressed in local planning.

A body of legislation, policy and guidelines relevant to tree crops already exists and a range of government agencies and other stakeholders are involved in regulating and managing tree crop issues.

Additional background information relating to tree crops is provided in the report *'Opportunities and Issues Associated with Farm Forestry in the South East Avon Low Rainfall Region'*.

2. Definitions

Applicant

An Applicant is defined as the person or entity (e.g. company or organisation) responsible for management of the tree crop. The applicant does not have to be the owner of the trees or the land on which trees are planted (e.g. the Applicant could be a third party management agency). The applicant is responsible for ensuring adherence to this policy and other relevant legislation and regulations.

Tree crop

For the purpose of application of this policy a tree crop is defined as:

- Trees planted with the intent of producing commercial products **and carbon off set benefits**. Commercial products include all wood and non-wood products **and benefits** that can be sold to a third party. Wood products are produced when trees are harvested, such as woodchips or sawlogs, while non-wood products **and benefits** include products such as environmental services; and
- Trees under the management of one applicant with an aggregate area greater than 10 hectares in the Shire of Brookton

Landowner

A Landowner is defined as the person or entity that holds the title to the land.

Management Plan

Provides details of the way in which a tree crop will be developed and managed, and aims to demonstrate the means by which the principles of environmental care, cultural and fire management objectives are achieved.

A Management Plan includes the following components:

- Establishment plan;
- Plantation Management plan; and
- Fire Management plan.

Code of Practice

Code of Practice for Timber Plantations in Western Australia 2006, produced by Forest Industries Federation WA, Forest Products Commission Australian Forest Growers, or as revised.

Guidelines for Plantation Fire Protection

Guidelines for Plantation Fire Protection 2001, produced by the Fire and Emergency Services Authority WA, or as revised.

3. Areas of application

This policy applies to land zoned "Farming" in the Shire of Brookton Town Planning Scheme No.3.

4. Application and approval requirements

4.1. When is an application required?

A Tree Crop Development Application must be submitted and approved prior to the commencement of a tree crop development.

A Development Application is required when an applicant has an aggregate area of tree crops which is 10 hectares or greater.

A Tree Crop Development Application can cover multiple tree crop developments, which may be on different titles, provided they are under the management of one applicant.

4.2. Tree Crop Development Application requirements

In addition to Shire requirements for Development Applications, a Tree Crop Development Application is to contain the following three parts:

1) Registration, which must contain the following information:

- Title details of the subject land;
- Name of the Landowner(s);
- Name of the Applicant (tree crop manager);
- Address and contact details of the Applicant;
- Area (hectares) to be planted and species to be planted; and
- Signatures of the Applicant and the Landowner(s).

2) Management Plan:

- A checklist of information that should be included in a Management Plan is provided in Attachment 2. The checklist is based on the guidelines in the Code of Practice.
- The Management Plan must address the policy measures described in Section 6 of this Policy.

3) Map which should show the following:

- Location of tree crops;
- Access roads;
- Structures and buildings;
- Natural features including native vegetation and water courses; and
- Other relevant information such as hazards or significant features.

4.2.1. Modification to Tree Crop Development Application

An Applicant with an existing Tree Crop Development Application approval may modify the existing application, including the addition of new tree crops or expansion of existing tree crops. Additional areas of tree crops may therefore be managed under existing Management Plans, without the need for the Applicant to

prepare a new Management Plan for every new tree crop development. However the Applicant must ensure that the management measures in an existing Management Plan are relevant to new tree crops and the sites on which they will be developed, and meet the requirements of this policy.

If this is not the case the Applicant is required to submit a modified or new Management Plan.

If an Applicant transfers management responsibilities to another organisation they are required to notify the Shire and provide details of the new managing entity.

4.3. Assessment of applications

Tree Crop Development Applications should be submitted to the Shire and will be assessed against the Shire of Brookton Town Planning Scheme No.3, this policy and the relevant industry standards and guidelines – refer to Policy Statement 4.2 above.

5. Additional policy measures

The following policy measures must be addressed in the Management Plan.

5.1. General tree crop management

The Shire encourages all tree crop developments to be undertaken with appropriate consideration to the specifications and guidelines in the Code of Practice and Guidelines for Plantation Fire Protection.

The Code of Practice provides management goals and operational guidelines to tree managers to “ensure tree crop operations in WA are conducted in a manner that is in accordance with accepted principles for good plantation management, while recognising that a primary aim of tree crops is to be economically competitive and sustainable”.

5.2. Access and roading

When planning tree crop developments, Applicant’s should consider how tree crops will be accessed for management, harvesting and removal of products (if applicable). Potential access roads should be identified on a Map to be lodged with the Development Application.

The harvest and haulage of tree crop products results in ‘wear and tear’ of local roads and other transport infrastructure and the Shire is seeking to minimise adverse effects on local roads within its control, and therefore may impose a financial road contribution to be applied at the time of harvest as a condition of Development Approval.

5.3. Fire management

A fire management plan must be included as part of the overall Management Plan.

Any Fire Management Plan must be consistent with Guidelines for Plantation Fire Protection ~~2004~~ 2011, produced by the Fire and Emergency Services Authority of WA, or as revised. Should the Fire Management Plan not be consistent with the guidelines then the application for Development Approval may be refused.

5.4. Subdivision

Any established tree crop development ~~shall~~ will not be accepted as justification for an application for subdivision, nor any proposed tree cropping or an approved application for tree cropping on any land be deemed a precursor to subdivision of 'Farming' zoned land.

3.8 Signage within Zoned and/or Reserved Land

Policy Owners:	Chief Executive Officer-Development		
Directorate:			
Policy Origin:			
Statutory Environment:	<i>Town Planning Scheme No. 3 – Cl. 6.2 – Control of Advertisements</i>		
Council Adoption:	Date:		Resolution #: 10.02.11.01
Last Amended:	Date:	Aug-2017 Aug 2019	Resolution #:
Review Date:	May-2019 June 2021		

Objective:

To enhance the amenity and character of all areas within the Shire of Brookton through the provision of acceptable standards of development for advertisements.

Policy:

Signage is considered to have a major impact on the amenity of the Shire, particularly in relation to roadside advertising. Except where specifically exempt under the Shire of Brookton's Town Planning Scheme No. 3 (TPS 3) or lawfully erected prior to the gazettal of the Scheme, under Clause 6.2 of TPS 3, all advertisements within the Shire of Brookton require the prior approval of Council. This policy is to provide guidance for the location and desired standards when applications for planning approval are being considered.

1. This policy is for all signage that is visible from outside the property, complex or facility concerned, either from private land or from public places or streets.
2. Should the application be on or adjacent to a Main Road reserve, approval from Main Roads WA is also required.
3. Signs denoting property and/or owner name and/or property address do not require approval.
4. Exempted advertisements, as detailed in Appendix No. 6 of TPS 3 do not require Planning Approval.
5. Where an advertisement proposal requires approval, including those that form a component of a development application, the applicant shall complete and lodge a control of advertisements form contained in Appendix No. 5 of TPS 3 in addition to an application for Planning Approval.
6. All advertisements shall comply with the criteria contained in Table 1 of this policy.
7. Approval for the continuation of approved signage requires that a request shall be made to the Shire in writing, prior to planning approval expiring.

8. Temporary candidate signage associated with a local, state or federal election is exempt from this policy and the provisions of the Shire of Brookton Town Planning Scheme No.3.

Location	Sign Purpose	Maximum Allowable Signage
All Locations	All Advertising	<ul style="list-style-type: none"> • Signage must be complementary to its surroundings. • Any signage which in the opinion of Council is distracting to motorists will not be approved.
Within Main Roads Road Reserve	Local Government or Community Organisation	<ul style="list-style-type: none"> • Maximum surface of 4.5m². • Additional approval is required from MRWA. • Should the organisation cease to operate, all relevant signage must be removed.
	Commercial Advertising	<ul style="list-style-type: none"> • Not supported
Adjacent to Main Roads Road Reserve	All Advertising	<ul style="list-style-type: none"> • Maximum surface of 4.5m². • All signage must comply with the setback requirements contained in Table 2 of TPS 3. • Consideration must be given to the grouping of signage. • Should the business cease to operate, all relevant signage must be removed by the applicant or landowner.
Road Reserve (Non Main Road)	Private and commercial advertising.	<ul style="list-style-type: none"> • Signage must be specific to an event and time period. Ongoing approval shall not be granted.
	Local Government or Community Organisation	<ul style="list-style-type: none"> • Signage must be specific to an event and/or time period.
Residential Zone	Home Business – Signage does not require approval if compliant with policy	<ul style="list-style-type: none"> • Flashing or illuminated signs shall not be approved. • Maximum surface of 1m². • Signage must relate to the business being conducted from the same property. • Should the business cease to operate, all relevant signage must be removed by the applicant or landowner.
	Domestic Advertising (Garage Sale Etc.) –	<ul style="list-style-type: none"> • Maximum surface of 1m². • Advertising must relate to the property upon which the signage is placed. • All signage approval shall be limited to a maximum of two months after which a new approval must be sought and granted.
Rural Residential Zone	All Advertising	<ul style="list-style-type: none"> • Flashing or illuminated signs shall not be approved. • Maximum surface of 4.5m².

		<ul style="list-style-type: none"> • Advertising must relate to the property upon which the signage is placed.
Rural Town site Zone	All Advertising	<ul style="list-style-type: none"> • Flashing or illuminated signs shall not be approved. • Maximum surface of 1m². • Advertising must relate to the property upon which the signage is placed. • Should the business cease to operate, all relevant signage must be removed by the applicant or landowner.
Farming Zone	All Advertising	<ul style="list-style-type: none"> • Maximum surface of 4.5m². • Consideration must be given to the grouping of signage.
Commercial Zone	All Advertising	<ul style="list-style-type: none"> • Maximum surface of free standing signs to be 5m². • Advertising must relate to the property upon which the signage is placed. • Consideration must be given to the grouping of signage. • All signage approval shall be limited to the business for which approval has been granted. For any change of business, a new approval must be sought and granted.
Industrial Zone	All Advertising	<ul style="list-style-type: none"> • Maximum individual surface of 6m². • Maximum total area of signage 15m². • Advertising must relate to the property upon which the signage is placed. • Consideration must be given to the grouping of signage. • All signage approval shall be limited to the business for which approval has been granted. For any change of business, a new approval must be sought and granted.

3.9 Developer Contributions for Road and Footpath Upgrading relating to Subdivision of Land

Policy Owners:	Chief Executive Officer Development			
Directorate:				
Policy Origin:				
Statutory Environment:	Planning and Development Act 2005. Planning and Development (Local Planning Schemes) Regulations 2015			
Council Adoption:	Date:		Resolution #:	10.02.11.01
Last Amended:	Date:	Aug 2017 Aug 2019	Resolution #:	
Review Date:	May 2019 June 2021			

Objective:

- To provide a basis for seeking financial contributions to the upgrading of the road and footpath network as a result of the subdivision process.
- To provide a basis for seeking financial contributions to the upgrading of the road and footpath network as a result of development proposals.
- To ensure consistency in the recommendations made to the Western Australian Planning Commission on subdivision applications.
- To provide clear and consistent advice to the community on the Shire's expectations for road and footpath upgrading.

Purpose

This policy sets the basis for seeking contributions for the upgrading of the Shire's road and footpath network as a result of the subdivision ~~or and where possible~~ development of the land. The policy will allow a consistent approach to be applied to all subdivisions and ~~relevant and associated land development and will provide guidance on Council's decision making. The policy will also provide certainty to the community in estimating the costs of the subdivision and development process.~~

Definitions

'Road' shall have the definition applied to it under the *Road Traffic Act 1974*, which includes any highway, road or street open to, or used by, the public and includes every carriageway, footpath, reservation, median strip and traffic island thereon.

'Footpath' shall mean any land or thoroughfare used by pedestrians and/or cyclists and shall include pathways, dual use paths and any other walkway designed for this use.

Statutory powers:

This Policy relates to determinations made by the Western Australian Planning Commission under the *Planning and Development Act 2005*. This Act gives the Commission the power to require developer contributions as part of the subdivision of land.

The objectives of the policy are:

- To promote the efficient and effective provision of public infrastructure and facilities to meet the demands arising from new growth and development;
- To ensure that development contributions are necessary and relevant to the development to be permitted and are charged equitably among those benefiting from the infrastructure and facilities to be provided through the subdivision of land;
- To ensure consistency and transparency in the system for apportioning, collecting and spending development contributions **in line with conditions of subdivision approval**; and
- To ensure **the a standard of** social **infrastructure and** well-being of communities arising from, or affected by **new subdivisional** development.

This Policy adopts and implements these principles for seeking developer contributions as part of the subdivision process.

Policy:

1. All applications for subdivision made within the Shire of Brookton, where there is an identified nexus between the requirements for a road and/or footpath upgrade, will be subject to the provisions of this policy. This policy does not supersede or influence any other requirement for developer contributions as part of the subdivision approval process toward other facilities or infrastructure, such as public open space, community facilities, etc.
2. In making recommendations to the Western Australian Planning Commission on applications for **residential, commercial or industrial** subdivision where at least two additional lots will be created from the parent lot/s, the Council will consider seeking a financial contribution to be made towards the upgrading of the **road and/or** footpath network.
3. **In making recommendations to the Western Australian Planning Commission on applications for residential, commercial or industrial subdivision where there is more than five additional lots to be created from the parent lot/s, the Council will consider seeking a financial contribution to be made towards the upgrading of the road and footpath network.**
4. Contributions towards the upgrading of the road and footpath network will be based on the standards contained in Table No 1 of this policy. The standards will be reviewed as part of Council's periodic review of the Shire of Brookton's Policy Manual. Thereby allowances can be made for changing community expectations.
5. The road and footpath upgrading contribution will be a pro-rata calculation of 50% of the road/footpath as contained in Table No 1, based on the per kilometre / per metre frontage of the parent lot/s to the road. Where a secondary street exists, the Council reserves the right to seek a contribution for the secondary street in addition to the

primary street frontage, however the Council will take into account traffic movements and existing rights of entry.

6. If a subdivision requires that the created lots be provided with constructed road access that does not currently exist, this policy shall not supersede any requirements for the developer to pay the full construction costs to provide this road access.
7. Nothing in this policy shall prohibit Council from seeking the construction of a footpath network within a subdivision at the developer's expense.
8. In terms of the expenditure of the financial contributions made as part of the subdivision of land, the following principles shall apply:
 - a) The upgrading of the road network shall comply with the Shire's Works Program; and
 - b) The upgrading of any footpath network shall occur within three (3) years following the completion of all subdivisions affecting a particular area, or prior to this date as determined by Council.
9. The Council may vary the requirements of this policy, where it is considered that full compliance with the policy is impractical or such variation is warranted in the circumstances of the subdivision.
10. This Policy does not apply to **roads under the care and control of Main Roads WA**.

TABLE NO. 1		Standard		
Zone	Minimum Road Width Pavement (metres)	Road Surface	Kerbing/ Drainage	Comment
Residential R5 and above	6	Prime and seal	Yes	The sealing coat will be laid one year after the laying of the prime coat
Residential R2.5 and below	6	Prime and seal	No kerbing – open spoon drains	The sealing coat will be laid one year after the laying of the prime coat
Rural Town site	6	Prime and seal	No kerbing – open spoon drains	The sealing coat will be laid one year after the laying of the prime coat
Commercial	As appropriate	Asphalt	Yes	
Industrial	7	Asphalt	Yes	Kerbing to be provided if appropriate
Rural Residential	7	Prime and seal	Yes	Kerbing to be provided if appropriate

Farming	9.6	Gravel – Standard Roads 150mm thick Heavy Routes 300mm thick	No kerbing – open spoon drains	A sealed road standard may be required in specific circumstances.
Footpaths where identified in strategy or structure plan	1.6	Brick Paving Concrete – 75mm Road Base Hot Mix – 100mm Road Base		

All construction shall be to Austroads standards or in compliance with drawings submitted by an appropriately qualified engineer and approved by the Shire.