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INTRODUCTION

Council has recently experienced an increase in development proposals within the Capel Light Industrial Area. Early consideration of these proposals gave Council the opportunity to apply the car parking provisions of the Shire's Town Planning Scheme No 7 (Scheme 7) and to establish whether these requirements adequately provided for the types of land uses expected to occupy the proposed developments.

The application of the Scheme Provisions highlighted a need for some flexibility in:

- The number of car parking spaces required for a particular land use activity; and
- The materials and standard of construction used to provide the vehicle parking and manoeuvring surface.

**Number of Car Spaces Required**

Scheme 7 requires that with a standard Light Industrial Use, one (1) parking space is to be provided for every 50m² of gross floor area. This single standard to cover all Light Industrial Uses and to base it on the floor area of development is not an uncommon approach in Town Planning Schemes. Council has found, however, that when the requirement is applied to the actual use occurring on the site, the number of spaces required can be excessive in the case of small business activities.

In view of the above, Council has determined that in order to be realistic in its parking expectations of a developer and to meet the parking demands of the industrial uses it needed to be able to apply the following:

- Impose a condition on approval of a development which requires a parking area to be provided which relates to the level of demand expected to exist initially, however, to retain the option to require further spaces should the level of demand increase.

- To determine the above, to require the applicants to provide details on the number of vehicles (or employees) that will occupy the site at any one time.

**Parking Surface Requirement**

Scheme 7 requires that parking areas be “paved, constructed, drained and marked out”.

The inference of this requirement is that a sealed parking area is required.
Policy 6.1 - Car Parking Requirements for Light Industrial Land Uses

It has been questioned as to whether it is reasonable or necessary to require a sealed parking area for an activity that is low key, not having vehicles coming and going from the land on a regular basis, etc.

It has also, however, been acknowledged that it is necessary that car parking areas be properly constructed, drained and defined on the development lot in order to encourage orderly on-site use. This is particularly evident with the problems experienced presently where road verges are extensively used for parking creating potential traffic hazards and conflict. It was also considered that Developers of Industrial Uses need to recognise the need for a properly constructed parking area if they are to avoid deterioration of parking surfaces, constant maintenance and disorganised parking.

In order to address the above matters, Council has adopted the following policy which will apply to Light Industrial Land Uses. The policy does not apply to showrooms, warehouses, factory units, factories with a showroom frontage and any other non Light Industrial Use, as it is considered that the level of parking demand will be greater, particularly from the public, and in such cases a lesser standard than that required within the Shire's Town Planning Scheme No 7 is not acceptable.

Council has the power to relax the standards of Scheme 7 by virtue of the proposed provision 8.10.

OBJECTIVE

To clarify to developers of Light Industrial Land Uses, Council's expectations in respect to the provision of on-site car parking.

POLICY STATEMENT

In giving consideration to an Application for Council Planning Consent, Council will require the applicant to clearly indicate on the application form:

- The type of land use that will operate from the land; and
- The number of persons to be employed/involved in the operation of the land use.

In view of the above information, Council will as part of the development assessment estimate the expected parking needs of the proposed land use.

Should the estimated parking requirement be less than that required by the provisions of Town Planning Scheme No 7, Council is prepared to relax the Scheme requirements and only require the construction of the estimated parking requirement.

Council will, however, always reserve the right to require the provision and construction of further bays in accordance with the Scheme, should it be determined that the parking provided does not meet the demands of the land use activity.

The agreement of Council to relax the parking space requirements does not negate the requirement for the site plan submitted with an application for Council's Planning Consent to show the siting on the land of the correct number of parking spaces as required under Scheme 7.
The following standard conditions will be imposed on any Planning Consent granted with a relaxed parking space requirement:

- "The provision of ________ car parking spaces in a location satisfactory to Council."
  NOTE: The number of car spaces to be inserted in the above condition will reflect the Scheme's requirements.
- "The construction of ________ car parking spaces at this immediate time is considered to be sufficient to meet the requirements of the existing and proposed activities, however, if Council determines that further spaces are required in the future, then the additional ________ spaces or part thereof will be required to be constructed."
  NOTE: The number of car spaces to be inserted in the above condition will reflect the estimated parking requirement for the land use in the first instance and the shortfall to meet the Scheme provisions in the second instance.
- "The landowners ensuring that all vehicles and employee vehicles involved with the operation of the activity are parked on the lot, subject to Planning Consent."

It is anticipated by Council that a relaxation in the required number of parking bays will also in the majority of cases relate to a low level of usage of the parking area provided. Should this be determined the case, Council is prepared to consider Scheme 7 requirement for "sealed parking".

Council will, however, always reserve the right to require the sealing and construction of the parking area in accordance with the provisions of the Scheme, should it be determined that the level of usage has increased or the landowners lack of maintenance and supervision of employee/customers parking leads to disorganised parking with resulting pressure on the use of road verges.

The following standard condition will be imposed on any Planning Consent granted with a relaxed construction standard:

"All car parking bays and manoeuvring areas, including the driveway access, being of boxed out, water bound gravel standard, constructed and drained to the specification and satisfaction of Executive Manager Engineering & Development Services. Should the intensity of the land use change on-site resulting in an increase in vehicle usage, or the landowner fails to adequately maintain the parking area and supervise employee / customer parking, Council reserves the right to require the parking and associated vehicle manoeuvring area to be sealed and marked out".

POLICY APPLICATION

This policy relates to Light Industrial Zones in the Shire of Capel.
Rescinded

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INTRODUCTION

Council has previously received a number of applications for approval of activities as home occupations in Residential, Special Rural and Rural Zones. Whilst Council has always desired to be flexible in so far as being able to approve of small business activities in the Shire this policy recognises the need to preserve the amenity of the land in these zones. Council also acknowledges the intent of the requirements of Clause 7.5 of the Shire of Capel Town Planning Scheme No 7 (the Scheme) relating to a home occupation and allows further flexibility for the use of premises as a home office pursuant to Clause 3.2.4a) in line with the Deemed provisions for local planning schemes, Planning and Development (Local Planning Schemes) Regulations 2015.

OBJECTIVE

1. To clarify the approach taken by Council with respect to a home office and the exercise of its discretionary authority to approve the use of premises as a "home occupation".
2. To ensure that low scale businesses do not have a detrimental impact on the amenity of surrounding areas.
3. To enable low scale businesses the opportunity to conduct a business from home.

DEFINITIONS

Home based business activities are divided into two different categories depending upon the level of activity. Below is a general definition for each category, more detailed provisions are contained within this policy for each category.

**Home Office**

A home office defined in the Model provisions for local planning schemes, Planning and Development (Local Planning Schemes) Regulations 2015, as meaning a dwelling used by an occupier of the dwelling to carry out a home occupation if the carry out of the occupation:

- is solely within the dwelling;
- does not entail clients or customers travelling to and from the dwelling;
- does not involve the display of a sign on the premises; and
- does not require and change to the external appearance of the dwelling.

**Home Occupation**

A home occupation pursuant to the Shire of Capel Town Planning Scheme No 7 is defined as meaning a business carried on with the written permission (now Development Approval) of the Council within a dwelling or the curtilage of a dwelling by a person resident therein or within a domestic outbuilding by a person resident in the dwelling to which it is appurtenant in accordance with the standards set out in Clause 7.5 of the Scheme (these standards have been captured under the ‘General Provisions’ of this policy.)
POLICY STATEMENT


1.1 Home Occupation

A person may, with the approval of Council, conduct a home occupation provided that such an occupation does not:

- cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury or prejudicial affection due to the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water or waste products;
- entail the employment of any person not a member of the occupier’s family;
- occupy an area greater than 20m$^2$;
- require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located;
- by reason of its nature or scale constitute a use that would be more appropriately located in a zone other than a Residential or Special Rural Zone;
- generate a volume of traffic that would prejudice the amenity of the area;
- is restricted in advertisement to a sign not exceeding 0.2m$^2$ in area;
- involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet;
- require a greater number of parking spaces than normally required for a single dwelling or result in an increase in traffic volume in the neighbourhood;
- involve the presence, use or calling of a vehicle of more than 3 tonnes tare weight;
- include provision for the fuelling, repair or maintenance of motor vehicles; and
- adversely affect the amenity of the neighbourhood, as a result of the emission of light, noise, vibrations, odours, dust, waste water or waste products.

1.2 Office

A home office is to be smaller in scale than a home occupation, and further limitations apply. The activity:

- is to be carried out solely within the dwelling;
- is not to employ any person not a member of the occupier’s household;
- will not entail clients or customers travelling to and from the dwelling;
- will not involve any advertising signs on the premises; and
- will not require any external changes to the appearance of the dwelling.
2. Specific Policy Requirements

A development application for a home occupation is to demonstrate compliance with the items listed in the general provisions of this policy. Council will be prepared to consider the use of floor space areas greater than 20m² if it is satisfied that all other requirements of the definition can be complied with, and that any other guidelines set out in this policy statement, and any conditions that may be imposed on a Development Approval can be met.

Pursuant to the Shire of Capel Town Planning Scheme No 7, Council's approval to carry on a home occupation shall apart from any specific conditions imposed, be subject to the following:

- The approval will be limited to the applicant and shall not be transferred to any other person;
- The approval does not run with land in respect of which it was granted. There is therefore no opportunity for the sale of the approval if the premises is sold;
- The person to whom approval is granted by the Council to carry on a home occupation shall not carry on that home occupation at any premises other than the land in respect of which the approval is granted;
- A time limit of 12 months after which the home occupation must cease unless renewal of the approval is granted; and
- If a home occupation has been carried on with the approval of the Council and if in the opinion of the Council such home occupation is causing a nuisance or annoyance to owners or occupiers of land in the neighbourhood, the Council may withdraw the approval granted by it and after such withdrawal, no person shall upon the subject land carry on a home occupation unless a further approval to do so is granted by the Council.

The renewal of an approval will be subject to:

- Consideration of the development application by Council;
- Payment of the current planning application fee;
- Conditions of Council's approval having been complied with in the preceding 12 months; and
- No complaints having been received regarding the operation of the activity.

3. Neighbour Consultation

In some instances, Council may require neighbour consultation before determining whether to approve a use or not.

3.1 Home Office

No consultation required.
3.2 Home Occupation

Although the Scheme does not require applications for home occupation to be advertised, any proposal to use floor space greater than 20m2 requires a relaxation of standards pursuant to Clause 8.10 of the Scheme, and in dealing with an application for the relaxation of standards Council may wish to advise adjoining landowners of its intention to give consideration to a proposal, providing full details of it, and invite comment.

4. Variations

Applications seeking variations to this Policy shall be determined in accordance with the objectives of this Policy.

POLICY APPLICATION

This policy relates to Residential, Special Rural and Rural Zones of the Shire.

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<th>Procedure:</th>
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| **Originating Section:** Engineering & Development Services | **Relevant Legislation:**
| **Reviewer:** Executive Manager Engineering & Development Services | Town Planning Scheme No 7
| **Delegated Authority:** | Planning and Development Act 2005
| **Adopted:** Minute OC0243, 24.02.99 | Planning and Development (Local Planning Schemes) Regulations 2015
| **Amended:** Minute OC0206, 24.02.16 | **Other References:**
| **Review Date:** December 2017 |
INTRODUCTION

Council is aware that misunderstandings have arisen in regard to the expectation of some landowners as to the opportunity to construct more than one dwelling on a lot zoned Rural. Council has therefore taken legal advice on its authority to approve more than one dwelling on a lot zoned Rural and it has been concluded that more than one dwelling house is not permitted. Council has also included within Town Planning Scheme No 7 a clear distinction that Grouped Dwellings are not permitted in the Rural Zone of the Shire.

Apart from the restrictions of the Town Planning Scheme, Council has observed the financial difficulties that landowners experience in this joint landowner/two dwelling situation. For example problems such as:

- Lending institutions being reluctant to issue loans for a second dwelling, or both owners to the land being required to be a party to a mortgage for one or other of the partners;
- Divorce or separation of one of the families within the partnership requiring sale of the land as settlement;
- A falling out between the partners with the subsequent desire of one partner to force the sale of the property; or
- Sale of one or the other’s share in the property with the financial returns not reflecting the actual replacement value.

Council has also more recently been concerned that the approval of two dwellings is wrongly being interpreted to be a tacit approval to the subdivision of the land to create a separate land parcel for each dwelling. This is particularly evident on land not directly related to farming use. Council is not supportive of subdivision on this basis and such a proposal is unlikely to receive approval from the Western Australian Planning Commission. The Minister for Planning has also advised that it is difficult to sustain arguments pertaining to the preservation of rural use/character in respect to a subdivision when Council has allowed two dwellings. The Minister therefore recommends that Council exercise caution when considering proposals for two dwellings on rural land.

Persons should not contemplate the purchase of rural land in joint ownership with a view to building two residences as Council will only be prepared to consider the approval of more than one house on a rural lot in accordance with the policy statement set out below.

Notwithstanding the above, Council understands that the need for more than one dwelling can arise in situations where a family is operating a large farming activity and when accommodation may need to be provided for farm employees.
In such cases Council can determine that an additional dwelling is an Employee’s Dwelling which is incidental to the farming activity and can therefore be approved pursuant to Clause 5.7.3 (a) of Town Planning Scheme No 7. The Scheme describes an Employee Dwelling “as a building used as a dwelling by a person or persons whose primary employment is the maintenance or management of the operation of the rural pursuit occurring on the land which their accommodation is situated”.

Council also understands the need to clarify its position in instances where an old dwelling exists on land, at the time a Building Application is lodged for a new dwelling on the same lot.

OBJECTIVE

To clarify the scope for approval by Council, of applications for more than one dwelling house on land zoned Rural.

POLICY STATEMENT

Capel Shire Town Planning Scheme No 7 provides that a Single Dwelling house is a permitted use on land zoned Rural. The Scheme also provides that in a Rural Zone an Employee’s Dwelling is a use which is not permitted unless it is incidental to the predominant use as decided and approved by Council. Except as otherwise provided for in the Policy, Council in the course of administering the provisions of the Scheme will permit the construction of only one dwelling house per lot zoned Rural unless an additional dwelling can be assessed as an Employee’s Dwelling. The following matters will be taken into account in the implementation of the Policy.

a. Dwellings that could be considered as an Employee’s Dwelling would include accommodation for an employee of a bona fide farming activity or for a member of a family where the dwelling will be located on a lot used as part of an economically active farming enterprise.

b. When persons are contemplating the construction of a second dwelling which could be approved as an Employee’s Dwelling. Council advises that every consideration should be given to the possibility of it being located on another lot or location owned by them. This will avoid future problems of over capitalisation on a particular lot, finance and ownership complications for family members and difficulties associated with obtaining approval to subdivide rural land.

c. Applications for Planning Consent for a new dwelling on a Rural lot where an old dwelling exists will require the applicant to provide an undertaking by way of Statutory Declaration, and appropriate documentation to remove or render the old dwelling unusable for habitation to the satisfaction of the Director Planning and Development Services at the time of the new dwelling being completed.
POLICY APPLICATION

This policy statement relates to the Rural Zone of Town Planning Scheme No 7.

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INTRODUCTION

When a landowner wishes to subdivide or amalgamate land titles it is necessary to submit a formal application to the Western Australian Planning Commission (WAPC). The Commission will refer it to relevant Government Departments and Council for comments and recommendations.

In formulating its comments and recommendations Council will give attention to the potential impact of the proposed subdivision and/or amalgamation on the agricultural use of the land.

Council is concerned about the possible arbitrary breakdown of farm holdings which could lead to the loss of prime agricultural land from productive use. Small hobby farm style lots which have the potential to influence land values and introduce land uses or management practices that could be in conflict with existing farming activity will be discouraged.

Council acknowledges the right of landowners to apply to the Western Australian Planning Commission for their own personal reasons. However, it will assess applications referred to it for comment on the basis of overall and long term implications rather than personal reasons which can be many and varied.

OBJECTIVE

To preserve the character of rural areas, discourage the removal of prime agricultural land from agricultural production and prevent adverse effects on the continuation of established or potential agricultural industries.

POLICY STATEMENT

When Council is asked for its comments and/or recommendations by the Western Australian Planning Commission in respect of subdivision and/or amalgamation applications it will:

a. Assess each application in the light of the principles and objective set out in the introduction and objective sections of this policy statement and clause 5.7.2 of Town Planning Scheme No 7.

b. Seek to avoid the setting of precedents in the creation of new lots that may lead to pressure for subdivisions of similar lots in the future.

c. Recommend approval of subdivision and/or amalgamation applications designed to facilitate farm build up.

d. Recommend approval of subdivision and amalgamation (resubdivision) applications involving the provision of a constructed road frontage to an existing unserviced lot where the area of any new lot is consistent with the area of the lot being amalgamated.
e. Not recommend approval of subdivision and amalgamation (resubdivision) applications which will:
   - Result in a breakdown of existing large lots; or
   - Involve the creation of a new lot on the basis of amalgamating small or impractical lots such as former closed road reserves or residential size lots created in the past to contain an existing dwelling.

f. Not recommend approval of subdivision applications which will create lots that are smaller than the prevailing large lot size for land zoned Rural in the locality.

g. Recommend approval of subdivisions based on severance of land caused by a major road of either *1 Class 2 or 3 (Rural) and wherein the opinion of Council a severe constraint to farm management exists.

h. Where an application is based on development of Intensive Agricultural pursuits, Council will only support the subdivision of land which has a *2 moderate to high capability rating for orchards, vineyards or market gardens where intensive agricultural establishments exist and include substantial infrastructure such as water supply, trellis, etc, and advice has been received from Agriculture Western Australia that the level of development is viable in its own right.

i. Consider supporting a subdivision application for a lot where substantial development has taken place in the form of two dwellings in joint ownership provided that the following shall apply:
   - The two dwellings were not approved as a result of Council exercising its discretion to approve more than one dwelling as provided in Sub-clause 5.7.3 (a) of Town Planning Scheme No 7;
   - No lot resulting from the subdivision will have an area of less than 2ha;
   - All lots will have frontage to a public road constructed to a standard, consistent with the level of service associated with the proposed lot sizes, as determined by Council; and
   - No alternative option of subdivision and amalgamation exists to resolve the matter of joint ownership.

Footnotes:

* Class 2 or 3 (Rural) Roads are roads as defined and proposed in the Road Classification Review Steering Committee Report - December 1993.

** Moderate to high capability rating relates to land identified in the Land Resources and Capability Report for the Bunbury/Wellington Planning Region prepared by Peter Tille for the Department of Agriculture, November 1992.

POLICY APPLICATION

This policy will apply to all land zoned 'Rural' within the Shire of Capel.
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INTRODUCTION

The Shire of Capel Local Rural Strategy has been prepared following the publication of the Bunbury/Wellington Region Plan. There had been some earlier pressure for the preparation of a Limited Rural Strategy. This originated from the determination by the State Planning Commission in the late 1980s that certain rural local authorities should be required to prepare strategies in order to deal with competing land uses and particular subdivisional pressures. However, the Region Plan has now set a framework and provided useful base information to facilitate the preparation of a Local Rural Strategy. It has identified the regional land use issues that will need to be recognised in the Strategy and in so doing has shown the very important role that the Shire of Capel in the social, economic and natural character of the Region.

The first five sections of the Strategy report – Overview, Physical Profile, Principal Land Uses and Associated Issues, Shire Policies and Plans and State Planning Framework, provide the essential background to the prescriptive Section 6 Planning Units – Objectives and Policies. In Sections 2 and 3 there are a number of “Observations” through which the important issues to be addressed are recorded. Sections 4 and 5 refer to a range of documents which influence decision making on land use planning in the Shire. Some, like the State Planning Strategy or the Coastal Management Plan, are in draft form or in the course of preparation and a completion date is not known. Nevertheless they are referred to firstly to show the range of inputs into the Strategy and secondly to demonstrate a need for readers to be prepared to seek out current copies of such documents in order to interpret the Strategy. Having identified the existence of these other planning documents highlights that there will be a need for updating of the Strategy through future reviews. In this regard the Land Use Strategy will become as important for the process of properly identifying the inputs into Land Use Planning decision making, as being a prescriptive plan.

The temptation to refer to only one part of the Strategy which may be applicable to a particular area of land or to interpret statements out of context must be avoided. All parts of the document are integral to interpreting a land use prescription for the Shire as a whole or individual land parcels.

The Council of the Shire of Capel has a strong commitment to land use planning. Through this Land Use Strategy it will seek to balance the important regional needs with those of the local landowners and residents. It is also intended through the publication of the Strategy to give a clear signal to future landowners about the guidelines for land use and subdivision which will apply within the Shire.

Council is committed to promoting and preserving the circumstances which currently contribute to the economically active use of rural land, particularly that associated with the dairy industry. This report uses the term “economically active farmers” to describe the people who are farming land in a manner which produces an income capable of sustaining their lifestyle.
It is a term which has been used to avoid the problems associated with the word “viable” and although it may not be recognised in economic or agricultural assessment literature it seems to capture the spirit of what is happening with farming in the Shire.

Notwithstanding the strong emphasis on rural land use the Strategy recognises the important role that the Shire will play in accommodating the future urban growth of Greater Bunbury. Council has given an early indication of its commitment to well planned and timely development in the future urban area of Dalyellup and will look for opportunities to promote the further development of the urban areas at Boyanup and Capel.

OBJECTIVE

The specific Strategy report will specify objectives for particular Planning Units of the Shire whilst the following are general objectives that will be applied to land use allocation.

1. Encourage the use of good agricultural land by economically active farmers to maximise the productivity of the Shire.

2. To provide for long term increase in settlement areas which provide a range of lifestyles within the context of a settlement strategy that will minimise effects on adjoining agricultural and industrial activities and the environment values of the District.

3. Recognise the principles and objectives set out in the State Planning Strategy and the Bunbury/Wellington Region Plan

4. Provide for compatible and sustainable use of land in keeping with the key existing land uses in the Shire including Agricultural Mining, Industry, Residential, Rural Residential and Public Reserves.

5. That Council adopt the Capel Land Use document with modifications to reflect the requirements of the Western Australian Planning Commission and authorise the publication of a notice in accordance with subclause 8.9.2(d) of Town Planning Scheme No 7.

Note: The Capel Shire Land Use Strategy is a 65 page (plus attachments) document that is treated as a stand alone publication and will therefore not be repeated in the Policy Manual.

POLICY APPLICATION

The policy relates to all land contained within the boundaries of the Shire of Capel.
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Carports & Outbuildings

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<td><strong>Rescinded:</strong> Minute OC0206 24.02.16</td>
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INTRODUCTION

The provision of signage within the Shire of Capel along Bussell Highway is important to the promotion of urban development, business and community facilities. This policy has been developed to permit the Council to approve sign applications within the Highway Protection Area that relate to the Dalyellup urban expansion area that relies on Bussell Highway for primary access and exposure.

Specifically Town Planning Scheme No 7 through Clause 7.11.2 (g) provides the Council with the ability to approve signage where a Common Interest exists between the subject land and the form and location of signage.

OBJECTIVE

To permit the Council to approve signage related to the Dalyellup urban expansion area that has a Common Interest in accordance with provision 7.11.2 (g) of the Shire of Capel Town Planning Scheme No 7.

DEFINITION

For the purposes of this policy Council defines ‘Common Interest’ as:

Including a shared sense of community identity and belonging, with similarities in the characteristics of residents, and dependence on shared facilities.

In essence an area of Common Interest may include parts of a district, locality or specific site that shares common interests, values, characteristics and or issues giving rise to a separate sense of identity and/or community.

Shared interests may include a number of factors including shared economic pursuits. Alternatively this could be a shared use of community facilities including sporting, leisure, and library, shopping areas or schools.

POLICY STATEMENT

1. Council may after following the procedures set out in Town Planning Scheme 7 Clause 7.12 ADVERTISEMENTS consider the approval of sign applications within the Highway Protection Area for the Dalyellup urban expansion area defined as area of Common Interest in accordance with this policy. In addition to the requirements of the Scheme any sign application shall be referred to Main Roads WA for comment to ensure that the sign placement and message (purpose of the sign) addressed to the travelling public does not impact on the function and operation of the Bussell Highway.
2. In order to restrict the form and number of signs within the Highway Protection Area, signage shall be limited to the promotion of townsites or major settlement areas, shopping centres and community facilities. The placement of signs to advertise individual businesses is not supported within the Highway Protection Area.

3. In accordance with Clause 7.11.2 (g) the Dalyellup urban expansion area as defined by this policy is classified as an area of Common Interest based upon the following justification:

- The subject land has been identified for strategic future urban development as consolidated within the Bunbury – Wellington Region Plan, Greater Bunbury Structure Plan, draft Greater Bunbury Region Scheme, Usher, Gelorup and Dalyellup District Structure Plan, Shire of Capel Land Use Strategy incorporated with the local Town Planning Scheme and the Dalyellup Beach Estate Local Structure Plan. All of these regional and local strategy planning documents clearly identify the area for significant controlled urban expansion.
- The area is being progressively developed whereby the transition from a rural to urban area is already occurring signifying the need for sensitive signage consistent with urban development to be considered.

4. The policy permits the Council to approve signage within the Highway Protection Area associated with the Dalyellup urban expansion area in accordance with the provisions of Town Planning Scheme No 7. This is achieved on the basis of a demonstrated Common Interest where the subject land is clearly identified for controlled urban expansion. The transition from a rural to urban environment as a result of progressive development of Dalyellup has highlighted the need to accommodate signage consistent with urban development whilst maintaining the continued function of the Bussell Highway.

POLICY APPLICATION

The area of land the subject of this policy is shown on the attached plan. The subject land is generally described as the Dalyellup urban expansion area west of the Bussell Highway reserve.

This policy only applies to privately held land as covered by the Shire of Capel Signs Local Law. Any signs proposed that are located on or in the vicinity of a highway road reserve are subject to Main Roads WA approval.

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INTRODUCTION

Council occasionally receives applications for approval of ancillary accommodation in Residential, Special Rural and Rural zones. This form of accommodation can be considered for approval by Council notwithstanding any Town Planning Scheme standard that would otherwise limit the number of dwellings on a lot to one.

This Policy also recognises that there is a difference between an Ancillary Accommodation and an Ancillary Dwelling where:

- the requirements of Clause 7.2 of the Shire of Capel Town Planning Scheme No 7 (the Scheme) applies to the development of an Ancillary Accommodation in the Residential, Special Rural and Rural zones of the Shire of Capel, and

- an Ancillary Dwelling is permitted under Part 5.5, relating to Special purpose dwellings, of the Residential Design Codes in the Residential zone and Urban Development zone where a density coding apply to the land.

OBJECTIVE

1. To provide guidance for the determination of development applications for Ancillary Accommodation and facilitate the relaxation of development standards under the Scheme.

2. To clarify the approach taken by Council in line with the Deemed provisions for local planning schemes, Planning and Development (Local Planning Schemes) Regulations 2015, with respect to an Ancillary Dwelling where the Residential Design Codes apply.

3. Ensure that any Ancillary Accommodation or Ancillary Dwelling is secondary to the single dwelling on the property without compromising the amenity of the surrounding properties.

4. Protect against the fragmentation of rural land by ensuring that an Ancillary Accommodation is not developed in a manner which may encourage future subdivision.

DEFINITIONS

1. Ancillary Accommodation

Ancillary Accommodation pursuant to the Scheme means self-contained living accommodation on the same site as a single house, intended to accommodate a member of the family of the occupier of the main dwelling.
Clause 7.2 of the Scheme has the following requirements for Ancillary Accommodation:

- The accommodation shall be attached to the dwelling;
- The total floor area of the accommodation shall not exceed 60m² and there shall be a maximum of two habitable rooms;
- The accommodation shall not be occupied without a permit to do so being granted by Council; and
- The owner of any premises for which approval has been granted for use as additional accommodation shall notify the Council forthwith when the occupant for whom the approval was granted no longer permanently resides therein and the premises shall not then be re-occupied as Added Accommodation Unit without prior approval of the Council.

2. Ancillary Dwelling

Ancillary Dwelling pursuant to the Residential Design Codes means a self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house.

Pursuant to the Residential Design Codes development of an Ancillary Dwelling is to satisfy the following deemed-to-comply requirements as contained in Part 5.5 relating to Special purpose dwellings:

- the lot is not less than 450m² in area;
- there is a maximum plot ratio area of 70m²;
- parking being provided in accordance with clause 5.3.3C3.1; and
- complies with all other R-Code provisions only as they apply to single house, with the exception of clauses:
  (a) 5.1.1 Site area;
  (b) 5.2.3 Street surveillance (except where located on a lot with secondary street or right-of-way access); and
  (c) 5.3.1 Outdoor living areas.

POLICY STATEMENT

1. Ancillary Accommodation

1.1 In considering an application Council shall be satisfied that the following matters in addition to those set out in clause 7.2 of the Scheme are met and may impose appropriate conditions on any approval:

- That family relationship between the intended occupants of the Ancillary Accommodation and the owners of the land is demonstrated in writing;
- That there is no adverse visual impact on streetscape or amenity of properties in the immediate vicinity;
- That the character, scale, design, colour and materials of the development are consistent with the main dwelling;
• That vehicle parking is available onsite;

• That shared vehicle access to the Ancillary Accommodation and main dwelling is or can be provided and no new crossover need be constructed;

• That the development will utilise existing main dwelling water supply and effluent disposal systems unless substantial reasons can be given to demonstrate it is not achievable;

• That all other development standards including those for setbacks as relevant to the particular zone are satisfied; and

• Consideration of the Greater Bunbury Region Scheme requirements and State Planning Policies including but not limited to Policy 3.7 Planning in Bushfire Prone Areas.

1.2 Council may be prepared to consider the following relaxation of standards which will be exercised pursuant to Clause 8.10 of the Scheme:

• The maximum number of habitable rooms shall be three; and

• A maximum total floor space of 80m².

1.3 Council may be prepared to consider applications for detached ancillary accommodation where it is satisfied that:

• The unit is in close proximity to the main residence to achieve the sharing of services; and

• The proposal complies with all other development standards and provisions of this policy and the Scheme requirements for the particular zone within which it is located.

1.4 Council approval to an application for ancillary accommodation shall be subject to conditions including the following.

• A notification shall be placed on the Certificate of Title under section 70A of the Transfer of Land Act advising owners and subsequent owners that the ancillary accommodation shall only be occupied by a member or members of the same family as the occupiers of the main dwelling. Council will require that this notification be placed on the title prior to the lodgement of an application for a Building Permit for the ancillary accommodation.

• The landowners notifying Council forthwith when the occupants for whom the approval was granted no longer permanently reside therein and the premises shall not then be reoccupied as ancillary accommodation without prior approval of the Council.

• Where it is not the intent that the building be removed once the approved occupants vacate or no longer require it a further development approval
will be required for a change of use prior to the building being used for any alternative purposes.

- Advise applicants that Council shall not support subdivision and/or strata title subdivision of the ancillary accommodation development on to separate lots.

2. Ancillary Dwelling

Ancillary Dwelling is not mentioned in the zoning table of the Scheme, it is defined in the Residential Design Codes. Pursuant to the Deemed provisions of local planning schemes, Planning and Development (Local Planning Schemes) Regulations 2015, development approval is not required for the erection of an Ancillary Dwelling if the Residential Design Codes apply to the development and the development satisfies the Deemed-to-comply requirements of the Residential Design Codes (unless there are heritage implications to be considered or requires consideration under State Planning Policy such as Building within a Bushfire Prone Area which trigger further consideration).

3. Neighbour Consultation

In some instances, Council may require neighbour consultation before determining whether to approve a use or not.

3.1 Ancillary Accommodation

In dealing with an application for the relaxation of a Scheme standard or where a visual or other amenity impact may occur, Council may advise adjoining landowners of its intention to give consideration to a proposal, providing full details and inviting comment.

3.2 Ancillary Dwelling

No consultation required if the development is in line with the Deemed-to-comply requirements of the Residential Design Codes.

4. Variations

Applications seeking variations to this Policy shall be determined in accordance with the objectives of this policy.

POLICY APPLICATION

This policy where it refers to Ancillary Accommodation relates to the Residential, Special Rural and Rural Zones of the Shire.

This policy where it refers to Ancillary Dwelling relates to the Residential zone and parts of the Urban Development zone, where a Residential density coding has been allocated, where the Residential Design Codes apply within the Shire.
### Procedure:

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<td>Town Planning Scheme No 7</td>
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<td>Executive Manager Engineering &amp; Development Services</td>
<td>Town Planning Scheme No 7 Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015 State Planning Policy 3.1 Residential Design Codes</td>
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INTRODUCTION

Council encourages the development of a range of tourist accommodation in the rural areas of the Shire. These uses, if undertaken in a manner consistent with the unique character of the area, contribute to the economic sustainability of the Shire. This position is consistent with the ‘Vision’ of Council’s Strategic Plan which states:

"Working together to preserve the special character of the Shire, providing diverse and sustainable lifestyle opportunities and economic diversity.”

In recognition of this, Council is supportive of a range of appropriately scaled and located tourist accommodation in rural areas including Holiday Accommodation (generally chalets), Caravan Parks, Guesthouses and Bed and Breakfast Establishments. These various types of accommodation development can be approved at the discretion of Council in the Rural Zone and this policy will provide guidance to Council when making decisions involving the exercise of that discretion.

In providing guidance on the appropriate scale and siting of tourist accommodation, this policy acknowledges that the Shire is generally suited to ‘low-key’ development given the predominant rural nature and environmental attributes. Accordingly, the policy sets out a range of objectives and performance criteria with a view to integrating the accommodation types within the rural and natural character of the Shire. Any proposed accommodation development which exceeds the scale envisaged by this policy will be considered by Council in the context of a rezoning application.

In encouraging tourist accommodation within rural areas, serious consideration must be given to the established and traditional agricultural land use of these areas. Agricultural land use forms a significant part of the economic base of the Shire and the retention and protection of this is vital to its economic and environmental sustainability in the long term. This is emphasised by the Key Land Use Objectives/Outcomes of Council’s Strategic Plan which provides a framework for land use within the Shire and includes to:

- Protect the natural and built environment
- Ensure the development of the district is sustainable
- Maintain the special attributes/character of the district by continuing to provide a balance of rural and urban land development opportunities in a safe and attractive environment
- Facilitate economic land use opportunities
- Land use planning which provides for - Economically active agricultural land use.

In this regard the most significant area within which agricultural activity and viability needs to be protected and potentially incompatible land uses avoided is the CA4 Planning Unit of Shire’s Land Use Strategy. This unit includes the bulk of the Shire’s agricultural and mineral sand mining activity areas. In order to minimise the prospect
of land use conflict, tourist accommodation other than Bed and Breakfast Establishments within existing dwellings will not be encouraged.

However Council is prepared to consider proposals for other types of accommodation where it can be shown that due regard has been given to the objective and principles of the policy.

Town Planning Scheme No 7 (‘the Scheme’) provides for consideration of approval for a range of accommodation types within the rural areas of the Shire. These are defined in detail in Appendix 1 of the Scheme and in summary can be described as follows:

- **Guest House** – a residential building with a number of guest rooms for accommodation.

- **Holiday Accommodation** – individual short stay units usually in the form of chalets and being self-contained in nature.

- **Caravan Park** – land used for short stay parking of caravans and/or provision of tent/camping sites.

Applications for these uses are assessed in accordance with the general provisions of the Scheme and in particular the requirements for the ‘Rural’ zone set out in Clause 5.7. Applications will generally be advertised for public comment prior to consideration by Council.

Please note that ‘bed and breakfast accommodation’ in rural and other areas of the Shire is addressed in ‘Policy 6.22 – Bed and Breakfast Accommodation’.

**OBJECTIVE**

To encourage sustainable tourist accommodation development in the ‘Rural’ areas of the Shire by providing for a variety of tourist accommodation choices in a range of locations, while ensuring through the approval of appropriately scaled and sited development, that the rural character, amenity and agricultural viability of these areas is maintained.

**POLICY STATEMENT**

1. In determining applications for planning consent for Rural Tourist Accommodation Council will require compliance with the definitions and requirements in the Scheme.

2. In considering an application for Rural Tourist Accommodation, Council shall be satisfied that the following matters in addition to those set out in Clauses 5.7 of the Scheme are met and may impose appropriate conditions on any approval to ensure that:

   - The proposal is consistent and compatible with the nature and amenity of the surrounding rural area;
   - The development is sufficiently separated and/or buffered from surrounding agricultural, mining or other potentially incompatible land use so as not to impact on their operations or viability;
• While accommodation development will not be encouraged to locate on land identified as having high land capability for agriculture land use and/or is within Planning Unit CA4 of Shire’s Land Use Strategy, proposals will be considered where it can be shown that due regard has been given to the objective and other principles set out in this policy;
• The proposal is not within 500m of an existing or proposed extractive industry or mining operation except where agreement is provided by the relevant tenement holder or landowner of the mining activity;
• There is no adverse impact on the visual amenity of surrounding properties and the development is sympathetic to the rural landscape of the area including vistas from public roads. Development in this regard shall be screened or have only filtered views from surrounding properties and roads;
• The character, design, size and scale of a proposed development does not resemble an urban character form of land use;
• The proposal upholds the environmental values of the land including retention of remnant vegetation, appropriate buffers from wetlands and watercourses, utilises environmentally acceptable effluent disposal and avoids potential impacts on surrounding land;
• Development shall be setback a minimum of 100m from all boundaries unless it can be demonstrated that a vegetated buffer of a minimum 30m is achieved to the boundary of the subject land. If this can be demonstrated, a reduced setback may be considered;
• The development is outside of the ‘Highway Protection Area’ identified in the Scheme;
• Frontage to a sealed road;
• Provision of safe access/entry points;
• Adequate fire management and safety can be achieved;
• Adequate servicing of the development in terms of car parking, effluent disposal, water supply, power and other services;
• The occupancy of the proposed development by any one person shall be limited to no more than 3 months within any 12-month period with the exception of on-site management;
• The proposed development is to be managed on-site; and
• Council shall not support subdivision and/or strata title subdivision of the rural tourist accommodation development on to separate lots.

3. In order to set a reasonable limit to the scale of development and minimise the conflict with adjoining agricultural properties or other rural pursuits, in addition to the general standards set out in 2 above, developments will be required to comply with the following standards for each form of Rural Tourist Accommodation:

3.1 Holiday Accommodation

• A lot which is the subject of a development proposal shall have a minimum area of 15ha whereon up to 5 accommodation units may be permitted.
• Up to a maximum of 10 accommodation units may be permitted provided a lot has a minimum area of 20ha.
3.2 Caravan Park

- A lot which is the subject of a development proposal for a caravan park shall have a minimum area of 15ha whereon up to 10 caravan/camping sites may be permitted.
- Up to a maximum of 20 caravan/camping sites may be permitted provided a lot has a minimum area of 30ha.

3.3 Guesthouse

- A lot which is the subject of a development proposal for a guesthouse shall have a minimum area of 10ha.
- The maximum number of guest bedrooms shall be six (6) and the development shall contain a common dining area, manager’s accommodation and normal residential facilities.

4. Council will consider proposed developments that exceed the standards outlined in 3 above or where a mixture of tourist accommodation standards and/or facilities are proposed by following the process required for a rezoning of the site. Applications will be expected to present a comprehensive assessment of locational, visual and servicing issues.

CONSULTATION

In dealing with any application for Rural Tourist Accommodation, the Shire may advertise the proposal for public comment pursuant to Clause 8.2 of the Scheme. The exact nature of the consultation process will be determined according to the circumstances of particular purposes.

POLICY APPLICATION

This Policy relates to the Rural Zone of the Shire.
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<thead>
<tr>
<th>ACCOMMODATION TYPE</th>
<th>DEFINITION</th>
<th>CONSIDERATION IN TOWN PLANNING SCHEME</th>
<th>SPECIFIC DEVELOPMENT CRITERIA</th>
<th>GENERAL DEVELOPMENT CRITERIA</th>
</tr>
</thead>
</table>
| Guest House         | A residential building with a number of guest bedrooms for accommodation on a short stay basis. | • Within Planning Unit CA4 not encouraged but considered with due regard to the objective and principles of the policy.  
• Special Approval of Council.  
• Advertising to adjoining/nearby landowners. | • Proposals shall be located on a lot no smaller than 10ha  
• Development shall contain a central dining area, manager’s accommodation and normal residential facilities  
• The maximum number of guest bedrooms shall be six (6). | The following requirements are applicable to Guest Houses, Holiday Accommodation, and Caravan Parks:  
• Setback a minimum of 100m from all boundaries unless a vegetated buffer of a minimum of 30m is achieved then a reduced setback may be considered.  
• Development shall be screened or have only filtered view from surrounding properties and roads.  
• Sufficiently separated and/or buffered from surrounding agricultural, mining or other potentially incompatible land use so as not to impact on the operations or viability of these.  
• The development is outside of the ‘Highway Protection Area’ identified in the Scheme.  
• Not within 500m of existing or proposed mining or extractive industry operations except with approval of operator/owner.  
• Frontage to a sealed road.  
• The proposed development is to be managed on-site.  
• Not located on land identified as having high land capability for agricultural land use.  
• Other requirements and criteria contained within the Policy. |
| Holiday Accommodation | Individual short stay units usually in the form of chalets and being self contained in nature. | • Within Planning Unit CA4 not encouraged but considered with due regard to the objective and principles of the policy  
• Special Approval of Council  
• Advertising to adjoining/nearby owners and local paper and sign on site. | • Minimum lot area is 15ha whereon up to 5 units will be permitted  
• A maximum of 10 units will be permitted on a lot of not less than 20 ha. | |
| Caravan Park         | Grounds used for short stay parking of caravans and or provision of tent/camping sites. | • Within Planning Unit CA4 not encouraged but considered with due regard to the objective and principles of the policy  
• Special Approval of Council  
• Advertising to adjoining/nearby owners and local paper and sign on site. | • Minimum lot area is 15ha whereon up to 10 sites will be permitted  
• A maximum of 20 sites will be permitted on a lot of not less than 30ha. | |
INTRODUCTION

The Shire recognises that the names of roads, parks, reserves and other places owned by or vested in the Shire can influence the sense of community and future development of an area.

Section 26A of the Land Administration Act 1997 requires all persons who are subdividing land which includes the creation of a public road to submit proposals to the Shire for the naming of roads within the subdivision.

The Shire also requires the subdivider to submit proposals for the naming of any reserves or parks to be created within the subdivision.

In addition, the Shire may determine at any time that an unnamed road, reserve or other place should be formally provided with an appropriate name.

OBJECTIVES

This Policy is aimed at achieving an appropriate and consistent approach to the naming of roads, streets, parks, reserves and other places within the Shire.

DEFINITIONS

The terms used in this policy are defined as follows.

Park: An area of public land set aside for recreation and leisure owned or vested in, and managed by the Shire of Capel or the State Government.

Reserve: An area of land reserved by the Crown, having a reserve number, and vested for one or more purposes in the public interest pursuant to the Land Administration Act.

Road: An open, public way or other land dedicated at common law or reserved, declared or otherwise dedicated under an Act as a lane, road, street or other thoroughfare for the passage of pedestrians or vehicles or both.

Place: Refers to any other feature or infrastructure not being a Park, Reserve or Road.

POLICY STATEMENT

1. Any proposals submitted by a subdivider, organisation or member of the community for the naming of a road, reserve, park or other place shall be in accordance with the following provisions. Where the Shire determines that an unnamed road, reserve, park or other place should be named, these proposals shall also be considered in accordance with these provisions.
2. In order to achieve a consistent approach to road and reserve naming, the Shire requires names to:

- recognise the significance of individual achievements or historic events in the Shire;
- promote the history and the cultural heritage of the locality;
- avoid duplication within the Shire or in adjacent municipalities to reduce misdirection of emergency services, visitors and others;
- be simple to pronounce; and
- give regard to road and reserve sign maintenance.

3. All road and reserve naming shall reflect the *Principles, Guidelines and Procedures* of the *Geographic Names Committee*.

4. Selection of Names

4.1 In the first instance, proposed names shall be generally related to the names of early pioneers, settlers and landowners.

4.2 Failing the identification of any names or insufficient numbers of names pursuant to clause 4.1, names shall be generally related to:

- the names of former residents who were war casualties or noteworthy persons; or
- Aboriginal names which are significant or shown to be relevant to particular localities.

4.3 Failing the identification of any names or insufficient numbers of names pursuant to clauses 4.1 and 4.2 a themed approach may be considered, and the theme should have some relationship to the locality of the subdivision in accordance with the Shire’s Road and Reserve Names Guidelines.

5. Naming of Roads

5.1 Names will not be considered unless selected in accordance with clause 4 and evidence of the origin of the name is provided.

5.2 Should only one or a small number of acceptable names be found, these should be applied to the most significant roads.

5.3 The duplication of names within the Shire or existing names within adjoining or nearby local governments will not be considered.

5.4 Similar sounding names within fifty kilometres of the subdivision should be avoided e.g. Dyer and Dwyer.

5.5 Where a person’s name is suggested for a road, the use of the surname only is permitted.

5.6 Selected names should if possible be limited to a total of seven (7) letters and in the case of very short roads, fewer letters.

5.7 Road names characterised as follows are not supported: incongruous (out of keeping, absurd); christian names; christian/surname combinations; double
names; qualified names; corrupted; unduly cumbersome; difficult to pronounce; obscene; derogatory; racist or discriminating; company names; or commercial names.

6. Naming of Parks, Reserves and other Places

6.1 In determining names for parks and reserves, priority will be given to the use of an adjacent road/street name to maximise the identification of that park within the area (the use of existing and approved street names reinforces local themes and enhances name recognition). The road type is not to be included in the name.

6.2 Other names may be suitable if reflecting:

- the cultural heritage or natural features of the locality;
- a former eminent explorer, natural scientist or conservationist with some association with the area; or
- an existing theme in the locality.

6.3 Aboriginal words are also encouraged for names of reserves and preference will be for Wardandi names of animals and natural features which have some association with the area (regardless of the prominence of features); and for other Aboriginal associations, including the names of former prominent Aboriginals from the area (provided consultation has occurred with the relevant Aboriginal community and agreement obtained).

6.4 Parks less than one (1) hectare in area may be named after living benefactors or persons (except for those persons holding any public office), where community support is demonstrated.

6.5 Other places such as components of reserves e.g. pavilions, spectator stands, ovals, gardens etc may be named in honour of persons (including living persons) or organisations (including corporate sponsors) that have made significant contributions (including financial) toward the establishment of the reserve or facility, or to the community generally.

6.6 The term ‘Reserve’ is only to be used if the whole of the area to be named is reserved and has a reserve number.

POLICY APPLICATION

The Policy applies to the whole of the municipality of the Shire of Capel.

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<td>Town Planning Scheme No 7</td>
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<td>Executive Manager Engineering &amp; Development Services</td>
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<td>Minute OC0931, 26.09.07</td>
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INTRODUCTION

Where lots are created in a subdivision, street corners are required to be truncated in accordance with the Western Australian Planning Commission’s Liveable Neighbourhoods policy. As per Appendix 7 of the Shire of Capel Town Planning Scheme No 7 a visual truncation relates to an area of land within the boundaries of a corner lot where a road intersects with another road. Building Permit applications are continuously being submitted consistent with the development standards of the Residential Design Codes but inconsistent with the 15m visual truncation requirement under Clause 7.8 of Town Planning Scheme No 7 resulting in an increased number of development applications requesting to vary the 15m corner truncation setback requirement. This Policy acknowledges that the current Scheme requirement for a 15m visual truncation is in excess of current standards and effects development potential.

This policy statement has been formulated in order to clarify Council’s position in respect to the relaxation of standards as it relate to Visual Truncations under Clause 7.8 of the Shire of Capel Town Planning Scheme No 7.

OBJECTIVE

To ensure unobstructed sight lines provided at vehicle access points to ensure safety and visibility along vehicle access ways, streets, right-of-way, communal streets, crossovers, and footpaths.

POLICY STATEMENT

Clause 7.8 of the Shire of Capel Town Planning Scheme No 7 provides that for corner lots, no building, wall, fence or other form of visual obstruction greater than 0.75 metres in height, measured from the natural ground level at the boundary, shall be constructed or placed on a lot within the 15 metre visual truncation.

Pursuant to the Residential Design Codes the deemed-to-comply requirements relating to sight lines requires walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5 of where walls, fences, other structures adjoin vehicle access points where a driveway meets a public street and where two streets intersect (refer Figure Series 9 as contained in the Residential Design Codes).

Council agree to a relaxation of standards where the Residential Design Codes apply to the development and the development satisfies the deemed–to-comply requirements relating to sight lines of the Residential Design Codes in lieu of the Visual Truncations requirements of Clause 7.8 of Town Planning Scheme No 7.
VARIATIONS

Applications seeking variations to this Policy shall be determined in accordance with the objective of this Policy.

POLICY APPLICATION

This Policy relates to Residential Zones in the Capel and Boyanup Town sites and the Urban Development zone throughout the Shire where a density code applies and where the density code is higher than 2.5.

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INTRODUCTION

The Capel Townsite Strategy is an extensive policy document that sets out the key long-term planning directions for the Capel townsite. The Strategy is a response to a range of land use and other issues associated with rapid population growth of the Shire and Capel town. It forms the first component of the Shire’s Local Planning Strategy and comprehensive strategic planning programme aimed at guiding urban and community growth in a sustainable manner.

In particular the Capel Townsite Strategy establishes objectives, policy statements and recommended actions associated with residential, community, environmental, recreation, social, economic and other issues for implementation over the next 10-15 years. These outcomes where relevant are represented on the Capel Townsite Structure Plan which gives direction on the sustainable size, form and nature of the town. This structure plan and the other outcomes of the Strategy are the key basis upon which any major amendments to or review of Shire of Capel Town Planning Scheme No 7 as it relates to the town of Capel will be undertaken.

The Strategy analyses a range of factors in order to guide sustainable development of the town and is set out to include:

- A description of the key characteristics of the town and where relevant the Shire as a whole.
- Discussion and analysis of the major planning and other issues for the town and where relevant the Shire as a whole.
- A vision and statement of aims and objectives providing strategic directions for the town.
- Strategic policy statements on key issues including land supply, economy and employment, community facilities and recreation, environmental values and other physical characteristics, infrastructure, transport, townsite character and sustainability.
- Presentation of land use directions within the Capel Townsite Structure Plan including development opportunities and constraints for the town with this to form the basis for local and state planning decisions relating to the town.
- A range of actions facilitating implementation of the Strategy including planning scheme measures, other Council initiatives and actions, State Government roles and other measures to facilitate development and sustainable land use management.
OBJECTIVES

The Vision for the Strategy is: "To promote and facilitate the growth of the Capel townsite as a sustainable and vibrant town that is a significant settlement and economic centre within the Shire of Capel".

This vision is supported by the following objectives in addition to more specific strategies and actions for each of the particular key issues.

1. Retain and enhance Capel as a major community, administrative, economic and general activity centre within the Shire of Capel.

2. Promote and safeguard the health, safety, convenience and general welfare of the residents of the townsite and surrounding area.

3. Promote the growth of the town in a manner that is sustainable and retains the existing natural and built form character.

4. Enhance the character of the town through improved townscape outcomes with a focus on the town centre and a high quality of residential development and design.

5. Provide for a variety of development to meet the needs of the community with regard to housing, employment and services, and to facilitate the provision of a wide range of social and cultural facilities and services.

6. Improve pedestrian and cycle access within and around the town and ensure safe and convenient movement of people, including for pedestrians, cyclists and motorists.

7. Protect and enhance the natural character and environmental attributes within and surrounding the townsite with an emphasis on the Capel River, remnant vegetation and wetlands.

8. Improve the ability of the town to attract and accommodate tourists by highlighting the country village atmosphere, historical character and location as the gateway to the South West Region.

9. Promote and plan for accommodation and services related to the care, health and wellbeing of older people in the Capel community.

10. Preserve and enhance the amenities and services of the town.

11. Integrate land use and transport systems within the town and with the surrounding District and Region.

12. Promote a safe and energy efficient pattern of development.

13. Promote sustainable development that integrates consideration of economic, environmental and social goals.

14. Provide clear and logical boundaries to townsite expansion to ensure protection of economic, environmental and character attributes of the town and surrounding area.
It is important to emphasise that the Strategy is a ‘whole of organisation’ policy. Use of the Strategy must be made in reference to the whole document rather than just a focus on the Townsite Structure Plan and listed objectives, strategies and actions. In this regard it is important to note that it is a large document that is treated as a stand alone publication. For these reasons only small excerpts of the policy are included in the Policy Manual.

The Capel Townsite Strategy was adopted by Council in July 2008 and authorised via the publication of a notice in accordance with subclause 8.9.2(d) of Town Planning Scheme No 7. The Strategy was endorsed by the Western Australian Planning Commission in October 2009.

POLICY APPLICATION

The policy relates to all land within and surrounding the Capel townsite as defined on the Capel Townsite Structure Plan.

| Procedure: |
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| **Originating Section:** | Relevant Legislation: |
| Engineering & Development Services | Town Planning Scheme No 7 |
| | Planning & Development Act 2005 |
| **Reviewer:** | Delegated Authority: |
| Executive Manager Engineering & Development Services | |
| **Adopted:** | Other References: |
| Minute OC0714, 23.07.08 | |
| **Amended:** | |
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| **Review Date:** | |
| December 2017 | |
INTRODUCTION

This Town Planning Scheme Policy reflects Council’s adoption of the Capel Town Public Open Space Strategy on 9 February 2011.

The Strategy was formulated to guide the provision and development of all public open space (POS) within the town of Capel between 2011 and 2021. It will provide a basis for the improvement of the quality and diversity of parks and the delivery of improved recreation services to ensure sustainable use of the Shire’s resources.

POS is valued for its natural attributes, contribution to neighbourhood character and community identity, cultural heritage value, benefits to tourism and the emotional connection people may attach to it. It is also valued for the social and recreational opportunities (and associated health benefits) it affords the community. The Strategy was prepared to assist the Shire and the community to ensure that those aspects of POS that are valued by the community can be protected and enhanced.

There are approximately 30 hectares of POS in the existing developed areas of Capel, excluding approximately 20 hectares of regional open space (Capel River foreshore). Approximately 12.5 hectares (41%) of the POS is district POS (Capel Sports Ground). This level of provision is generally adequate, subject to the provision of additional POS in the developing areas of the town.

With the exception of Capel Sports Ground, it is likely that much of the POS in the town is currently under-utilised in terms of its daily use. Therefore it is considered that there is capacity in the current POS and recreation network in relation to the provision of POS and its ability to service the growing population.

The provision of additional recreation and sporting infrastructure and facilities, particularly in the developing areas of the town, will need to be addressed by a number of methods including the POS Strategy, the Capel Development Contribution Plan and structure planning of the identified Planning Precincts pursuant to the Capel Townsite Strategy 2008.

OBJECTIVES

The principal objective of the POS Strategy is to create a linked network of functional and attractive public open space within the town of Capel that will broaden recreation opportunities for all sectors of the community and satisfy current and future open space needs in an equitable and sustainable manner.
The specific objectives of the POS Strategy are to:

- Identify gaps in the POS network and the provision of associated recreation facilities;
- Identify additional POS and recreation facility requirements as they relate to projected growth and demographic change;
- Identify key environmental, social, heritage and cultural values of POS and reflect these in decision-making;
- Recognise the importance of protecting indigenous flora and fauna and natural habitat;
- Establish strategies for meeting the identified POS and recreation facility needs of the Capel community;
- Establish criteria for the location, function and design of POS areas and recreation facilities;
- In conjunction with the Development Contribution Plan, provide a basis for the Shire to assess future POS and infrastructure requirements in both existing and developing areas;
- Maximise the efficiency of resource allocation to ensure effective capital works, management and maintenance outcomes; and
- Recognise the important relationship between POS, water sensitive urban design and drainage outcomes.

POLICY STATEMENT

The planning and design of POS and recreation facilities in the town of Capel is to reflect the strategic actions and policy initiatives comprised in the Capel Town Public Open Space Strategy adopted by Council.

The POS Strategy is a ‘whole of organisation’ policy document and must be referred to and used as the whole document. Accordingly, the strategic actions are not repeated in the Policy Manual as they are to be referred to in the context of the Strategy as a stand-alone publication.

POLICY APPLICATION

The Strategy applies to the urban area of the town of Capel currently identified by the ‘ultimate townsite boundary’ identified in the Capel Townsite Strategy Structure Plan (2008).
INTRODUCTION

The Boyanup Townsite Strategy is an extensive policy document that sets out the key long-term planning directions for the Boyanup townsite. The Strategy is part of a response to a range of land use and other issues associated with population growth in the Shire. It forms the second component of the Shires Local Planning Strategy (Capel Townsite Strategy was the first) and comprehensive strategic planning programme aimed at guiding urban and community growth in a sustainable manner.

In particular the Boyanup Townsite Strategy establishes objectives, policy statements and recommended actions associated with residential, community, environmental, recreation, social, economic and other issues for implementation over the next 25+ years. These outcomes where relevant are represented on the Boyanup Townsite Structure Plan which gives direction on the sustainable size, form and nature of the town. This structure plan and the other outcomes of the Strategy are the key basis upon which any major amendments to or review of Shire of Capel Town Planning Scheme No 7 as it relates to Boyanup will be undertaken.

The Strategy analyses a range of factors in order to guide sustainable development of the town and is set out to include:

- A description of the key characteristics of the town and where relevant the Shire as a whole.
- Discussion and analysis of the major planning and other issues for the town and where relevant the Shire as a whole.
- A vision and statement of aims and objectives providing strategic directions for the town.
- Strategic policy statements on key issues including land supply, economy and employment, community facilities and recreation, environmental values and other physical characteristics, infrastructure, transport, townsite character and sustainability.
- Presentation of land use directions within the Boyanup Townsite Structure Plan including development opportunities and constraints for the town with this to form the basis for local and state planning decisions relating to the town.
- A range of actions facilitating implementation of the Strategy including planning scheme measures, other Council initiatives and actions, State Government roles and other measures to facilitate development and sustainable land use management.
STRATEGY VISION

“To promote and facilitate the growth of the Boyanup townsite as a sustainable and vibrant rural town that is a significant settlement and service centre within the Shire of Capel.”

STRATEGY AIMS & OBJECTIVES

The aims and objectives of the Boyanup Townsite Strategy are to:

1. Enhance Boyanup as a major rural service centre and residential settlement within the Shire of Capel;

2. Promote and safeguard the health, safety, convenience and general welfare of the residents of the townsite and surrounding area;

3. Promote the growth of the town in a manner that is sustainable and retains the existing natural and rural character;

4. Enhance the character of the town through improved townscape outcomes with a focus on South Western Highway where it travels through the town centre;

5. Provide for a variety of development to meet the needs of the community with regard to housing, employment and services;

6. Protect and enhance the natural character and environmental attributes within and surrounding the townsite with an emphasis on the Preston River, remnant vegetation and wetlands;

7. Improve pedestrian and cycle access within and around the town and ensure safe and convenient movement of people, including for pedestrians, cyclists and motorists;

8. Provide clear and logical boundaries to townsite expansion to ensure protection of economic, environmental and character attributes of the town and surrounding area;

9. Promote and plan for accommodation and services related to the care, health and wellbeing of older people in the Boyanup community;

10. Integrate land use and transport systems within the town and with the surrounding District and Region with the objective of improving outcomes within the town;

11. Promote a safe and energy efficient pattern of development; and

12. Promote sustainable development that integrates consideration of economic, environmental and social goals.
It is important to emphasise that the Strategy is a ‘whole of organisation’ policy. Use of the Strategy must be made in reference to the whole document rather than just a focus on the Townsite Structure Plan and listed objectives, strategies and actions. In this regard it is important to note that it is a large document that is treated as a stand alone publication. For these reasons only a small excerpts of the policy are included in the Policy Manual.

The Boyanup Townsite Strategy was adopted by Council in May 2010 and authorised via the publication of a notice in accordance with subclause 8.9.2(d) of Town Planning Scheme No 7. The Strategy was endorsed by the Western Australian Planning Commission in January 2011.

POLICY APPLICATION

The policy relates to all land within and surrounding the Boyanup townsite as defined on the Boyanup Townsite Structure Plan.
INTRODUCTION

This Town Planning Scheme Policy reflects Council’s adoption of the Boyanup Town Public Open Space Strategy on 26th October 2011.

The Strategy was formulated to guide the provision and development of all public open space (POS) within the town of Boyanup between 2011 and 2021. It will provide a basis for the improvement of the quality and diversity of parks and the delivery of improved recreation services to ensure sustainable use of the Shire’s resources.

POS is valued for its natural attributes, contribution to neighbourhood character and community identity, cultural heritage value, benefits to tourism and the emotional connection people may attach to it. It is also valued for the social and recreational opportunities (and associated health benefits) it affords the community. The Strategy was prepared to assist the Shire and the community to ensure that those aspects of POS that are valued by the community can be protected and enhanced.

There are approximately 37 hectares of POS in the existing developed areas of Boyanup, excluding Preston River unallocated Crown land (regional open space), of which approximately 18 hectares (48.6%) is district POS (Boyanup Memorial Park). This level of provision is generally adequate, subject to the future provision of additional POS in the developing areas of the town.

It is considered that there is some capacity in the current POS and recreation network in terms of the provision of POS and its ability to service the growing population. However, it is recommended that the Shire consider the provision of additional POS in Precincts 1 and 2 of the Boyanup Townsite Strategy as infill development occurs.

The provision of additional recreation and sporting infrastructure and facilities, particularly in the developing Precincts 4, 5A and 5B of the Townsite Strategy, will need to be addressed by a number of methods including the draft Strategy, a Development Contribution Plan and structure planning of urban development precincts.

OBJECTIVES

The principal objective of the POS Strategy is to create a linked network of functional and attractive public open space within Boyanup that will broaden recreation opportunities for all sectors of the community and satisfy open space needs in an equitable and sustainable manner.
The specific objectives of the POS Strategy are to:

- Identify gaps in the POS network and the provision of associated recreation facilities;
- Identify additional POS and recreation facility requirements as they relate to projected population growth;
- Identify key environmental, social, heritage and cultural values of POS;
- Recognise the importance of protecting indigenous flora and fauna and natural habitat in POS and other reserves;
- Establish strategies for meeting the identified POS and recreation facility needs of the Boyanup community;
- Establish criteria for the location, function and design of POS and recreation facilities;
- In conjunction with a future Boyanup Development Contribution Plan, provide a basis for the Shire to assess POS and infrastructure requirements in both existing and developing areas;
- Maximise the efficiency of resource allocation to ensure effective capital works, management and maintenance outcomes; and
- Recognise the important relationship between POS, water sensitive urban design and drainage outcomes.

POLICY STATEMENT

1. The planning and design of POS and recreation facilities in the town of Boyanup is to reflect the strategic actions and policy initiatives comprised in the Boyanup Public Open Space Strategy adopted by Council.

2. The Strategy is a ‘whole of organisation’ policy document and must be referred to and used as the whole document. Accordingly, the strategic actions are not repeated in the Policy Manual as they are to be referred to in the context of the Strategy as a stand-alone publication.

POLICY APPLICATION

The Strategy applies to the urban area of the town of Boyanup currently identified on the Boyanup Townsite Structure Plan (2010).
INTRODUCTION

This Policy has been formulated in response to recommendations in the Capel and Boyanup Townsite Strategies to prepare a landscape policy for new urban areas (including industrial areas) to address landscape, amenity, environmental and management objectives. The desire to ensure that issues such as amenity and sustainability are addressed in the landscaping of urban areas is an important impetus for the Policy.

The Policy refers to the urban areas of Dalyellup, Capel, Boyanup, Peppermint Grove Beach and Gelorup. The Policy relates to:

- Public open space (parks and reserves) and new subdivisional roads;
- Development of privately owned land - commercial; tourist; industrial; residential; and public purpose development; and
- Existing road and street verges (public nature strips) in urban areas.

This Policy is to be read in conjunction with any landscaping provisions in the Shire of Capel District Planning Scheme and the WAPC operational policy ‘Liveable Neighbourhoods’, as well as other relevant publications such as the ‘Local Government Guidelines for Subdivisional Development’ published by the Institute of Public Works Engineering Australia (IPWEA).

Landscaping of public open space and subdivisional roads

Subdividers of urban land and their design consultants often place an emphasis on distinctive landscape features in parks and entry statements which may create the need for ongoing high levels of maintenance. The broader community often place more priority on natural landscaping, trees and habitat as well as paths, gardens, seating, shelter, play grounds and informal activity areas. These are the elements that bring them closest to nature and active recreation, particularly in urban environments.

The landscaping of public spaces, including parks, new roads and street verges, should be approached in a manner that reflects community, cultural and heritage aspirations, as well as the principles of sustainability. Landscape design and plant selection are critical components in the provision of public spaces that will be used and enjoyed by the community.

Landscaping of approved development

The landscaping of urban development should be carried out in accordance with approved landscape plans which address the relevant policy objectives and best practice guidelines to the satisfaction of the Shire of Capel.

This Policy includes provisions that developers and consultants can use in meeting the Shire’s requirements for sustainable landscape design, preparation of landscape plans and the selection of appropriate species.
Landscaping of existing road verges

As road verges are not on private property, landscaping of verge nature-strips must be done in accordance with the ‘Activities in Thoroughfares and Public Places and Trading Local Law 2016’, Policy 7.7 and other relevant Shire policies and specifications. Residents are required to apply to the Shire for a permit before they carry out landscaping works on a verge.

OBJECTIVES

The principal aim of the Policy is to enhance amenity, environmental, sustainability and cultural outcomes in relation to the landscaping of public spaces and development sites in urban areas.

The objectives for landscaping within urban areas of the Shire are to:

- retain existing native vegetation for its environmental, landscape amenity and cultural heritage values;
- use indigenous species in the landscape to reflect a sense of place and enhance ecological outcomes;
- encourage best practice in relation to sustainability, landscape design and species selection;
- provide for the needs of the community by ensuring that public spaces are functional, accessible and safe for the intended purpose;
- encourage the use of landscaping outcomes that reinforce public health, social interaction, cultural heritage and Shire character; and
- provide guidelines for the sustainable landscaping and maintenance of public spaces and development sites.

POLICY STATEMENT

The landscaping of public spaces and development sites in urban areas of the Shire of Capel is to reflect the provisions of the Shire of Capel Urban Landscape Strategy adopted by Council.

The Strategy is a ‘whole of organisation’ policy document and must be referred to and used as the whole document. Accordingly, the provisions of the Strategy are not repeated in the Policy Manual as they are to be referred to in the context of the Strategy as a stand-alone publication.

POLICY APPLICATION

The Policy applies to the urban areas of the Shire of Capel including land in the Residential, Urban Development, Town Centre, Light Industry, Special Use and Foreshore Protection zones and in the Recreation and Public Purpose reserves. The Policy also applies to land in the Shire that is subject to a rezoning or a structure plan that proposes urban development.
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INTRODUCTION

This Town Planning Scheme Policy reflects Council’s adoption of the Capel Townsite Transport Study on 27th July 2011.

The Study provides a basis for transport planning of the Capel townsite as it expands. It identifies a range of upgrading and improvements to the town’s vehicle and non-vehicle related infrastructure in order to meet the access and transport demands of the expanding population. This will be in addition to the pursuit of a range of initiatives aimed at encouraging cycle and pedestrian activity in the town.

The Study will be critical in guiding structure planning of future urban areas and in prioritising, budgeting and establishing levels of contribution towards key transport infrastructure in the town.

OBJECTIVES

The principal objective of the Capel Townsite Transport Study is to maintain and enhance the transport linkages that have established Capel as an important regional transport hub and to provide for a high and safe level of road and non-vehicle access throughout the town with a focus on reducing motor vehicle dependence.

The specific objectives of the Study are to:

1. Identify the required road network links through the town and beyond including whether any significant new roads are required. This includes identifying required upgrading of existing roads or new roads;

2. Determine the roads hierarchy for the town, including for heavy haulage;

3. Determine the nature, extent and location for new intersections and those which will require upgrading;

4. Review the existing Dual Use Path Strategy to incorporate the new Town Structure and with this to incorporate alignments, model specifications and other innovations to encourage pedestrian/cycle usage within the town as part of a Pedestrian and Cyclist Movement Plan; and

5. Indicate, based on volume trigger points and general growth projects, if possible, when upgrading and new infrastructure will need to occur.
POLICY STATEMENT

Determination on the provision, upgrading and general design of transport infrastructure in the Capel townsite shall be consistent with the strategic actions, policy initiatives and recommendations of Capel Townsite Transport Study adopted by Council.

The Study is a ‘whole of organisation’ policy document and must be referred to and used as the whole document. Accordingly, the actions and recommendations are not repeated in the Policy Manual as they are to be referred to in the context of the Study as a stand-alone publication.

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Policy 6.19
Highway Signage for Rural Tourism Activities & services

INTRODUCTION

Background

Council holds the view that the Shire of Capel provides an important gateway to the South West Region and its associated tourism activities. This gateway in the form of the Bussell Highway and the South Western Highway have associated non-urban landscapes that are highly valued by the local community and travelling public.

The view of the Council of the Shire was first reflected through its Town Planning Scheme No 2 of 1974 and subsequent in the current Town Planning Scheme No 7 through Scheme provisions which protect the visual amenity of Highways by defining a Highway Protection Area. The Highway Protection Area is generally defined as an area of land on the Scheme Map which is located 100 metres either side of the centre line of the Bussell Highway and the South Western Highway road reserves. In that area the erection of an advertisement is prohibited for a service or commodity which is not produced on the lot on which the advertisement is erected.

Council continues to hold the strong view that the Shire’s visual amenity and aesthetics must be preserved and this is a priority consideration in respect to highly visible parts of the Shire such as with land adjacent to and forming part of the main highways. Notwithstanding this Council does accept that advertising signs may assist in contributing to increased economic activity for isolated tourism activities and services in the rural areas of the Shire and is prepared to consider applications for signs within the Highway Protection Area in a controlled manner where such action continues to achieve its overall objectives to protect visual amenity. Clause 7.11.2(g) of the Scheme provides for Council to identify an area of common interest within which a sign may be approved in the Highway Protection Area through the adoption of a Policy pursuant to clause 8.9.

Council acknowledges that there are Australian Standards and internationally recognised symbols that can be used on tourism signs which are simple, concise and consistent messages that are useful in conveying information to travellers (both non English and English speaking) and the use of such symbols should continue to be encouraged to be utilised. It has also noted that carefully designed and positioned signs can inform, direct and advise the travelling public. Conversely, poorly designed and intensive signs can be confusing to the travelling public, create a traffic hazard and detract from the visual amenity and character of the rural area. Signage clutter can perpetuate itself due to competition for attention and this can lead to an overall sense of visual chaos. Any policy direction therefore needs to provide useful direction to tourists in addition to other media forms which currently provide them guidance and also be sympathetic to the rural environment. The policy also needs to ensure that the approval of signage in the Highway Protection Area has a clear link to the needs of promoting the rural tourism activities and services as opposed to retail outlets which do not provide a tourism interest.
Statutory and Strategic Base

Shire of Capel Strategic Plan 2009 to 2020

The vision of the Shire is “to encourage community diversity, sustainability and growth without compromising our rural and coastal lifestyle.”

The vision is embraced by Guiding Principles which include:

- To foster and support responsible economic development; and
- To maintain and enhance the quality of our environment.

This vision is further supported by objectives which include protecting the natural environment and encouraging business development opportunities within the shire.

Council recognises that the two guiding principles would be in conflict if a careful balance in securing the needs of both principles is not achieved. The key to this policy outcome will be to ensure “responsible” economic development is provided for and this will ensure the protection and maintenance of the environment.

Town Planning Scheme No.7 – Overall Scheme Objectives

The following objectives also identify that the intent of the Town Planning Scheme is in part:

- To direct and control the development of the Scheme area in such a way as shall promote and safeguard the health, safety, economic and general welfare of its inhabitants and shall conserve the natural values of the district; and
- To provide standards to secure and maintain the orderly and proper planned development of land within the scheme area.

The Council has clearly acknowledged that all elements of these two objectives identify matters that should be addressed in the policy and in particular raise the need for detailed consideration of not only the benefits of the signage to economic development and consideration of the impacts on the environment but also the impacts on the health, welfare and safety of the community.

Clause 7.11.1 of the Shire of Capel Town Planning Scheme No 7 states that the Highway Protection Area shall have special conditions applied for uses allowable under the Scheme in order to protect the function, amenity and visual character of the Highway.

The Scheme further through Clause 7.11.2(g) provides the Council with the ability to approve a sign within a Highway Protection Area and within a defined area of Common Interest as may be identified within a Policy adopted pursuant to Clause 8.9 of the Scheme.

Greater Bunbury Region Scheme (GBRS)

Signage is included within the interpretation of Development under the Region Scheme and Planning and Development Act. The GBRS provides that certain types of development within Primary Regional roads (i.e. Bussell and South Western Highways) will require planning approval.
OBJECTIVES

1. General

To identify an area of Common Interest pursuant to Clause 7.11.2(g) of the Scheme for the purposes of approving signs associated with Rural Tourism Activities and Services and to specify standards that should apply to such signs where Council decides to grant approval.

2. Specific

The objectives of this policy specifically intend to achieve the following outcomes in relation to tourism activities and service signs:

- To support Shire of Capel local rural based tourism businesses and operators in adding to the tourism experience in the South West;
- To require the form and location of signs to respect the character of the rural landscape within which they are located;
- To satisfy the information needs of the travelling public;
- To require signs to be of an appropriate scale and character to the surrounding area;
- To maintain the visual amenity of the highway via the careful location of signs;
- To preserve the appearance of the highway gateways through the avoidance of the proliferation and visual clutter of signs;
- To protect areas of environmental, natural and heritage significance by limiting signage adjoining such areas.
- To ensure signage is sensitive to the amenity of adjoining land uses;
- To ensure signage does not create a traffic hazard;
- To ensure signs are constructed of quality materials and maintained to a high standard;
- To ensure that the sign complements the attractiveness, safety, legibility and amenity of the natural environment both by day and night; and
- To ensure the signs are not incompatible with the existing and future character of the locality.

POLICY STATEMENT

1. The policy provides the Council with the ability to approve signs within the Highway Protection Area that are associated with rural based tourism activities and services that rely on the passing tourist trade.

2. In order to manage the form and number of signs within the Highway Protection Area, signs shall be limited to the promotion of rural based tourism activities and services located in the Shire of Capel. The type of tourism activities and services for which signage will be considered; the criteria applicable to them and the standards applicable to signs are as follows.

3. Tourism Activities mean a site containing activities with the primary function or ability to attract a traveller by providing experience of a recreational, educational, and scientific or entertainment nature. They should be based on cultural and natural heritage resources and rural pursuits including food and beverage tastings, but do not include:
4. Tourism Service is a service that caters for the needs of travellers and includes:
   - Accommodation facilities; and
   - Eating establishments provided at tourism activity site.

5. General Criteria to qualify for tourism signage consideration

To qualify for consideration under this policy for a sign in the Highway Protection Area an activity and associated sign must generally satisfy the following criteria.

a. The activity must offer the public a tourism experience (as opposed to primarily retail) as its core operation.

b. The owner of the tourism activity should demonstrate that they are promoting the activity through officially designated visitor information centres and currently utilising other marketing methods and materials.

c. The applicant must demonstrate that promotional material provides detailed navigational advice on routes to take to reach the tourism venue.

d. The sign application is primarily to assist in providing appropriate trail marking and advance warning signing.

e. The sign shall incorporate the Shire of Capel logo.

f. The sign shall meet all requirements of the State government.

g. The sign must be constructed of quality materials and maintained to a high standard.

h. A sign to tourism facilities is not granted ‘as of right’ or for promotional purposes. It will only be considered and granted approval on the basis that it will assist in achieving improved motorist safety and traffic management en route to the venue.

6. Specific criteria to qualify for tourism signage consideration

In addition to the general criteria the following specific criteria shall apply in the consideration of tourism activities and services.

a. Wineries must have a purpose built facility for wine tasting (cellar door).

b. Art galleries and craft outlets must feature a resident artist/craftsperson, display a production process, or provide more than 50% of their artwork on display from local/regional artists/crafts people. All other galleries/craft outlets are considered to be retail in nature and do not qualify for signage approval.
c. Primary production activities must display interpretive material of the primary/secondary production process and/or provide guided tours of the production process at advertised times.

d. Tourist activities opening on a seasonal only basis (part time) are not eligible for permanent signing and are encouraged to use other visitor information sources to communicate with the public.

7. Standards and Conditions of Approval for Signs

In order to protect the function, amenity and visual character of the highway, the following standards shall apply to signs for rural based tourist activities and services within the Highway Protection Area:

- no sign is to exceed 4.5m² in area and one dimension of the sign shall be no less than 1500mm;
- longitudinal placement or siting of signs shall be no closer than 500m to any other highway tourism sign;
- no sign shall exceed a maximum height of 4m;
- no sign shall be located within 300 metres from the intersection of a public road with a highway;
- a maximum of two highway pylon signs only is permitted for any given tourism related attraction or service, being one sign for each traffic direction;
- other than the two signs which accord with these standards, no other forms of advertising device are permitted;
- no additional signage or devices shall be permitted to be attached to the approved signs at a later date;
- no signs are to be illuminated or animated so as to cause undue glare or distraction on the highway with respect to the motoring public;
- no fluorescent/high visibility colours or lettering are to be used on signs;
- signs are not to provide specific detailed advertising information of the goods or activities available;
- signs shall be located to the satisfaction of the Shire of Capel and Main Roads WA to ensure traffic safety outcomes are achieved; and
- signs shall not contain symbols, slogans or lighting similar to those used for traffic control and warning.

8. All signs shall be submitted to Main Roads WA for approval having regard to the ‘Main Roads Guide to the Management of Road Side Advertising’.
10. A sign shall incorporate simple directional messages and such information may include the following:

- The business name and logo or trademark or emblem or insignia;
- A precise description of the nature of the business carried out if not already described in the business name;
- Hours of Opening;
- Directional or navigation information such as stating a distance to next road turnoff leading to the premises;
- Utilise signage lettering and colours conducive to visibility by the public travelling in a 110km/hr speed environment and which gives regard to visual amenity; and
- Signing shall incorporate international conventional symbols and wording.

11. In addition to standard administrative conditions the following specific conditions have been endorsed by Council for application to all Planning Consents granted to the development of Highway tourism signage.

a. Where Council grants Planning Consent for the erection of a Sign within the Highway Protection Area, an applicant shall not commence works of any sort without subsequently applying to and receiving approval from Main Roads WA.

b. Approval is also required pursuant to the Greater Bunbury Region Scheme and will be considered in conjunction with assessment under Town Planning Scheme No 7.

c. Any approval issued for the tourism sign will be issued for a period of five (5) years. After the five years it will be reviewed for efficacy and appearance, as well as continuing eligibility as a tourism business. If the sign fails to meet the requirements and conditions of this time, the sign will be removed by MRWA or the Shire at the expense of the business and no compensation to the tourism business will be owed.

d. At any point during the five (5) year approval period, the sign can be removed at the expense of the tourism business and without compensation if, in the opinion of the Shire, the business fails to maintain eligibility as a tourism venue, the sign becomes worn, damaged or destroyed. The sign may also be removed during the approval period, at the expense of MRWA for safety and/or traffic management reasons.

e. The erection of a sign will not occur in the Highway Road Reserve prior to the applicant/owner providing evidence of an insurance policy of minimum value $10,000,000 indemnifying the Shire of Capel and MRWA from liability of any injury to person/s or vehicles as a result of the sign being constructed within the road reserve.

f. All signage shall be of frangible construction to the satisfaction of MRWA.
g. All signs shall be submitted to the Main Roads WA for approval having regard to the ‘Main Roads Guide to the Management of Road Side Advertising’.

POLICY APPLICATION

This Policy is applicable to Rural, Special Use and Additional Use zoned land within the Shire where rural based ‘tourism activities and tourism service’ land use activities are undertaken.

The Area of Common Interest for tourism attraction and services defined pursuant to Clause 7.11.2(g) of the Scheme under this policy is:

a. Highway reserve areas which relate to the portions of Bussell and South Western Highways which adjoin land zoned Rural under the Scheme and which is not contained within adopted Urban Structure Plan areas or land zoned Urban under the Greater Bunbury region Scheme; and

b. Private/freehold land zoned Rural under the Scheme which adjoins Bussell and South Western Highways and which is not contained within Urban Structure Plan areas or land zoned Urban under the Greater Bunbury Region Scheme.

The policy area does not include land within Special Rural zones under the Scheme.

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INTRODUCTION

This Town Planning Scheme Policy reflects Council’s adoption of the Capel Townsite District Water Management Strategy on 9 November 2011.

The preparation of a District Water Management Strategy (DWMS) for Capel was identified as a ‘High’ priority action in the Capel Townsite Strategy adopted in 2008.

District water management planning is the third stage of a six part process and is designed to provide a framework for urban development in the mid to long term. The DWMS has been based on the anticipated land use outcomes as shown in the Capel Townsite Strategy.

The DWMS outlines the objectives and design criteria that must be achieved in future land development. They also reflect state-wide principles as applied to the local environment.

Adopted principles for best practice of groundwater levels include minimising changes to groundwater levels as a result of development, separation of floor levels from AAMGL and treatment of groundwater leaving the site.

The DWMS sets the criteria to maintain stormwater quality which includes treating runoff prior to discharge by retaining the 1 year-1 hour annual rainfall event on site as close to the source as possible.

The design criteria to manage stormwater quantity includes retention of 1 year events, detention of 5 to 100 year events to maintain pre-development peak flows and the setting of habitable floor levels to achieve clearance to the 100 year event.

The strategy encourages developers to investigate the use of recycled water to irrigate POS, management practices for the design and irrigation of POS, installation of rainwater tanks, grey water systems, water efficient appliances and more water efficient gardens.

OBJECTIVES

The principal objective of the Strategy is to outline the water management strategies most appropriate for the environmental constraints and opportunities of Capel Town.

POLICY STATEMENT

The management of stormwater and flood mitigation in the town of Capel is to reflect the strategic initiatives and implementation framework comprised in the Capel Townsite District Water Management Strategy adopted by Council.
The Strategy is a ‘whole of organisation’ policy document and must be referred to and used as the whole document. Accordingly, the implementation framework is not repeated in the Policy Manual as it is to be referred to in the context of the Strategy as a stand-alone publication.

POLICY APPLICATION

The Strategy applies to the urban area of the town of Capel indicated on the Capel Townsite Strategy Structure Plan (2008).

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INTRODUCTION

The Peppermint Grove Beach Land Use Strategy is intended to provide a policy basis for future urban land use and development in Peppermint Grove Beach.

OBJECTIVES

1. Establish the key long-term land use planning strategies for Peppermint Grove Beach.

2. Provide guidance to the community and the Shire in relation to sustainable land use and development in the locality.

POLICY STATEMENT

The use and development of land in the urban area of Peppermint Grove Beach is to reflect the strategies, actions and policy initiatives comprised in the Peppermint Grove Beach Land Use Strategy adopted by Council.

The Strategy is a ‘whole of organisation’ policy document and must be referred to and used as the whole document. Accordingly, the strategic actions are not repeated in the Policy Manual as they are to be referred to in the context of the Strategy as a stand-alone publication.

POLICY APPLICATION

The Policy applies to the urban area of Peppermint Grove Beach as indicated in the Peppermint Grove Beach Land Use Strategy.

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INTRODUCTION

The Shire encourages the development of tourist accommodation within the Shire including appropriately scaled and located bed and breakfast accommodation. When undertaken in a manner consistent with the unique character of the area, sustainable tourist accommodation can contribute significantly to the economy of the Shire.

Town Planning Scheme No 7 ("the Scheme") defines 'Bed & Breakfast Accommodation' as "...accommodation provided for hire or reward under the main roof of a dwelling house for not more than four (4) adults or one family in the form of a maximum of two (2) guest bedrooms and one (1) guest bathroom".

A ‘dwelling’ means “a building... used or intended, adapted or designed to be used for the purpose of human habitation on a permanent basis...” The Scheme identifies the land use classes of ‘Single Dwelling’ and ‘Grouped Dwelling’.

Pursuant to the Scheme, Bed & Breakfast Accommodation is an ‘SA’ use in the Residential and Special Rural zones and an ‘AA’ use in the Rural and Town Centre zones. An ‘AA’ use is a use that is not permitted unless the Shire has granted planning consent, and an ‘SA’ use is one that is not permitted unless the Shire has granted planning consent after notice of application has been given in accordance with Clause 8.2 of the Scheme.

As the Scheme was gazetted in 1998 the provisions regarding the consideration of Bed & Breakfast Accommodation have become somewhat outdated and the provision of Bed & Breakfast Accommodation strictly in accordance with the Scheme provisions may be discouraging their establishment in some situations or preventing opportunities to increase the viability of existing bed and breakfast establishments.

It is therefore considered that some flexibility is now required in relation to the standards defined in the Scheme interpretation of the use i.e. the numbers of guest bedrooms and bathrooms. The Scheme itself makes provision for the relaxation of standards at Clause 8.10 provided that the outcome would be consistent with the orderly and proper planning of the locality and will not have an adverse impact on local residents.

Accordingly, Policy 6.22 sets out the circumstances in which the Shire may consider applications for Bed and Breakfast Accommodation which do not strictly adhere to the current Scheme interpretation of the use.

It should also be noted that a ‘Guest House’, which is defined as “a residential building for which the primary use is short-stay tourist accommodation”, is an ‘SA’ use in the Residential zone, an ‘AA’ use in the Rural zone and a ‘P’ use (permitted subject to compliance with the Scheme) in the Town Centre zone. Any proposal for more than three (3) guest bedrooms in a dwelling with onsite management will generally be considered a ‘Guest House’ for the purpose of the Scheme.
OBJECTIVES

The principal purpose of the Policy is to provide guidance and certainty to the community and the Council in relation to the provision of bed and breakfast accommodation.

The objectives of the Policy are to:

- Provide for alternative tourist accommodation in the Shire while ensuring the amenity of urban and rural areas.
- Ensure orderly and proper development by establishing appropriate criteria for the assessment of bed and breakfast accommodation.
- Maintain and enhance the amenity, health and convenience of the Shire’s residents and visitors.
- Ensure that the Bed and Breakfast Accommodation is incidental to the primary use of the land in order to maintain the amenity of the locality.

DEFINITION

‘Bed and breakfast accommodation’ means a detached single dwelling, used by a resident of the dwelling to provide short-term accommodation, and which may include the provision of breakfast.

POLICY STATEMENT


1.1 No person shall carry out a Bed and Breakfast Accommodation use on any land within the Shire of Capel without having first obtained planning approval pursuant to the Local Planning Scheme and the relevant policy framework.

All applications will require advertising to adjoining and/or nearby landowners as provided for by the provisions of the Scheme.

1.2 In determining applications for planning consent for Bed and Breakfast Accommodation, the Shire will require compliance with the provisions of the Scheme except where specified in the following relaxation of standards pursuant to Clause 8.10 of the Scheme:

- The maximum number of guest rooms that may be considered in Bed and Breakfast Accommodation is up to three (3) guest bedrooms and associated ensuites/bathrooms.

1.3 As Bed and Breakfast Accommodation is to be provided by a resident of the dwelling, the requirement for on-site management of the establishment is implicit in any approval.
2. Proposals in Urban Areas

In determining applications for planning consent for Bed and Breakfast Accommodation in the Residential or Town Centre zones, the Shire is to address those matters relating to land use and the maintenance of residential and urban amenity in the locality including the following:

2.1 The proposal shall be consistent and compatible with the nature and amenity of the surrounding residential or urban area and the relevant provisions of Clauses 5.3 and 5.4 of the Scheme.

2.2 The proposal shall be provided in single dwellings only - the use of grouped (or strata-subdivided) dwellings for the use is not considered appropriate.

2.3 The proposal shall be connected to the standard urban services including reticulated sewerage or environmentally acceptable on-site effluent disposal, potable water supply, electricity, gas (where available), telecommunications and other relevant services.

2.4 The proposal shall be provided with adequate parking spaces for vehicles on site i.e. two (2) spaces for the dwelling and one (1) additional space per guest bedroom, as well as adequate space for vehicle manoeuvrability on site – the use of the Shire’s road verge for parking of guest vehicles, caravans etc is not permitted.

2.5 There is no adverse impact on the visual amenity of adjoining dwellings or properties from the dwelling design, the provision of additional vehicle spaces, or from signs.

3. Proposals in Rural Areas

In determining applications for planning consent for Bed and Breakfast Accommodation in rural and rural residential areas, the Shire is to address the following land use and amenity matters:

3.1 The proposal shall be consistent and compatible with the nature and amenity of the surrounding area and the relevant provisions of Clauses 5.6 and 5.7 of the Scheme.

3.2 The proposal shall be located outside the ‘Strategic Minerals and Basic Raw Materials Resource Policy area’ pursuant to the Greater Bunbury Region Scheme ("GBRS"), and more than 500 metres from any existing or proposed extractive industry or mining operation, except where any long-term impacts are assessed as minimal, and agreement is provided by an authorised representative of the mine.

3.3 The proposal shall be sufficiently separated and/or buffered from surrounding agricultural, mining or other incompatible uses (in order to avoid potential impact on their operations and to minimise land use conflict generally).
3.4 The proposal shall not be located on a highway or a ‘primary regional road’ pursuant to the GBRS, unless an alternative driveway access can be provided from an adjacent public road.

3.5 The proposal should ideally be located outside the ‘Highway Protection Area’ pursuant to the Scheme.

3.6 There is no adverse impact on the visual amenity of surrounding properties.

3.7 The proposal reflects the environmental values of the land including retention of remnant vegetation, appropriate buffers from wetlands and watercourses.

3.8 The proposal shall have frontage to a sealed public road and safe access/entry points with adequate sight distance.

3.9 Adequate fire management and safety can be achieved.

3.10 Adequate servicing of the development can be achieved in relation to vehicle parking, environmentally acceptable effluent disposal, potable water supply, power and other relevant services.


4.1 The proprietors of Bed and Breakfast Accommodation establishments shall provide information to guests about the risks from exposure to mosquitoes and measures which can be taken to avoid mosquito bites.

4.2 The provision of signs identifying Bed and Breakfast Accommodation uses shall be limited to a size of 0.2m² located within the site, and shall be subject to Shire approval pursuant to any relevant signage policy or Scheme provision.

4.3 The Shire may not support the establishment of more than two Bed and Breakfast Accommodation uses within culs-de-sac or small residential streets where, in the opinion of the Shire, traffic generation may impact on residential amenity or traffic safety.

4.4 Favourable consideration will be given to proposals that are well located in terms proximity or exposure to areas of interest or convenience e.g. beach foreshores, rivers, lakes, parks, forests, shopping or restaurants/cafes etc.

4.5 Proprietors of Bed and Breakfast Accommodation are encouraged to provide facilities for persons who have disability needs.

POLICY APPLICATION

The Policy applies to the whole of the municipality of the Shire of Capel including land in the Residential, Town Centre, Rural and Special Rural zones.
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| Engineering & Development Services | Town Planning Scheme No 7  
Planning & Development Act 2005 |
| **Reviewer:** | ** Delegated Authority:** |
| Executive Manager Engineering & Development Services |  |
| **Adopted:** | **Other References:** |
| Minute OC1204, 19.12.12 |  |
| **Amended:** |  |
| Minute OC0707, 27.07.16 |  |
| **Review Date:** |  |
| December 2017 |  |
INTRODUCTION

This Town Planning Scheme Policy reflects Council’s adoption of the Boyanup Transport Infrastructure Study on 24 June 2015.

The Study provides a basis for transport planning of Boyanup as it expands. It identifies a range of upgrading and improvements to the town’s vehicle and non-vehicle related infrastructure in order to meet the access and transport demands of the expanding population. This will be in addition to the pursuit of a range of initiatives aimed at encouraging cycle and pedestrian activity in the town.

The Study will be critical in guiding structure planning of future urban areas and in prioritising, budgeting and establishing levels of contribution towards key transport infrastructure in the town.

OBJECTIVES

The principal objective of the Boyanup Transport Infrastructure Study is to provide a policy framework for the provision of a high level of road and non-vehicle access and safety throughout the town with a focus on reducing motor vehicle dependence while retaining the road and rail infrastructure that can benefit the Boyanup economy.

The specific objectives of the Policy are to:

1. Identify the required road network links through the town and beyond including whether any significant new roads are required;
2. Determine the road hierarchy for the town, including for heavy haulage;
3. Determine the nature, extent and location for new intersections and those which will require upgrading;
4. Review the existing Dual Use Path Strategy to incorporate the new Town Structure to encourage pedestrian/cycle use within the town; and
5. Indicate, based on volume triggers and general growth projects, if possible, the timing of upgrades and new infrastructure.
POLICY STATEMENT

1. Determination on the provision, upgrading and general design of transport infrastructure in Boyanup shall be consistent with the strategic actions, policy initiatives and recommendations of Boyanup Transport Infrastructure Study adopted by Council.

2. The Study is a ‘whole of organisation’ policy document and must be referred to and used as the whole document. Accordingly, the actions and recommendations are not repeated in the Policy Manual as they are to be referred to in the context of the Study as a stand-alone publication.

POLICY APPLICATION

This policy relates to all land within and surrounding the Boyanup Townsite as defined in the Boyanup Townsite Structure Plan and in the Study.
Rescinded

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INTRODUCTION

In response to the West Australian Planning Commission on the subdivision of the northern part of Lot 9501 Hayfield Drive, Peppermint Grove Beach, the Shire requested through a condition of subdivision that a Detailed Area Plan be applied to the lot. It was considered that the eventual development of the site would need to be coordinated through consistent requirements to guide development, particularly in relation to site works and building design, as opposed to development occurring on an ad-hoc basis.

The site is not situated within a Development Zone or Residential Precinct pursuant to Town Planning Scheme No.7, accordingly the Detailed Area Plan is required to be incorporated into a Local Planning Policy in accordance with Clause 8.9 of the Scheme.

OBJECTIVE

1. To ensure development embodies the coastal character of Peppermint Grove Beach.
2. Set out provisions to ensure site works are undertaken in a uniform manner in order to maintain the impression of the natural topography of the site.
3. Promote site responsive design and ensure that essential infrastructure is provided in an environmentally sensitive manner.

POLICY STATEMENT

1. Development shall be in accordance with the Detailed Area Plan prepared for Lot 9501 Hayfield Drive, Peppermint Grove Beach as attached (Plan 13208P – DP – 01C, Appendix 1).

2. In considering a variation to the General Provisions of the Detailed Area Plan, the Shire will undertake consultation with adjoining landowners where appropriate and ensure development is consistent with the objectives of the policy.
POLICY APPLICATION

The policy applies to the area highlighted in Figure 1 below:

![Figure 1 – Policy Area](image-url)

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APPENDIX 1 – DETAILED AREA PLAN
INTRODUCTION

Signs are a significant element of the Shire’s built and rural environments. Signage can add vitality to urban centres and help identify the location of businesses in rural settings. The effectiveness of signage is compromised if the design, siting and numbers are not managed. Inappropriate signage can impact on the visual amenity of an area and compromise public safety.

The purpose of this Local Planning Policy (Policy) is to provide requirements for signs where they require development approval under the Planning & Development (Local Planning Scheme) Regulations 2015 (the Regulations) and the Shire of Capel Town Planning Scheme No. 7 (the Scheme) and identify specific instances where signage is exempt from the requirement to obtain development approval.

This Policy is prepared under the provisions of Part 2 of the Regulations. In making a determination under this Scheme the Shire must have regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.

The provisions of this Policy apply to all land zoned and reserved under the Scheme.

For signs proposed on land not zoned or reserved under the Scheme, the provisions of this Policy will be used for guidance purposes only when undertaking a planning assessment. Where this Policy is inconsistent with the provisions of a specific policy or guidelines applying to a particular site or area, or Local Law, the provisions of that specific policy, guidelines or Local Law shall prevail.

OBJECTIVES

The objectives of this Policy are to:

1. Encourage signs which are adequate and effective for business identification needs.

2. Promote a high standard of design and presentation of signs that are well integrated with the built form, harmonious with the site, surrounding environment and generally appropriate to their location.

3. Ensure that the siting, design and general appearance of the advertising and signage does not detract from the landscape values, amenity, maintainability and rural character of the locality.

4. Minimise visual clutter and rationalise the overall number of signs in a streetscape or individual premises.
5. Signs to be constructed and maintained to essential standards of public safety.

6. Ensure that signs are not located or designed in a manner that would be hazardous to pedestrians and motorists.

7. To protect the significance of heritage places or buildings.

STATUTORY BACKGROUND

Clause 60 of the Planning & Development (Local Planning Schemes) Regulations 2015 (the Regulations) requires a person to obtain the prior development approval of the local government unless that development is of a type referred to in clause 61 – Development for which development approval not required of the Regulations. In addition to the relevant sub clauses of clause 61 of the Regulations, the following Scheme provisions are also relevant.

- Clause 7.11 of the Scheme outlines circumstances where signs may require prior approval of Council within Highway Protection Areas delineated on the Scheme Map.

- Clause 7.12 of the Scheme empowers Council to consider a broad range of criteria and impose conditions when dealing with development applications of advertisements.

- Clause 7.12.4 (Appendix 11) includes specific types of advertisements that are ‘permitted development’ and therefore exempt from the need to obtain development approval. Refer to Clause 5.0 of this Policy which incorporates the provisions of Appendix 11 of the Scheme.

- Clause 65 of the Regulations and Clause 8.3.10 of the Scheme provides a local government with the power to grant development approval retrospectively.

- Clause 67 of the Regulations sets out those matters to be considered by Council in considering an application for development approval.

- Clause 80 of the Regulations and Clause 7.12.6 of the Scheme provides a local government with powers to issue a notice on the owners, occupiers or advertiser of properties that have signs that affect the amenity of the locality.

DEFINITIONS

For the purposes of this Policy the following definitions apply unless otherwise defined within the Scheme –

**animated sign** means a sign with a changing display, such as flashing or chasing bulbs, and any other non-static illuminated display;

**development approval** means an approval given under the relevant Scheme.

**facade** means the exterior surface of a wall enclosing a building and excludes the roof;
**fascia** means the horizontal band below the roof edge covering the ends of rafters and may also include a nameplate over a shopfront/business window;

**local government** means the Shire of Capel;

**owner**, in relation to land, means —

(a) if the land is freehold land —

(i) a person whose name is registered as a proprietor of the land; and

(ii) the State, if registered as a proprietor of the land; and

(iii) a person who holds an interest as purchaser under a contract to purchase an estate in fee simple in the land; and

(iv) a person who is the holder of a freehold interest in land vested in an executor or administrator under the *Administration Act 1903* section 8,

and

(b) if the land is Crown land —

(i) the State; and

(ii) a person who holds an interest as purchaser under a contract to purchase an estate in fee simple in the land;

**premises** means land, buildings or part of land or a building;

**Primary Regional Road** means Boyanup Capel Road, Bussell Highway, Goodwood Road, Picton Boyanup Road and the South Western Highway which are under the care and control of Mains Roads WA pursuant to the *Main Roads Act 1930* and the *Main Roads (Control of Advertisements) Regulations 1996*;

**public authority** means public sector departments, agencies, statutory authorities and local governments;

**sign** has the same meaning as the term **advertisement** under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* that states:

**advertisement** means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, that is used wholly or partly for the purposes of advertising, announcing or directing, and includes —

(a) any hoarding or similar structure used, or adapted for use, for the display of advertisements; and

(b) any airborne device anchored to any land or building used for the display of advertising; and

(c) any vehicle or trailer or other similar object placed or located so as to serve the purpose of displaying advertising; and

**Shire** means the Shire of Capel.

**DEVELOPMENT APPROVAL REQUIREMENTS**

Signs that meet the general and specific requirements set out in the Exempt Signs section of this Policy will generally be exempt from the need to obtain development approval. Development approval is otherwise required for all signs within the Shire.

In addition to development approval, signs may also require the separate approval from other government authorities. This includes Main Roads WA pursuant to the *Main Roads (Control of Advertisements) Regulations 1996* where signs are proposed within or in close proximity to Primary Regional Road WA controlled roads including Boyanup Capel Road, Bussell Highway, Goodwood Road, Picton Boyanup Road and the South Western Highway. Separate approval may be required under the Greater Bunbury Region Scheme (GBRS) where development is within a Primary Regional Road Reserve.
1. Building

A separate Building Permit may be required under the Building Act 2011 and Building Regulations 2012 for the structural aspects of the sign. For a simple guide clearly outlining those structures which are exempt from a Building Permit please refer to Building Regulations 2012, Schedule 4 - Building that does not require building permit / Part 2. Kinds of building work for which a building permit is not required. The most relevant items are Item 4 (fence, screen or similar) and Item 5 (mast, antenna or similar). The Shire of Capel is located in wind region A.

The Building Regulations are available free of charge on the State Law Publisher website - www.slp.wa.gov.au.

Applicants should liaise with the Shire’s Building Division to determine which applications require a Building Permit.

2. Relationship to local laws

This Policy operates in conjunction with the Shire’s local laws in the regulation of development and the use of land within the Scheme area. The Activities in Thoroughfares and Public Places and Trading Local Law 2016 deals specifically with signage and advertisements on public and reserved land.

3. Liability

The Local Government takes no responsibility for damage to, theft of or claims arising from any sign. It is the applicant’s responsibility to ensure that signs on public land are appropriately insured.

POLICY STATEMENT


General requirements applicable to all signs and advertisements:

(a) Signs should complement and integrate with the scale and architectural design of the building in which they are to be located and be compatible with existing surrounding development.

(b) Signs should be compatible with the style, scale and character of the surrounding streetscape, and the predominant uses within the locality and desired future character and amenity. Consideration will be given to the number and type of existing signs in the locality so as to avoid visual clutter.

(c) Signs should display a simple and clear message suitable to its context. Signs may contain the name or nature of the business, a logo and/or information that relates directly to the business.

(d) Signs should be kept clean and in a good, safe working condition.
(e) Signs should not impede pedestrian, vehicle movements or obstruct visual sightlines of vehicles and/or pedestrians.

(f) Illuminated signs are required to be maintained to operate as an illuminated sign.

(g) Signage is required to be securely fixed to the structure by which it is supported.

(h) The owner or licensee of a sign erected or fixed over walkways, accessways or other public land, should cause it to be fixed to provide a clear headway under the sign of not less than 2.75m, unless otherwise permitted by an authorised person.

(i) Where relevant signs should be covered under the public liability insurance of the business to which it relates if located on or over a thoroughfare.

(j) Signage should meet all other requirements of the Shire’s planning framework including any other relevant requirements set out in a local planning policy, local law, Structure Plan or Local Development Plan.

2. Development Standards for specific signs

2.1 The following standards may be varied where it can be demonstrated that the requirements of Clause 1 and Clause 3 of this Policy are met to the satisfaction of the Shire.

**Awning Fascia or Verandah Fascia sign** means a sign attached to the fascia of an awning or verandah.

- (a) The sign is contained within the depth of the existing fascia and does not exceed the length of the tenancy;
- (b) The sign is restricted to one sign per street frontage per business; and
- (c) The advertisement does not exceed 600mm in height.

**Projecting or Verandah sign** means a sign attached to and protruding perpendicularly or horizontally, from a building or structure but is not attached to the roof of the building or structure.

- (a) The sign(s) allows for a headway of at least 2.75m as measured from the immediate below footpath level;
- (b) The sign(s) does not project above the fascia of the building and does not exceed the width of the awning;
- (c) The sign is restricted to one sign per street frontage per business and can be double sided; and
- (d) The sign(s) does not exceed 500 mm in height.
**Wall, Fascia or Building identification sign** means a sign that identifies a building and that may include the name of a building, the street number of a building, the nature of the business and a logo that identifies the business, but that does not include general advertising of products, goods or services. The sign may be attached or painted directly onto the external wall.

(a) The sign does not exceed 1.2m in height from the bottom of the sign to the top where the sign is up to 7.5m from ground level;
(b) The sign should not extend beyond the frontage of the tenancy either end of the wall;
(c) The purpose of the sign is solely for the identification of the name, address, and/or occupants of a building;
(d) The colour(s) of the sign is/are to be a sympathetic to the colour scheme of the building that it relates; and
(e) Is restricted to one horizontal sign/logo per building facade per business.

*Subject to Clause 1 and 3 of this Policy, these signs are deemed acceptable where the building does not have a standard fascia, verandah or equivalent which is capable of accommodating an advertising sign.

**Free Standing Sign** means a sign that is supported by one or more piers not attached to a building and is/are permanently attached to the ground.

(a) In the case of free standing signs, signage shall not exceed 2.2m² in area per sign and shall not exceed 3.5m in height above the ground level immediately below;
(b) The sign(s) do not obstruct the view between the building and the street, thereby preventing casual surveillance of the street from the property and vice versa;
(c) A maximum of one Freestanding Sign per lot may be permitted;
(d) The sign may be a double faced; and
(e) A Building Permit may be required.

**Pylon sign** or **Monolith** sign is similar to a free standing sign but being the same width on its vertical face from ground level to its highest point.

(a) Not have any part less than 2.75m (in the case of a pylon sign) immediately below the sign, or be more than 6m in height, above natural ground level;
(b) Have a maximum width of 2m measured horizontally across the face of the structure;
(c) Be restricted to one sign, per site, may be designed to advertise multiple tenancies and can be illuminated and /or double sided;
(d) It can be demonstrated that the sign and/or advertisement is consistent with a particular design associated with a specific land use (i.e. pylon signs for petrol stations); and
(e) A Building Permit may be required.
**Portable Sign** is a sign that is not attached or otherwise to a building and no portion of which is higher than 1.0 m above natural ground level.

(a) The sign should not exceed an area of $1m^2$ on any side and may be double sided;
(b) Be limited to a maximum of one sign per business per lot and shall relate only to the business activity on the site;
(c) Be placed so as not to obstruct lines of sight along a thoroughfare or cause any danger to persons using the thoroughfare; and
(d) Should not be illuminated.

**Banner Sign** is a temporary sign made of lightweight, non-rigid material, such as cloth, canvas or similar fabric and attached on at least two points. Banner signs will only be considered where they:

(a) Relate to a promotional event and are not in place for a period exceeding 14 days in any six month period;
(b) Do not exceed one sign per business per street frontage;
(c) Do not exceed dimensions of 1.0m by 3.0m; and
(d) Are not located or do not extend beyond the private property boundary.

**Panel Sign** is a sign that is attached to a panel and mounted onto an existing vertical structure such as a side fence. It does not include a pylon or monolith sign. In addition, the sign:

(a) Is not illuminated;
(b) Is single faced;
(c) Is to be contained within the height and width of the structure on which it is displayed;
(d) Should not extend beyond the frontage of the tenancy either end of the wall; and
(e) Has a total area of signage not greater than 5.0m² per wall.

**Freestanding Banner Sign** is a sign that is made from lightweight material attached to a pole weighted to the ground. Freestanding Banner signs come in a variety of shapes and may also be referred to as ‘Bali’, ‘Teardrop’, ‘Blade’ or ‘Wing’ signs. They:

(a) Have a maximum height of 5m;
(b) Have a maximum width of 1.2m;
(c) A maximum of two (2) signs, per site, may be designed to be double sided;
(d) Be placed so as not to obstruct lines of sight along a thoroughfare or cause any danger to persons using the thoroughfare; and
(e) Are not located or do not extend beyond the private property boundary.

*Illustration sources: City of Fremantle, City of Joondalup*

### 2.2 Other Signs

In assessing signs that are not consistent with the signage types shown within this Policy, the signs shall be assessed against, and be consistent with Clause 1 and Clause 3 (where applicable) of this Policy.
3 Variations to Standards

3.1 Council may vary the requirements outlined within Clause 1 and Clause 2 of this Policy where it can be demonstrated that the following can be met to the satisfaction of the Council:

(a) The cumulative effect of the signage does not negatively impact on the surrounding locality by way of visual clutter.

(b) The scale and design of the signage is subservient to the building to which it relates, are sized in proportion with parapets, panels, windows and wall areas within close proximity to the proposed sign so as to not dominate the view of the building from the street.

(c) The signage does not compromise other planning, building or other adopted Shire statutes or standards.

3.2 Clause 8.10 of the Scheme refers to the relaxation of standards where a development does not comply with the standards prescribed by the Scheme.

4 Additional Requirements

4.1 Places of Heritage Significance

Heritage is important for the community and has environmental, economic and social benefits as a resource for present and future generations. Development approval is required for most types of development and land use for matters which may affect a heritage precinct or a property on the Register of Heritage Places or the Shire’s Municipal Inventory of Heritage Places.

In addition to the specific requirements outlined in this Policy, the Shire is to be satisfied that signs proposed on properties included on the Shire’s Municipal Inventory of Heritage Places will not have a detrimental impact on the heritage significance of the site or building. Signs are to be integrated with the building design and not dominate the building architecture. Signs are to be considered in accordance with Clause 7.14 of the Scheme which outlines the purpose and intent of Heritage provisions.

4.1.1 In addition to any heritage advice provided in accordance with clause 7.14, the Shire will consider signs on heritage significant buildings acceptable when:

(a) The sign does not cover any significant architectural features or detailing of a building;

(b) The sign does not significantly obstruct the view between the building and the street; and

(c) The style and colour/s of signs should be consistent with the style and period of the building.
4.2 Signage Strategies

A signage strategy is an overall plan for the whole of a development site or area, showing the location, type, size and design of all existing and proposed signs, as well as the outline of any buildings, landscaping, car parking areas, vehicular access points etc.

For developments of any significance such as shopping centres, commercial or industrial complexes, service stations, take away food outlets which often include multiple signs, a signage strategy for the whole development will be required as part of the application for development approval. This will enable assessment of the integration of signage with the development design and layout and a holistic assessment of signage proposals against the objectives and provisions of this Policy. A signage strategy may be required to be approved as part of any Structure Plan or Local Development Plan.

A signage strategy will be required to be submitted on application for development approval for:

(i) All new buildings where multiple tenancies are proposed; and
(ii) Other developments where the total number of signs (existing and proposed) on the site is likely to exceed a total of five.

The strategy should explain and demonstrate the need for the extent and design of signs proposed, having regard to the objectives and provisions of this Policy and should seek to integrate the signage with the development design, particularly through the provision of signage panels within the building facades. Recognising that specific uses may not be known at the planning approval stage, it is not necessary to include specific signage content in the signage strategy.

Once approved, all subsequent sign applications will be assessed against previously approved signage strategies. Modifications to the signage strategy to permit additional signage will be subject to a further approval.
## 5. Exempt Signs

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<tr>
<th>Exempted Sign *</th>
<th>Maximum Size and Requirements</th>
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<tr>
<td><strong>Property disposal</strong>&lt;br&gt;A property disposal sign is a sign indicating that a premises, property or group of properties are for sale, letting or to be auctioned.</td>
<td>(a) One sign per street frontage advertising for sale, lease or rent the property on which the sign is situated;  &lt;br&gt;(b) Do not exceed a maximum area of $2m^2$ erected on a private property; and  &lt;br&gt;(c) Are removed (within 28 days) upon completion of the sale or lease of the building or site to which it relates.</td>
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<td><strong>Construction sites</strong>&lt;br&gt;A construction site sign is a sign erected at a building site which informs the public about the development and the various companies involved in the development.</td>
<td>(a) One sign per street frontage advertising details of the project, architects, contractors or builders, displayed only for the duration of the construction; and  &lt;br&gt;(b) Maximum area as follows—&lt;br&gt;Do not exceed a maximum area of $2m^2$ where the subject site is less than $1000m^2$ in area or $4m^2$ where the site is greater than $1000m^2$ in area.</td>
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<tr>
<td><strong>Display Home sign</strong>&lt;br&gt;A sign which is displayed for the period over which homes are on display for public inspection.</td>
<td>(a) Do not exceed one sign per street frontage;  &lt;br&gt;(b) Do not exceed $2m^2$ in area; and a maximum height of $2m$;  &lt;br&gt;(c) Are located entirely within the private property; and  &lt;br&gt;(d) Illumination is not permitted.</td>
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<tr>
<td><strong>Plaque or Plate</strong>&lt;br&gt;On the site to which they pertain to indicate the name and occupation or profession of the occupier of the premises. This can include a sign associated with a home occupation, bed and breakfast, cottage industry or home based trade at a residential property.</td>
<td>Maximum area $0.2m^2$</td>
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<td><strong>Home Open sign</strong>&lt;br&gt;A home open sign means a portable freestanding sign used to direct persons to a home for sale that is open for inspection by the public.</td>
<td>(a) The sign shall not exceed an area of $1m^2$ on any side and may be double sided;  &lt;br&gt;(b) Be limited to a maximum of one sign per business per lot and shall relate only to the business activity on the site;  &lt;br&gt;(c) Be placed so as not to obstruct lines of sight along a thoroughfare or cause any danger to persons using the thoroughfare; and  &lt;br&gt;(d) Shall not be illuminated.</td>
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<tr>
<td><strong>Election sign</strong>&lt;br&gt;A temporary, non illuminated sign in connection with an election, referendum or other poll conducted under the <em>Commonwealth Electoral Act 1918</em> (Cwlth), the <em>Electoral Act 1907</em> or the <em>Local Government Act 1995</em>.&lt;br&gt;The primary purpose of the sign is for political communication in relation to the election, referendum or poll.</td>
<td>(a) The sign shall not exceed an area of $1m^2$  &lt;br&gt;(b) Only be installed with the owner’s consent; and  &lt;br&gt;(c) Not erected or installed until the election, referendum or other poll is called and is removed 10 later than 48 hours after the election, referendum or other poll is conducted.</td>
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<td><strong>Window sign</strong>&lt;br&gt;Provided the sign(s) is/are displayed on the windows of the business premises from which the advertised item is sold, or the advertised services are supplied, and the total sign does not cover more than 50% of the total window area of the tenancy as viewed from the street.</td>
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**Internal sign**

All signs placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.

**Local Reserves**

Signs erected by a public authority, or on its behalf for the purpose of public safety or information and/or the direction and control of people, animals or vehicles

Refer Appendix 11 of the Scheme.

**Road Reserves**

Signs erected by a public authority, or on its behalf for the purpose of public safety or information and/or the direction and control of people, animals or vehicles.

* The exempted signs specified exclude signs which contain any illumination or radio; animation or movement in its design or structure; reflective, retro-reflective or fluorescent materials in its design structure.

6. **Signs not permitted**

6.1 The following signs will not be approved on private land as they are considered to be inconsistent with the objectives of this Policy and include:

(a) the name, logo, or symbol of a company or other organisation that does not own or substantially occupy the site or building on which the sign is located;
(b) a product, activity or service not provided on the site on which the sign or advertisement is located;
(c) a product or service that does not form part of the signage displaying the name, logo or symbol; of a company or other organisation that owns or substantially occupy the site or building on which the sign or advertisement is located;
(d) a tethered sign - any balloon or other device flown above a building;
(e) a person shall not fly post at any place or location within the Shire;
(f) any sign painted on the roof of any building or any above roof sign that protrudes above the normal roofline of the building; or
(g) any sign located at a roundabout or within the clear zone of a road reserve.

6.2 In the case of illuminated signs:

(a) Signs or advertisements are not to emit a flashing or moving light or radio signal; animation or movement in its design or structure; reflective, retro-reflective or fluorescent materials in its design structure.
(b) Advertisements in the form of an animated sign will not, be supported by the Shire.

6.3 In regards to third party signs Council may vary the requirements in the following limited circumstances and subject to the provisions of this Policy where:

(a) A consolidated signage structure at the entry to a town provided by or on behalf of the Shire. This will be a purpose-built facility advertising services, community and tourist information;
(b) Elections signs; and
(c) Signage on the Boyanup Capel Road, Bussell Highway, Goodwood Road, Picton Boyanup Road and the South Western Highway that is consistent with the Local Planning Policy 6.8 Dalyellup Common
Interest Area, Policy 6.19 Highway Signage for Rural and Tourism Activities and Services and Clause 7.11 of the Scheme specifically related to signage abutting these roads.

POLICY APPLICATION

This Policy is applicable to all zones under the Scheme and all signage proposals within the Shire. This Policy does not deal with signage that is exempt from the requirements for development approval under Appendix 11 of the Scheme or signage under the management or control of the Shire on public thoroughfares as defined by the Local Government Act 1995. Where this Policy is inconsistent with the provisions of a specific policy or guidelines applying to a particular site or area, the provisions of that specific policy or guidelines shall prevail.

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<tr>
<th>Procedure:</th>
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<tr>
<td><strong>Originating Section:</strong> Engineering &amp; Development Services</td>
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<tr>
<td><strong>Reviewer:</strong> Executive Manager Engineering &amp; Development Services</td>
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<td><strong>Adopted:</strong> Minute OC1105, 23.11.16</td>
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<td><strong>Amended:</strong></td>
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Review Date: December 2017