

SECTION 5 – PLANNING

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Policy P.01

Landscaping Provisions – Commercial and Industrial Building

Objective

To ensure the appearance of commercial and industrial zones is improved or maintained to a minimum standard.

Statement

That planning applications for development of commercial or industrial sites, landscaping 5% of the lot in keeping with surrounding adjacent areas, to the satisfaction of the Shire within one year of completion of the building, be included as a condition of approval of the application.

POLICY NO.	P.01
POLICY SUBJECT	Landscaping Provisions – Commercial and Industrial Buildings
ADOPTION DATE	17 June 2004
VARIATION DATE	21 December 2007
REVIEW DATE	18 June 2020

Policy P.02

Subdivisions – Drain and Fill Conditions

Objective

To provide guidelines for subdivisions which require drain and fill.

Statement

1. Fill Levels

- (a) In flood prone areas land should be filled only in flood fringe areas where defined or where permitted by the Water and Rivers Commission. Authority to a level above designated flood levels (usually the 1% flood event) or the level advised by the Commission. In areas protected by levels or other mitigation works other levels will be specified. These are determined by the local government in conjunction with the Water and Rivers Commission.

No fill shall be placed in areas designated as flood ways.

- (b) Surface depressions likely to retain ponded water and areas of high water table intersecting ground level should be filled or drained except where such water bodies have significant beneficial uses and consequently need to be retained as areas of Public Open Space.
- (c) Where deep sewage is not a condition of subdivision the Local Government Authority should ensure that adequate clearance can be achieved between the highest known water table and the septic tank/leach drain system. Where appropriate, Local Government Authorities may consider the use of inverted leach drains to reduce fill requirements. The Health Department of Western Australia requires a minimum separation of 1.2 metres between the maximum ground water level and development level where on-site effluent disposal is utilised.
- (d) Where filling is required it should not be to the detriment of adjoining landowners. All fill should be retained on the lot by the use of retaining walls or ensuring the nature angle of repose is not exceeded. Development approval and a Building Permit, may be required for any retaining walls over 0.5m from natural ground level. Retaining walls exceeding 1m in height require structural certification. Retaining walls shall be entirely contained within the boundaries of a single lot. Appropriate drainage is to be installed behind retaining walls.
- (e) In many instances land to be vested as Public Open Space will be best left in its natural state, however, the Shire should, when it is in the best interest of the community, have a POS reserve or portion of POS reserve filled to the same standard as the balance of the subdivision.
- (f) Where substantial vegetation exists on an area to be filled, Council should give careful consideration to the standards imposed. Fill not only destroys shrubs and ground cover but may in the longer term result in more established trees

dying. The effects that a reduction in vegetation may have on the water table should also be considered by Council.

2. Compaction

- (a) Fill placed on a lot to meet Local Government Authority standards should be compacted to a degree that will allow typical development for that zone to be commenced without any additional earthworks being necessary. The Commission acknowledges that in some circumstances it will be necessary for Council to vary this requirement.

3. Drainage

- (a) Stormwater management shall be in accordance with the Department of Water 'Stormwater Management Manual' and address the following:
- Re-use of stormwater;
 - Stormwater discharge to the Shire's drainage system must be at or below predevelopment rates;
 - Post-development flow rates are to be attenuated to pre-development flow rates through the provision of adequate temporary detention storage;
 - Discharge to the Shire's system is to be via a silt trap located within the property;
 - Connection to the Shire's system is to be via a 90mm Stormwater Grade PVC pipe to a manhole located in the verge fronting the lot;
 - Treatment of the 1 year average recurrence interval event;
 - Sizing of pipe systems to accommodate the 5 year average recurrence interval event;
 - Provision of storage infrastructure sized to attenuate the 10 year average recurrence interval event to predevelopment flow rates to protect the downstream drainage system;
 - Overland flood route for the 100 year average recurrence interval event;
Specific requirements of downstream receiving waters and existing upstream catchment.
- (b) A drain and fill condition may be used to require the deviation or upgrading of creeks or drains which runs through land, the subject of a subdivision application.
- (c) Land may be drained to help achieve the necessary separation between the highest known water table and ground level, or where septic tanks are used, leach drains.
- (d) The standard of drain construction required is best left to the Local Government Authority to determine after considering the following factors:-
1. Area of Catchment
 2. Maximum flow rates
 3. Quality of run offs
 4. Surrounding land uses
 5. Aesthetics

In general, however, piped drains are preferred in urban areas.

- (e) Where a comprehensive drainage system exists or is proposed, a subdivider should be required to contribute to the cost of that scheme. Generally such contribution should be a proportion of the total cost equal to that which the area of land being subdivided bears to the total area covered by the comprehensive drainage system.
- (f) Drainage easements on reserves required as a result of subdivision should be provided free of cost to the Local Government Authority. If required, a condition to this effect should be requested of the Commission when a subdivision is referred to the Local Government Authority.

5. *Drain and Fill in Non Urban Areas*

The relative isolation of development in non urban areas makes the imposition of a drain and fill condition at the subdivision stage unwarranted. Such a condition would be more appropriately applied to a building licence application at which stage the location and type of development can be evaluated.

Notwithstanding these comments the Commission acknowledges that in particular instances there may be grounds for a Local Government Authority to request a drain and fill condition in non urban areas. Such cases should be justified by the Local Government Authority in its response to the Commission's referral.

Note: Refer also to Shire Policies *B04 - Stormwater Drainage* and *W13 - Connection of Private Landholders Stormwater into Councils Stormwater Drainage System*.

POLICY NO.	P.02
POLICY SUBJECT	Subdivisions – Drain and Fill Conditions
ADOPTION DATE	17 June 2004
VARIATION DATE	16 February 2017
REVIEW DATE	18 June 2020

Policy P.03 Subdivisions and Amalgamations

Objective

The following provisions should form the basis of comments and recommendation to the Western Australian Planning Commission prior to the determination of the subdivision of rural land.

Statement

1. In considering a plan of subdivision submitted to it for support, the Council shall have regard to the following matters:
 - a) The size, dimensions and shape of each lot;
 - b) The situation and planning of each lot in relation to services, both present and prospective.

Note: A statement of undertaking, advice to prospective purchasers or a Section 70A Title notification may be required in relation to the sale of any new lots with regard to provision of existing Shire services or development issues.

- c) The existing and proposed access to the subject land and to each lot. The Council will have regards to:-
 - i) the provisions of the “Road Contribution” Policy;
 - ii) the likely impact of the proposal on the Council road construction program;
 - iii) the ability to reduce the potential upgrading of existing roads by utilising an alternative subdivision design or battleaxe access legs which shall be constructed and designed to the satisfaction of the Chief Executive Officer;
 - iv) sight distances;
 - v) provision of school bus pick –up and let-down points.
 - d) The drainage of land and whether the land for drainage is to be vested in the local government or some public body or a government department.
 - e) Whether the land has been declared unfit for building under the provisions of the Health Act 1911.
 - f) The provisions of Town Planning Scheme No 2, any regulations under the Act made by the Minister, and / or any town planning by-laws by the local government wherein the land to be subdivided or amalgamated is situated.
 - g) Any other matter relating to the proposed subdivision or amalgamation which the Council in its opinion considers necessary or desirable in relation thereto including:-
 - Bush Fire Protection measures;
 - Flood prone land;
 - Battleaxe blocks; and
 - Subdivision boundary to suit topography.

- h) Council may object to the application where it is not accompanied by a commitment from the applicant to construct or upgrade the road to a suitable standard.
- i) Where the construction/upgrading of a road involves the clearing of vegetation the Commission be advised that this may require approval under the Environmental Protection Act 1986 and the Environmental Protection and Biodiversity Conservation Act 1999 and there is no certainty that such approvals will be given.

POLICY NO.	P.03
POLICY SUBJECT	Subdivisions and Amalgamation
ADOPTION DATE	17 June 2004
VARIATION DATE	16 February 2017
REVIEW DATE	18 June 2020

Objective

1. This policy seeks to guide the development of outbuildings proposed to be used for:
 - a. Domestic storage incidental to a dwelling; and
 - b. Where appropriate in accordance with Scheme 2, intensive uses such as cottage industry, commercial, rural industry, light industry, transport depot and stables.
2. This policy also seeks to minimise adverse impacts outbuildings may have on a locality.

Scope

1. This policy seeks to cater for a need for larger outbuilding space to accommodate intensive uses (commercial and industrial).
2. This policy does not apply to:
 - a. Structures without a solid roof (shade cloth and arbours);
 - b. Structures attached to a dwelling; and
 - c. One structure (garden shed) with a floor area of 10m² or less and under 2.4m in height.

Definitions

Outbuilding – for the purpose of this policy and in keeping with the Western Australian Planning Commission (2012) Residential Design Codes, outbuildings are structures that are non-habitable and not attached to a dwelling and may include sheds, gazebos, carports, sea-containers and shade houses.

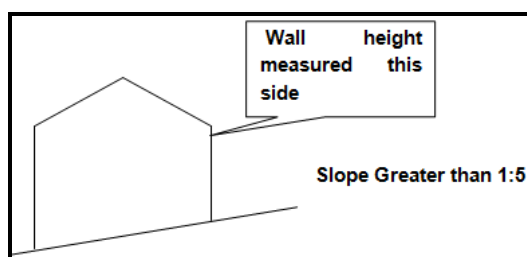
Height – when measuring the height of an outbuilding, measurements are to be taken from the natural ground level to the highest point of the wall or roof top, whichever is applicable.

Maximum Area – the maximum area of an outbuilding is the combined total roof area of all existing and proposed outbuildings.

Policy Provisions

1. Outbuildings shall not be considered on a 'Residential' zone lot unless:-
 - a. There is an existing Class 1 residential dwelling constructed on the lot; or
 - b. The outbuilding application is concurrent with an application for a habitable structure (dwelling).
2. Outbuildings shall be located away from the primary or secondary street towards the rear of the lot and where possible away from neighbouring dwellings. The exception to this rule applies to outbuildings fronting a street on 'Light Industrial', 'General Industrial' and 'Commercial' zone properties. In this situation, the fascia of the building is to incorporate a mixture of materials such as brick, glass and steel and design features (awnings) to improve the street appeal.

3. With the exception of 'Rural' zone properties, outbuildings exceeding 80m² shall be constructed out of low-reflective materials that blend with the landscape (dark blue, green, brown or red). The following colours are to be avoided as they are deemed to detract from the landscape and are considered highly reflective: Zinalume, Galvabond, White, Off-white, and Surfmist.
4. Sea containers may be considered where:
 - a. Plans indicate measures to make more visually appealing such as:
 - painting and/or re-cladding to a colour and design similar to surrounding development; and
 - Screening by planting trees or shrubs or by locating behind other development.
 - b. Neighbours have been consulted and comments considered manageable.
5. For mono-pitched roofs, the height of the wall on the high side may be relaxed by up to 400mm.
6. For slopes greater than 1 in 5, the max wall height may be determined at the higher point of the site where the land has not been subject to cut and/or fill.



7. Where demonstrated proof of ownership of vehicle/vessel, a relaxation of the height of the wall and/or ridge may be supported.
8. The design and location of outbuildings shall comply with the following Table 1. Relaxations for setbacks may be considered subject to written confirmation by the adjoining landowner/s that they have no objection to the proposal.

TABLE 1: OUTBUILDING SPECIFICATIONS

Zoning	Max. Wall Height	Max. Ridge Height	Maximum individual outbuilding area (m²)	Maximum total outbuilding area (m²)	Set-backs
Residential and Urban Zone (Lots <500m ²)	3m	4.2m	80	100	6m – Front & Secondary 1m – Side & Rear
Residential and Urban Zone (Lots 500m ² – 1000m ²)	3m	4.2m	100	120	6m – Front & Secondary 1m – Side & Rear
Residential and Urban Zone (Lots 1000m ² or >)	3m	4.2m	120	200	6m – Front & Secondary 1m – Side & Rear
Special Rural Zone (Lots < 2ha)	4.2m	4.8m	200	300	Per Scheme Requirements
Special Rural Zone (Lots 2ha and >)	4.2m	4.8m	200	400	Per Scheme Requirements
Rural Small Holding	4.2m	4.8m	300	600	Per Scheme Requirements
Commercial Zone	6m	10m	Plot Ratio 1.0	Plot Ratio 1.0	Front - Per street character 5m – One Side 0m – Other Side and Rear (3m setback does not require fire wall)
Light Industrial Zone	6m	10m	Plot Ratio 0.5	Plot Ratio 0.5	5m Front } 3m Rear } 3m Side }
General Industrial Zone	6m	10m	Plot Ratio 0.5	Plot Ratio 0.5	11m Front } 10m Rear } 5m Side }
Rural Zone	Judged on merit				Per Scheme Requirements
Special Use Zone	Judged on merit				Per Scheme Requirements

POLICY NO.	P.04
POLICY SUBJECT	Outbuildings
ADOPTION DATE	17 June 2004
VARIATION DATE	21 December 2007, 16 April 2015
REVIEW DATE	18 June 2020

Policy P.05

Bed and Breakfast Accommodation

Objective

To facilitate alternative tourist accommodation types for a range of locations whilst maintaining the amenity of those locations for permanent residents.

Statement

Definition

"Bed and Breakfast Accommodation" means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast.

A short-term basis means that the accommodation may not be occupied by the same tenant/s for a continuous period of more than 4 months, or more than 4 months in a 12 month period.

A maximum of 6 guests shall occupy the premises at any one time dependent upon the maximum number of bedrooms approved by the Shire.

The Shire permits an exemption from this policy for residences which are used as Bed and Breakfast accommodation for special events held in the Shire, limited to a maximum of 10 days per annum for no more than 3 consecutive days and a maximum of two bedrooms being used.

Appearance of Dwelling

The use of Bed and Breakfast accommodation shall be incidental to the predominant use and nature of the dwelling. The appearance of the dwelling shall remain residential and shall not impact adversely on surrounding properties.

Minimum Standards/Conditions

- 1) The owner/manager of the Bed and Breakfast accommodation will reside on-site.
- 2) Bedrooms
 - (a) Maximum 3 bedrooms for guest purposes. (maximum of 2 guests per room)
 - (b) No guest bedroom shall have openings to any other bedroom or facilities not for the use of guests.
 - (c) Rooms to be suitably furnished for number of guests.
 - (d) Rooms to be kept clean at all times and supplied with clean linen.
 - (e) Rooms to be provided with lockable door.
 - (f) Guest bedrooms shall be for guest purposes only.
- 3) Bathroom/WC
 - (a) Bathrooms/WC to be either shared facility for exclusive use by guests only, or private en-suite facility off bedrooms, or a combination of the both.

- (b) Bathroom/WC to have smooth and impervious surfaces throughout and shall be kept clean at all times.
- (c) Hot and cold water shall be supplied at all times.
- (d) Minimum facilities shall include bath and/or shower, hand basin and WC.
- (e) Any shared bathroom or WC to be provided with lockable doors (please note that all WC doors should open outwards or be fitted with lift-off hinges).

NOTE: Upgrading of plumbing and wastewater disposal systems may be required if existing system is inadequate or substandard.

- 4) Kitchen
 - (a) All floor, wall, bench, door, working area and ceiling surfaces shall be smooth, impervious and free of cracks and crevices at all times.
 - (b) Suitable facilities for the hygienic preparation, storage and cooking of food shall be provided to cater for the maximum number of guests likely to be accommodated (dependent upon room numbers).
 - (c) Preparation of meals to be the sole responsibility of the proprietor. Self service cooking by guests is not permitted. The preparation of hot and cold beverages by guests is permitted.

Minimum Lot Size

The minimum lot size of a Bed and Breakfast accommodation in residential and urban zones is 800m².

Car Parking

Any application for Bed and Breakfast accommodation shall be accompanied with a plan of a proposed car parking layout and demonstrate that adequate guest car parking facilities can be provided on the lot and in close proximity to guestrooms. No on-street car parking will be permitted for guest vehicles.

Two car parking spaces will be required for permanent residential use. One additional car-parking bay will be required for each guestroom. All car parking must be located behind the front setback.

The car parking bay shall not be less than 2.5m x 5.5m with a 6.0 metre wide manoeuvring area in the case of 90° parking.

Establishments located on major arterial or distributor roads and/or within 40 metres of any intersection will require a car parking area that is signed so vehicles can leave and enter the site in forward gear. In other locations this is encouraged but not essential.

Car parking and access areas are to be constructed and drained to the satisfaction of the Manager of Works and Services.

Guest Lounge Room

The Shire encourages provision of a separate guest lounge room although this is not a mandatory requirement.

Fire Protection

The dwelling shall be provided with smoke alarms as per the Building Code of Australia. Required smoke alarms must comply with AS3786, be connected to the mains power and installed in every bedroom used by the guests and in all associated hallways leading to the guest bedrooms.

A 2.5 kg dry powder fire extinguisher and fire blanket shall be supplied in the kitchen.

Application

Written application for approval with accompanying site and floor plans shall be made in the form prescribed by the Scheme giving full details of number and type of rooms, total number of beds, all facilities provided for guests and car parking arrangements. The application must also include a drawing of the entire dwelling, demarcating area of guest facilities, car parking and locations for smoke alarms.

A preliminary inspection of the premises will be carried out prior to the application being presented to the Council.

An application fee as set in the Shire's budget shall be attached to the application.

Licence

A Bed and Breakfast accommodation may be subject to an annual inspection.

Upon planning approval being given, a planning consent will be issued requiring the standards outlined in this policy and any other condition that the Council sees fit to impose shall be complied with prior to the accommodation being occupied. The planning consent shall be regarded as the licence.

The applicant shall arrange for a final inspection to be carried out so that compliance of all conditions can be determined.

Any building extensions, additions or alterations to increase the number of guest rooms within the scope of this policy will require the licence conditions to be modified to reflect the increase in the maximum number of guests permitted.

The planning consent and approval shall not be transferable to another site.

POLICY NO.	P.05
POLICY SUBJECT	Bed and Breakfast Accommodation
ADOPTION DATE	17 June 2004
VARIATION DATE	16 February 2017
REVIEW DATE	18 June 2020

Objective

To determine the requirements and standards relating to the development of Farm Chalets in the 'Rural' zones.

Minimum Standards/Conditions

Maximum Density:

The property shall provide for a minimum of two (2) ha per chalet.

Access and Car Parking:

The proponent shall provide appropriate access and carparking:-

1. two car parking spaces being provided for each chalet and constructed to a gravel pavement finish (currently worded: 'constructed, properly drained and sealed') and properly drained to the satisfaction of the Chief Executive Officer;
2. access being approved by the Chief Executive Officer and crossovers constructed to the Council's design specifications and levels.

Water Supply:

The proponent shall provide a minimum of eighty thousand (80 000) litres per annum per chalet.

Fire Prevention Measures:

The proponent shall comply with the Shire's Firebreak Order. A 2.5 kg dry powder fire extinguisher and fire blanket shall be provided in each individual kitchen.

Stormwater:

All stormwater run off from impervious surfaces being disposed of to the satisfaction of the Chief Executive Officer.

Waste Water:

The provision of a waste water and effluent disposal system in compliance with the Health Department of Western Australia's regulations and policies.

Building Code:

The buildings shall comply with the Building Code of Australia.

Fire Management:

A Fire Management Plan to the satisfaction of the Chief Bushfire Control Officer will be required for the land.

Minimum Facilities:

The following minimum facilities shall be provided in each chalet:-

- ◆ Toilet
- ◆ Bathroom (may be combined with toilet)
- ◆ Kitchen

- ◆ Living area
- ◆ Laundry facilities (may be provided as a single detached facility for common use where more than one (1) chalet is approved) a maximum of fifty (50) metres from each chalet.

Location:

Proponents are encouraged to locate chalets at least 100 metres away from neighbouring rural property boundaries to reduce any future potential conflict.

POLICY NO.	P.06
POLICY SUBJECT	Farm Chalets
ADOPTION DATE	17 June 2004
VARIATION DATE	16 February 2017
REVIEW DATE	18 June 2020

Objective

This policy applies to an application for a feedlot in the Rural Zone.

This policy builds on the Shire's Scheme objective in clause 1.5 to protect the potential of agricultural land for primary production and to preserve the landscape and character of rural areas.

As rural land within the Shire is a limited resource, the natural environment and the amenity of people's lifestyle need to be maintained.

This policy aims to ensure that feedlots do not adversely impact on the rural activities carried out on the land and neighbouring farms.

Definition

Section 5.5.1 of the *Shire of Boyup Brook Health Local Law 2004* (the Health Local Law) interprets, for the purpose of Division 5 of the Health Local Law, feedlot and animals to mean as follows:

5.5.1 For the purpose of this division—

“feedlot” means a confined area with watering and feeding facilities where animals or birds are held and fed for the purpose of weight gain;

“animal” includes sheep, lambs, goats, deer, cattle and buffalo; “birds” includes roosters, hens, geese, turkeys, ducks, poultry, emus and ostriches.

Clause 2 in the Shire's Town Planning Scheme 2 (the Scheme) defines animal husbandry - intensive as follows:

2. LAND USE DEFINITIONS

In the Scheme-

“animal husbandry - intensive” means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots;

For the purpose of this policy, a feedlot is a confined yard area with watering and feeding facilities where the raw material (the stock animals), is completely hand or mechanically fed for the purpose of production, i.e. to add muscle/meat to their frame and optimise fat cover in preparation for slaughter (finishing).

This expanded definition of a feedlot excludes:

- the feeding or penning of (stock) animals in this way for weaning or dipping;

- maintenance feeding, e.g. confining and feeding to maintain the condition of, e.g. breeding (stock) animals; or
- similar husbandry purposes e.g. for drought or emergency feeding; or
- at a slaughtering place or in recognised saleyards.

Development

This type of land use deemed by Council to be a 'AA' use under the Scheme defined as:

'AA' A use which Council, in exercising the discretionary powers available to it. may approve under this scheme which may require that the following to be carried out:

3.5. ADVERTISING OF APPLICATIONS

3.5.2 Where an application is made for planning approval to commence or carry out development which involves a 'AA' use, or any other development which requires the planning approval of the Council, the Council may give notice of the application in accordance with the provisions of sub-clause 3.5.3.

3.5.3 Where the Council is required or decided to give notice of an application for planning approval the Council shall cause one or more of the following to be carried out:

- a) Notice of the proposed development to be served on the owners and occupiers as likely to be affected by the granting of planning approval stating that submissions may be made to the Council within twenty-one days of the service of such notice.
- b) Notice of the proposed development to be published in a newspaper circulating in the Scheme area stating that submissions may be made to the Council within twenty-one days from the publication thereof.
- c) A sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in paragraph b) of this sub-clause.

Application

Applications shall be made to the Council in the form required by the Scheme and must include an accurate map of the property with all relevant distances indicated.

Site Selection

1. Not within 5 kms of a gazetted Townsite with the Council having discretionary powers to approve sites less than 5 kms.
2. Gently sloping land, generally no greater than 1:20 but not less than 1:100.
3. Sandy loam soils with sufficient infiltration to avoid surface ponding and reduce run-off. Coarse sand is not suitable.
4. Minimum groundwater clearance of 3m.

Establishment and Management Requirements

1. Establish trees and shrubs in dense belts so as to create a windbreak and general screen.
2. For cattle, the recommended stocking rate of area will be 9-25m² /head, dependent on soil types and rainfall.
3. Drainage should be designed to divert all uncontaminated stormwater from the general waste stream.
4. Solid and liquid waste shall be disposed of so as not to be detrimental to the environment.
5. Dependent on stock numbers the following methods of disposal may need to be incorporated.
 - (a) Liquids
 - (i) Evaporation ponds
 - (ii) Irrigation dependent on soil's ability to absorb nutrient, maximum infiltration rate in winter and nutrient loading the wastewater.
 - (iii) Disposal area to be rested at least 14 days after application.

It should be emphasised that liquid wastes produce considerable odour when aerated by spray irrigation which may limit some methods.

- b) Solids:
 - i) Spread evenly by suitably designed machinery so as not to create a nuisance (flies, odours).
 - ii) Area to maintain vegetation cover and application rate not exceed 30 tonnes/ha/yr.

Buffer Distances

Separation distances (Including Waste Disposal Areas)

Townsites	5000m
Residence	1000m- less by Council approval.
Road	50m
Property Boundaries	50m
Designated Water Catchment Areas	Not Permitted
Water Courses – Major	300m
Water Courses - Minor	100m
Stock and domestic watering supplies	300m

POLICY NO.	P.07
POLICY SUBJECT	Feedlots Animal Husbandry - Intensive
ADOPTION DATE	17 June 2004
VARIATION DATE	21 December 2007, 16 May 2019, 18 July 2019
REVIEW DATE	18 June 2020

Objective

To determine the process for naming new roads.

Statement

- Name duplication with local governments or adjoining local governments shall be avoided. If possible, it should also be avoided within the State.
- Names of living individuals shall not be used.
- Names characterised as follows are to be avoided:-
 - Incongruous; given/first names*; given/first and surname combinations; double names; qualified names; corrupted, unduly cumbersome or difficult to pronounce names; obscene, derogatory, racist or discriminating names; company names; or, commercialised names.
- Preferred sources of names include:
 - Aboriginal names; pioneers of the State or area; war casualty list; thematic names e.g. fauna, ships etc.
- Road names shall not be approved unless the origin of the name is clearly stated.

**Use of given/first names may be acceptable in special circumstances, e.g. when to people with the same name are valid sources for a road name, or a surname is not appropriate for some reason.*

But: Use of the surname will normally have priority.

Particular attention will be paid to explanation of origins.

Honouring the same person more than once will be avoided.

Further research into local history and identities has resulted in the following suggestions as an initial schedule of suggestions:-

That Council endeavours to add “suggested names” to its policy P.08 by advertising for submissions in the Boyup Brook Gazette and by survey of honour boards and memorials in the Shire of Boyup Brook. The updated list is then to be submitted to Landgate for approval.

Hales The ‘Hales’ name has been synonymous with the district for 100 years. Mr Wally Hales was a major contributor to promoting Boyup Brook as a tourist destination for many decades. (Name added in November 2005)

Fuller Harry Fuller took up 700 acres in the district in 1902. He was an excellent teamster and carted regularly by contract. His team of horses was commented on favourably for many years. He and his wife raised ten children.

Geographic names may not accept the use of Fuller Road due to the proximity of Fullerton Road, Catterick – previous request to approve denied by Geographic Names.

- Gregory** After AC Gregory – first white man to the District and Famous Explorer. Geographic Names may not accept the use of Gregory Road due to the proximity of Gregory Street in Dinninup – previous request to approve denied by Geographic Names.
- Lloyd** After JR Lloyd – Councillor 1961-67, 68-89, 91-93,
Shire President 1976-1982
Geographic Names may not accept the use of Lloyd Road due to the proximity of Lloyd Road in Darkan – previous request to approve denied by Geographic Names.
- Moore** After CL Moore – Councillor 1974 – 1988
Shire President 1982-1987
Geographic Names may not accept the use of Moore Road due to the proximity of Moore Street in Wilga – previous request to approve denied by Geographic Names.
- Moulton** Matt Moulton took a position of Land Guide in the Scott's Brook area of the Upper Blackwood District in 1892. He took up land there and developed it. He was an excellent horseman and expert bushman and is credited with providing sound advice to new settlers.
Geographic Names may not accept the use of Moulton due to the proximity of Moulton Road in Bridgetown – previous request to approve denied by Geographic Names.
- Smith** Harry Smith and his family arrived in the district in 1909 and took up land at Scotts Brook. Before the land became productive he earned a living carting and dam sinking with a bullock team. His daughter Amy married Charles Jennings and the family remain in the district today.
Geographic Names may not accept the use of Smith due to the proximity of 12 other uses in adjoining Shires – previous request to approve denied by Geographic Names.
- Sinnott** William Sinnott came to the Upper Blackwood district in 1896 and settled near Mayanup. He was a public minded person, involved in sport, business associations and a member of the Roads Board from 1918-1934.
- Wauchope** Mr Wauchope was one of the best known teachers at the Boyup Brook School in the early days. He taught there from 1903-1912 and again 1917-1925. He assisted Mr Proctor put down the first tennis courts in town in 1904. Mrs Wauchope ran the first unofficial post office in Boyup Brook from the school house.
- Cailes** Mr Albert Cailes, the grandfather of Clifford Cailes was an early settler to the Shire of Boyup Brook. The name Cailes was approved at the October 2008 Council Meeting.
- Millington** Ray & Ivy Millington and their three children moved to Boyup Brook in 1948. Ray commenced employment with the Upper Blackwood Road

Board as grader driver, relief engineer and mechanic. Their first home was situated in Bridge Street Boyup Brook.

Letchford The Letchford family have been farming over 100 years in the Boyup Brook District.

Henry George Letchford was a public minded person who was President of the Soccer Association and instigated the establishment of the Boronia Gully School for local children. Mr Letchford developed a top Jersey dairy herd and won several Champion trophies at local shows.

Bode Harry Arnold Bode arrived in the Boyup Brook District as part of a crew contracted to erect telegraph poles and install telephone switch boards in the Bridgetown, Boyup Brook and Kulikup area. From the years 1935 to and including 1938, Harry Bode was the local APB officer. After WW2 during the years 1947 through to 1951 Harry had a milk round in town delivering milk from his own dairy. From 1951 he worked at the Flax Mill until it closed down. The stones that you see around the streets of Boyup Brook come from "Coolangatta" Farm.

Dent George Perkins Dent saw huge potential in the Boyup Brook area and bought many thousands of acres of farmland on the banks of the Blackwood River. He funded moving the rest of his family from SA to Boyup Brook. His parents and remaining 5 siblings and 1 foster child, all packed up and moved to the prospering area and became early settlers of the town of Boyup Brook.

Affleck The Affleck family have lived in and around Wilga since at least 1909, when William and Isobella married in the new Wilga Hall. The Affleck family have owned land in Wilga since 1914. Members of the Affleck family have fought in many of the Wars that Australia was involved with. Five members of the Affleck family played in the Wilga Tennis, Cricket and Golf Clubs.

Broadhurst **John Heslop Broadhurst** (1904 – 1984)
1929 - In partnership with Mr. Tom Brockman, began farming *Bushley Park*. The farm gate was situated on Parson's Swamp Road (RMB 141) and then consisted of locations 1831 (homestead block), 1832, 1833, 1864, 2132, 2251 and 2291.
1934 – Married Bessie (known as Betty) Earnestine Randall, bought Tom Brockman out by **1936** and continued to farm the property till **1976**.
1939 – **Manpowered during the war and seconded to manage the property know as Roxburgh** owned by Bill Inglis who was called up and reinstated as an officer in the army for the duration of the war.
1946 – Foundation member and Vice President of the **Mayanup Progress Association**.
1950 – Foundation member and President of the combined Mayanup

Progress Association and **Farmers Union**

- **Foundation** Member of the **Mayanup Race Club**
 - Chief Judge and Secretary for many years
 - Judged horse racing at Kulikup
- Long standing member of the **School Bus Committee**
- Played **tennis** both at Mayanup and Boyup Brook.
- Played **golf** at *Brancaaster* (the Whistler farm, Whistler Road Mayanup).
- **Foundation** Member of the present **Boyup Brook Golf Club Inc.**
 - President for a number of years
 - Executive member in various other roles
- **Foundation** Member of the **Boyup Brook Bowling Club**
 - Served as an executive member in various roles over a number of years and Captain
 - Remained a playing member to his death
- **Foundation and Life member** of the **Boyup Brook Club Inc.**
 - Served on Committee for many years.
 - Remained a member to his death
- Member of the **CO-OP Board** for several years.
- Ran a **Corriedale stud** for 10 years.
- **1984-11-11** - Died in the Boyup Brook Soldiers Memorial Hospital from chronic bronchitis.

POLICY NO.	P.08
POLICY SUBJECT	Naming New Roads
ADOPTION DATE	17 June 2004
VARIATION DATE	21 December 2007, 15 August 2013, 12 December 2013, 21 August 2014, 19 May 2016, 20 October 2016, 16 May 2019
REVIEW DATE	18 June 2020

Objective

The objectives of the Extractive Industry policy are:

- a) To minimise the operational impacts of extractive industry including erosion, dust, noise, spread of dieback, vibration, drainage (stormwater, flooding, dewatering and pollution) and land clearing on neighbouring land uses and infrastructure (roads) by the application of development standards and operational requirements;
- b) To protect and maintain, wherever reasonable, the existing landscape character, groundwater and surface water resources, natural resources, general amenity of the Shire of Boyup Brook and productive agricultural land use by the appropriate location and operation of extractive industries;
- c) To allow extractive industries in areas where the road infrastructure is compatible with the expected road usage, or the road network can be upgraded by the proponent to meet appropriate standards.

Statement

The extraction of materials such as sand, limestone, rock or gravel is administered by the Local Government through the granting of Development Approval under *Local Planning Scheme No.2*.

Approvals are granted to the land/Lot(s) and responsibility for compliance with any conditions, rests with the landowner.

This Policy does not apply to:

- a) Mineral extraction under the Mining Act 1978;
- b) Extraction of basic raw materials on Crown land vested for that purpose;
- c) Extraction of materials exempt under the Public Works Act 1902;
- d) Materials extracted from a lot and then used at the same lot for general purposes such as, re-sheeting internal farm access roads, re-contouring the land to fulfil a subdivision approval or for housing construction.

Note:

Minerals means naturally occurring substances obtained or obtainable from any land by mining operations carried out on or under the surface of the land, but does not include:

(a) soil; or

(b) a substance the recovery of which is governed by the Petroleum and Geothermal Energy Resources Act 1967 or the Petroleum (Submerged Lands) Act 1982; or

(ba) without limiting paragraph (b), geothermal energy resources as defined in the Petroleum and Geothermal Energy Resources Act 1967 section 5(1); or

(c) a meteorite as defined in the Museum Act 1969; or

(d) any of the following substances if it occurs on private land —

(i) limestone, rock or gravel; or

(ii) shale, other than oil shale; or

(iii) sand, other than mineral sand, silica sand or garnet sand; or

(iv) clay, other than kaolin, bentonite, attapulgite or montmorillonite.

Landholder obligations in relation to a development approval for an extractive industry are transferred to any new owners of the land. Responsibility rests with the landholder to notify prospective landholders of obligations in relation to any extractive industry and to resolve any bond agreements.

Legislative Context

The following documents apply to extractive industries:

- a) State Planning Policy No.2.4 – Basic Raw Materials;
- b) EPA Guidance Statements No.3, 51 & 56;
- c) Department of Environment and Conservation Guideline for the Development and Implementation of a Dust Management Program 2008;
- d) EPA Guidelines for the Prevention of Dust and Smoke from Land Development Sites in Western Australia 1996;
- e) Environmental Protection (Noise) Regulations 1997;
- f) Environmental Protection (Clearing of Native Vegetation) Regulations 2004;
- g) WAPC – Basic Raw Materials Proponents’ Manual 2009;
- h) Rights in Water and Irrigation Act 1914;
- i) Country Areas Water Supply Act 1947;
- j) Water Agencies (Powers) Act 1984;
- k) State Planning Policy 2.9 Water Resources;
- l) Operational policy 4.3: Identifying and establishing waterways foreshore areas (DoW September 2012);
- m) Decision process for stormwater management in WA;
- n) Stormwater Management Manual for Western Australia (DoW 2004–2007);
- o) Water resource considerations for extractive industries (DoW June 2014);
- p) Water quality protection note 15 - Extractive industries near sensitive water resources (DoW August 2013);
- q) State Planning Policy 2.8 – Bush Forever; and
- r) Local Planning Scheme No.2, which requires:

Development approval for all extractive industries may only be considered for properties zoned ‘Rural’.

The Council resolved to delegate the Chief Executive Officer of the Shire of Boyup the authority to deal with application(s) for Development Approval made for an extractive industry subject to complying with the following condition:

- a) The Chief Executive Officer exercising the power delegated pursuant to the granting of Development Approval for an application for an Extractive Industry, shall comply with the provisions of the Scheme and Extractive Industry Policy governing the exercise of the power by the Council, insofar as such provisions are reasonably applicable.

Note: This delegation is valid until such time that the Council passes a resolution to revoke or amend the delegation.

Definitions

Extractive Industry (scheme definition); means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar materials from the land

and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry – mining.

Procedures

Information To Be Provided On Application

An application for planning approval must include the following matters:

✓ Tick box to verify completion.

- Complete Development Application Form
- Attach a 'Development Plan' to the application form:
- Development Plan illustrating proposed development including:
 - Operation Area (includes area for truck movement, area for storage of materials and topsoil and extractive area;
 - Stages of extraction and rehabilitation of resource area, ordinarily occurring on a per hectare basis.
 - Preferably min setback of 200m from dwelling(s) located on neighbouring properties (not inclusive for dwellings on property where extraction proposed);
 - 40m setback to roads;
 - 20m setback to neighbouring boundaries; and
 - 50m setback to creeks/rivers/waterbodies/dams, unless a greater or lesser setback is determined in accordance with the Department of Water's Operational policy 4.3: Identifying and establishing waterways foreshore areas (DoW September 2012).

Refer To (Example) Development Plan Attached

- Where vegetation needs to be cleared, attach an approval notice from the Department of Environment Regulation. Note that clearing exemptions do not apply to extractive industries.
- For extractive industry proposals in water source protection areas, information should be sought from the Department of Water as to appropriate development and operational standards.

Note:

Stages proposed for extraction and rehabilitation may be restricted at the discretion of the Shire to appropriately manage:

- *Rehabilitation;*
- *Scarring of the landscape; and*
- *Erosion.*

Action Having Obtained Approval And Prior To The Extraction Of Resources

A Development Approval may include conditions to be completed prior to commencing development. Conditions may pertain to the following:

- A bond/bank guarantee, may be requested by the Shire. The Shire will determine the bond/bank guarantee amount. The bond/bank guarantee may be used to resolve environment and road impediments resulting from the extractive industry. Impediments may include:
 - a) Re-instatement of fill and/or topsoil;
 - b) Weed management;
 - c) Repairing damage caused to thoroughfares in the district by heavy or extraordinary traffic resulting from the extractive industry; and
 - d) Erosion resulting from storm-water and wind.
- Top soil to a depth of 150mm (unless otherwise approved by the works manager) is to be removed in stages from the resource area, and stored for use in staged rehabilitation.
- A 'Permit for Vehicle Crossover Construction' may-be required and the crossover constructed, prior to any extraction.
- Where clearing of vegetation is necessary to accommodate the extractive industry, clearing is to occur in accordance with a permit issued by the *Department of Environment Regulation*.

Ongoing Conditions

A Development Approval may include conditions that run for the life of an extractive industry. Conditions may pertain to the following:

- The owner/applicant is to ensure that operations occur in accordance with the approved 'Development Plan' and development conditions. Compliance includes:
 - a) Staying within Development Area boundaries – as per plan;
 - b) Extraction on a per hectare basis (1 hectare at a time);
 - c) Measures taken to suppress and minimise erosion; and
 - d) Progress of rehabilitation undertaken and completed per 1 hectare.
- Any offsite fill, used to facilitate rehabilitation, must be clean fill, which includes material that will have no harmful effects on the environment.
- If the extraction site is located within a Priority Water Catchment Area, rehabilitation shall not be achieved through importing fill. Rehabilitation of landfills should be conducted primarily with sand and loam to a depth generally not exceeding two metres and may involve the use of neutralised peat or acid sulfate soils or other organic matter to aid soil structure, but not as the main ingredients.

Completion Of Extraction

At the completion of extraction, the site is to be rehabilitated to the satisfaction of the Shire of Boyup Brook. At the discretion of the Shire of Boyup Brook, the bond/bank guarantee is either:

- a) Returned to the proponent once rehabilitation is completed to the satisfaction of the Shire of Boyup Brook; or
- b) Used to rehabilitate the site to the satisfaction of the Shire of Boyup Brook.

POLICY NO.	P.09
POLICY SUBJECT	Extractive Industry Policy
ADOPTION DATE	18 May 2017
REVIEW DATE	18 June 2020

Statement

1. This Policy has been adopted in accordance with Part 9.6 of the Shire of Boyup Brook District Planning Scheme 2.
2. Bush fire hazard issues are to be considered in the assessment of all proposals and applications. Proponents are encouraged to discuss bush fire management implications for their proposal with the local government administration early on in the planning/design process and prior to the formal lodgement of the application/request.
3. The policy provisions apply to proposals for scheme amendments, structure planning, subdivision, building envelope relocation, planning consent and building permit applications.
4. Where there are differences between the policy or Western Australian Planning Commission requirements and Australian Standards 3959-2009, Australian Standards 3959-2009 prevails.

Objective

To assist in reducing the probability and impact of fire.

Scope

1. This Policy applies to applications for scheme amendment, structure planning, subdivision and development on land within;
 - a) Bushfire prone areas;
 - b) 50 metres of unmanaged grassland;
 - c) 100m of vegetation that's greater in area than 1ha; and/or
 - d) 100m of vegetation that's between 0.25ha and 1ha and within 100m of other identified veg that's >1ha.
2. The Policy provisions apply to the following types of development:
 - a) New dwellings;
 - b) Additions to existing dwellings; and
 - c) Outbuildings located (Class 10a) within 6m of a dwelling.
3. This Policy does not apply to commercial development.

Definitions

Bushfire Hazard – The flammability, arrangement and quantity of vegetation, dead or alive, that can be burnt in a bush fire.

(source: Planning for Bushfire Protection Guidelines, 2010).

Bushfire Risk – The chance of a bush fire occurring that will have harmful consequences on life and property. It is measured in terms of consequences and likelihood, and arises from the interaction of hazards, communities and the environment.

(source: Planning for Bushfire Protection Guidelines, 2010).

Bushfire Prone Area – A bush fire prone area is an area that has been declared as such by the relevant local government responsible for an area (inclusive of 100m buffer). Once

an area is declared bush fire prone, then AS 3959 applies to new residential development in it.

(source: Planning for Bushfire Protection Guidelines, 2010).

<p>Note: <i>Bushfire prone areas may be derived from:</i></p> <ul style="list-style-type: none"> • <i>Aerial photography; Local level verification; Interpretation; Validation; and Combination of above.</i> <p><i>The following is low threat vegetation:</i></p> <ul style="list-style-type: none"> • <i>Vegetation of any type at a distance greater than 100m from a site;</i> • <i>Strips of veg < 20m in width regardless of length and not within 20m of each other;</i> • <i>Veg < 1ha and not within 100m of other parcels;</i> • <i>Multiple areas of veg <0.25ha and not within 20m of each other;</i> • <i>Managed grassland, maintained lawns, golf courses, maintained public reserves and parklands, botanical gardens, vineyards, orchards, cultivated ornamental gardens, commercial nurseries, nature strips and wind breaks (Source: AS 3959).</i>
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Bushfire Attack Level (BAL) – is a means of measuring a buildings potential exposure to ember attack, radiant heat and direct flame contact, in a bushfire event. Takes into account number factors including fire danger index, slope, type of vegetation and proximity to vegetation.

Note: There are six levels of bushfire attack under the Australian Standard 3959, ranging from low to flame zone.

BAL Low	<i>Minor requirements warranted</i>
BAL 12.5	<i>Requirements to deal with Ember Attack</i>
BAL 19	<i>Requirements dealing with increased levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux between 12.5 and 19 kW m²</i>
BAL 29	<i>Requirements dealing with increased levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux between 19 and 29 kW m²</i>
BAL 40	<i>Requirements dealing with increased levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux with the increased likelihood of exposure to flames.</i>
BAL FZ	<i>Requirements dealing with direct exposure to flames from fire front in addition to heat flux and ember attack.</i>

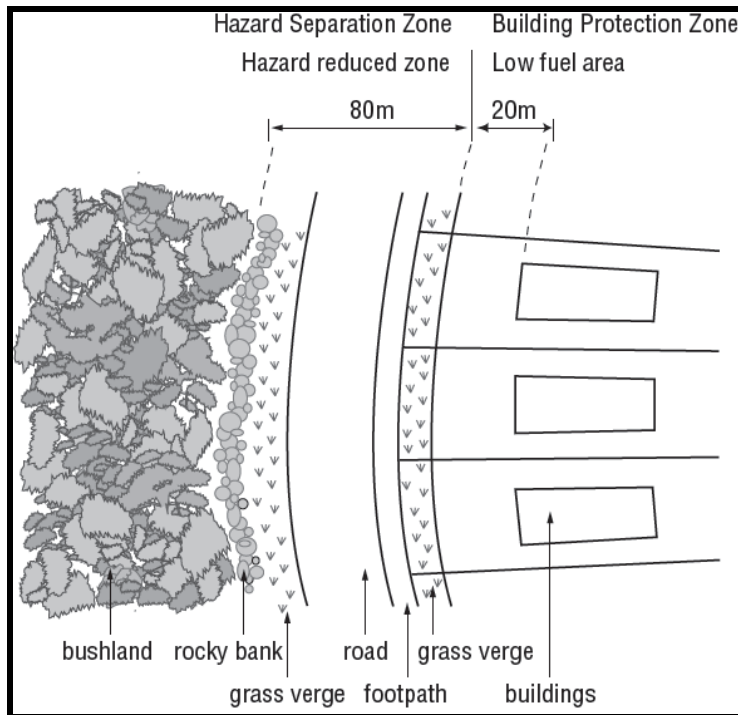
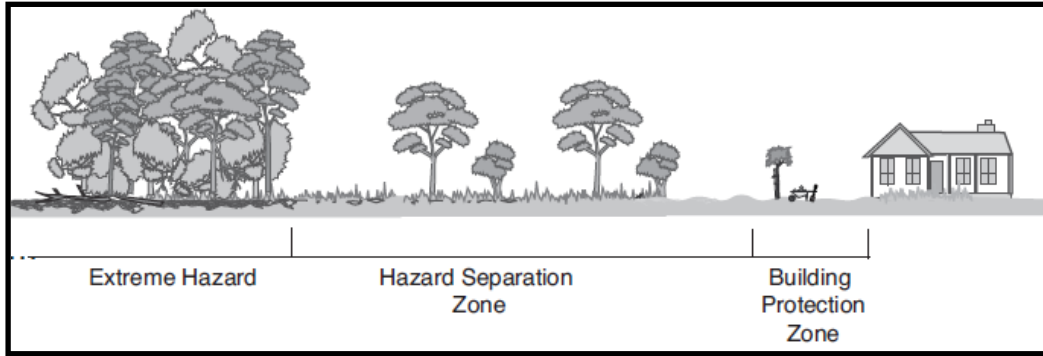
Bushfire Management Plan - sets out medium to long-term mitigation strategies for managing bushfire hazards and risk. These plans are usually required in the early stages of planning (re-zoning, structure planning or subdividing).

Fire Consultant - A person with expertise in fire management, who is eligible for certification under an applicable accreditation scheme.

Building Protection Zone – defendable space around buildings (Min 20m): – Roads, tracks, slashed grass, lawn.

Hazard Separation Zone – fuel reduced area between bush and buildings (100m or 80m if associated with BPZ).

Examples - Building Protection and Hazard Zones



Legislative Context

The **State Planning Policy 3.7: Planning for Bushfire Risk Management** assists in reducing the risk of bushfire to people, property and infrastructure by encouraging a conservative approach to strategic planning, subdivision, development and other planning decisions proposed in bushfire-prone areas.

The **Australian Standards 3959 – Construction of Buildings in Bushfire-prone-areas** covers the methodology for determining the bushfire attack level (BAL) for an allotment and goes on to provide the construction requirements for each level of BAL, including for floors, roofs, external walls and windows, verandahs and carports.

The Western Australian Planning Commission and Fire and Emergency Services Authority of Western Australia endorsed the **Planning for Bush Fire Protection Guidelines (edition** in May 2010 to outline a range of matters that need to be addressed at various stages of the planning process, to provide an appropriate level of protection to life and property from bush fires and avoid inappropriately located or designed land use, subdivision and development on land where a bush fire risk is identified.

The **State Emergency Management Policy 2.4 (SEMC, 2001)** identifies Local Governments as the hazard management agency for both urban and rural fires, in areas other than Gazetted Fire Districts and DPAW estate.

Local Governments are responsible for the administration and implementation of the **Bush Fires Act 1954, Fire Brigades Act 1942** and **Land Administration Act 1997**.

Building Regulations 2012 - Building surveyors required to ensure that, before they sign compliance certificates for relevant buildings or decks, a BAL assessment has been undertaken.

Note: Relevant Acts allow, as authorized:

- *Burning to reduce fire hazard (Bush Fires Act 1954);*
- *Clearing to construct firebreaks or to control or prevent the spread of fire (Fire Brigades Act 1942); and*
- *Clearing for fire management on Crown Land (Land Administration Act 1997).*

Clearing exemptions may not apply to classified Environmentally Sensitive Areas.

Policy Provisions

Note: Where possible, development should be located in already cleared areas away (>100m) from areas of bush fire risk.

Applications

Scheme amendment, structure planning and subdivision proposals on land within:

- a) Bushfire prone areas;
- b) 50 metres of unmanaged grassland;
- c) 100m of vegetation that's greater in area than 1ha; or
- d) 100m of vegetation that's between 0.25ha and 1ha and within 100m of other identified veg that's >1ha, shall be accompanied by a **Fire Management Plan**. At the discretion and satisfaction of the Local Government, a Fire Management Plan shall be registered as a S70A notification on the title of the affected property or properties.

Dwellings and including additions and Class 10a outbuildings and decks within 6m of a dwelling, on land within:

- a) Bushfire prone areas;
- b) 50 metres of unmanaged grassland;
- c) 100m of vegetation that's greater in area than 1ha; or
- d) 100m of vegetation that's between 0.25ha and 1ha and within 100m of other identified veg that's >1ha, shall be accompanied by a:
 - 'Bushfire Attack Level Assessment'; and
 - Plan showing:
 - I. Proposed building envelope with 20m cleared building protection zone surrounding all development (20m is to be measured on the horizontal plain);
 - II. Proposed hazard separation zone (must be located within subject property boundaries);
 - III. For non-reticulated areas, a water tank designed to hold at least 30,000l for firefighting purposes; and

- IV. Applicable construction standard in accordance with Australian Standards 3959.

Fire Management Plan

Fire Management Plans are to determine:

- a) Bushfire prone areas;
- b) Bushfire attack level;
- c) Clearing or burning necessary for firebreaks, fire access tracks (x2) and other hazard reduction measures in accordance with relevant legislation;
- d) Active defence and/or escape plans; and
- e) Provision of water – in consultation with DFES.

Bushfire Attack Level Assessment

Bushfire Attack Level assessments are to determine:

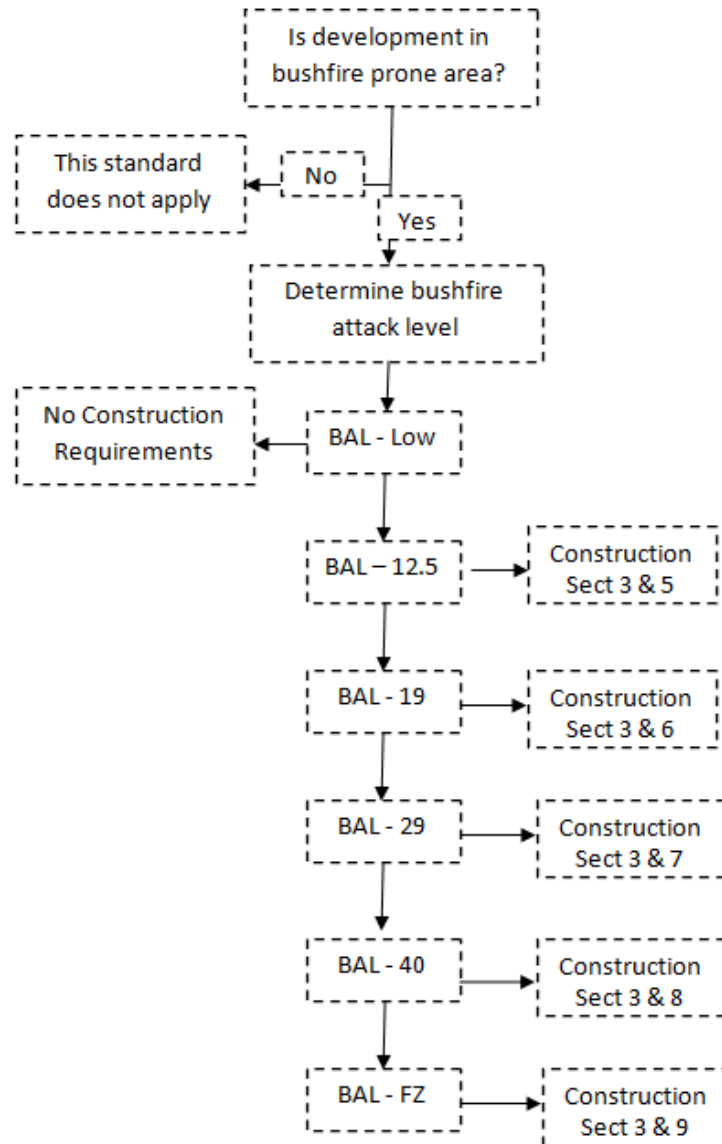
- a) Class of vegetation (refer to AS3959);
- b) Distance of the site from classified vegetation;
- c) Effective slope;
- d) Bushfire Attack Level; and
- e) Construction standard.

Consideration for Environmental Values

Developers are to ensure that:

- a) Fire Management Plans and Bushfire Attack Level Assessments balance bushfire risk management with biodiversity and conservation values.
- b) Where possible, development is located away from vegetation;
- c) Where appropriate setback from vegetation cannot be achieved, developers are to apply a minimum Bushfire Attack Level 19 Standard (BAL-19), hence minimizing the extent of clearing to establish a hazard separation zone.

Determining Construction Standards



Determining Bushfire Attack Level

Vegetation classification	Bush fire Attack Levels (BALs)				
	BAL—FZ	BAL—40	BAL—29	BAL—19	BAL—12.5
	Distance (m) of the site from the predominant vegetation class				
	Vegetation is upslope and flat land (0 degrees)				
A. Forest	<16	16–<21	21–<31	31–<42	42–<100
B. Woodland	<10	10–<14	14–<20	20–<29	29–<100
C. Shrubland	<10	10–<13	13–<19	19–<27	27–<100
D. Scrub	<7	7–<9	9–<13	13–<19	19–<100
E. Mallee/Mulga	<6	6–<8	8–<12	12–<17	17–<100
F. Rainforest	<6	6–<9	9–<13	13–<19	19–<100
	Vegetation is downslope (building is upslope) >0 to 5 degrees				
A. Forest	<20	20–<27	27–<37	37–<50	50–<100
B. Woodland	<13	13–<17	17–<25	25–<35	35–<100
C. Shrubland	<11	11–<15	15–<22	22–<31	31–<100
D. Scrub	<7	7–<10	10–<15	15–<22	22–<100
E. Mallee/Mulga	<7	7–<9	9–<13	13–<20	20–<100
F. Rainforest	<8	8–<11	11–<17	17–<24	24–<100
	Vegetation is downslope (building is upslope) >5 to 10 degrees				
A. Forest	<26	26–<33	33–<46	46–<61	61–<100
B. Woodland	<16	16–<22	22–<31	31–<43	43–<100
C. Shrubland	<12	12–<17	17–<24	24–<35	35–<100
D. Scrub	<8	8–<11	11–<17	17–<25	25–<100
E. Mallee/Mulga	<7	7–<10	10–<15	15–<23	23–<100
F. Rainforest	<11	11–<15	15–<22	22–<31	31–<100
	Vegetation is downslope (building is upslope) >10 to 15 degrees				
A. Forest	<33	33–<42	42–<56	56–<73	73–<100
B. Woodland	<21	21–<28	28–<39	39–<53	53–<100
C. Shrubland	<14	14–<19	19–<28	28–<39	39–<100
D. Scrub	<9	9–<13	13–<19	19–<28	28–<100
E. Mallee/Mulga	<8	8–<11	11–<18	18–<26	26–<100
F. Rainforest	<14	14–<19	19–<28	28–<39	39–<100
	Downslope >15 to 20 degrees				
A. Forest	<42	42–<52	52–<68	68–<87	87–<100
B. Woodland	<27	27–<35	35–<48	48–<64	64–<100
C. Shrubland	<15	15–<21	21–<31	31–<43	43–<100
D. Scrub	<10	10–<15	15–<22	22–<31	31–<100
E. Mallee/Mulga	<9	9–<13	13–<20	20–<29	29–<100
F. Rainforest	<18	18–<25	25–<36	36–<48	48–<100

POLICY NO.	P.10
POLICY SUBJECT	Fire
ADOPTION DATE	27 August 2015
REVIEW DATE	18 June 2020

Background

Local governments were encouraged by the State Government (Position Statement – May 2019) to adopt a local planning policy to ensure that specified infrastructure associated with depositing containers (for recycling purposes) are exempt from the requirement to obtain development approval.

There are broadly five types of infrastructure to facilitate the return of containers in WA. These are:

- Container collection cages: - donation points associated with schools etc
- In shop / over-the-counter / bag drop return points: - retail outlet where participants can deposit individual containers or bags of containers that are collected and returned to a retailer.
- Reverse vending machines:
- Container deposit recycling centres: and
- Large – scale facilities.

Purpose

The purpose of this policy is to:

- Provide guidance around the development of infrastructure associated with recycling products (Containers); and
- To provide an exemption in accordance with Clause 61(1)(i) and (2)(e) of the *Planning and Development (Local Planning Schemes) Regulations 2015* from the requirement to obtain development approval for container deposit scheme infrastructure proposals which satisfy minimum development standards.

Building Approval

Notwithstanding that development approval may not be required for the development of some forms of Container Deposit Scheme (CDS) infrastructure, a building permit may be required to be sought and issued prior to container deposit scheme infrastructure being erected on site.

Accordingly, proponents should liaise with the relevant local government noting that a Building Permit is required for any building or structure not listed by Schedule 4 of the Building Regulations 2012, which deals with building work for which a building permit is not required.

Objectives

The objectives of this policy are to:

- Ensure the location, design and siting of infrastructure associated with depositing containers (CDS), is complementary to the character, functionality and amenity of urban localities.
- Prevent negative impacts on local amenity from the operation of CDS infrastructure.

- Enable the timely, cost effective delivery of essential CDS infrastructure.
- Provide conveniently located infrastructure to ensure the CDS' effective reduction of litter, increased recycling and protection of the environment

Definitions

The Heritage Act	Means the Heritage of Western Australia Act 1990.
The Regulations	Means the Planning and Development (Local Planning Schemes) Regulations 2015 prepared under the Planning and development Act 2005.
The Noise Regulations	Means Environmental Protection (Noise) Regulations 1997 (as amended) prepared under the Environmental Protection Act 1986.
The Scheme	Means the Shire of Boyup Brook Local Planning Scheme No.2.
Container deposit scheme infrastructure	Means a reverse vending machine or a container collection cage.
Reverse vending machine	Means a permanently-located unattended device that accepts empty beverage containers, and is incidental the predominant land use.
Container collection cage	Means a cage, or other structure, that is designed to store containers deposited at return points, and is incidental to the predominant land use.
Total lot area	Means the total land area of a freehold or survey strata lot.

Statutory provisions

1. Development approval will not be required for container deposit scheme infrastructure proposals that comply with the provisions of this policy, in accordance with Clause 61(1)(i) and (2)(e) of the deemed provisions of the scheme provided for by the Regulations, unless the development is proposed on land in a place that is:
 - Entered in the Register of Heritage Places under the Heritage Act; or
 - The subject of an order under Part 6 of the Heritage Act; or
 - Included on a heritage list prepared in accordance with the Scheme; or
 - Within an area designated under the Scheme as a heritage area; or
 - The subject of a heritage agreement entered into under section 29 of the Heritage Act.
2. Container deposit scheme infrastructure proposed to be erected on a temporary basis of not more than 48 hours within a 12 month period are typically exempt from approval, as per the requirements of 61(1)(f) and (2)(d) of the deemed provisions provided in the Regulations and contained within the Scheme. As such, the policy provisions would not apply.

Specified exemption

3. The development or operation of a large reverse vending machine is development for which development approval is not required where it complies with all the relevant

development standards outlined below (unless otherwise agreed by the local government), and may take place in any zone, with the exception of:

- a) Residential; and
- b) rural, special rural, and rural smallholding zones.

4. The development of a container collection cage is development for which development approval is not required where it complies with all the relevant development standards outlined below (unless otherwise agreed by the local government), and may take place in any zone, including a residential or rural zone or public purpose reserve where the land is lawfully used for the purposes of:
 - a) Civic use;
 - b) Community purpose; and/or
 - c) Educational establishment.

Development standards

General

5. Where the development of a large reverse vending machine and/or container collection cage is proposed, the infrastructure must not result in any change to the approved land use in a way that would result in the use no longer complying with any relevant development standards and/or requirements of the Scheme.

Location

6. Where the development of a large reverse vending machine and/or container collection cage is proposed, the infrastructure must not be erected within 10 metres of an adjoining lot boundary that accommodates a residential use.
7. Where the development of a reverse vending machine and/or container collection cage is proposed, the infrastructure must not restrict any vehicular or pedestrian access to or from, or entry to any building on, the land on which the infrastructure is located.
8. Where the development of a large reverse vending machine and/or container collection cage is proposed, the infrastructure must not obstruct the operation of, or access to, any utility services on the land on which the infrastructure is located or on adjacent land.
9. Where the development of a large reverse vending machine and/or container collection cage is proposed, to preserve pedestrian and vehicular sightlines, and servicing access, the infrastructure must not be erected within two (2) metres of any road reserve or right-of-way intersection or crossover, and shall be located in such a way that it does not reduce existing car park sightlines, aisle widths and manoeuvring spaces.
10. Where the development of a container collection cage is proposed, the collection cage must be located in a car park or service area to be visually unobtrusive, and must be secured, locked and immovable.

Visual Amenity

11. Where the development of a large reverse vending machine and/or container collection cage is proposed outdoors, placement of the infrastructure must not result in the removal of any vegetation, landscaping or street tree.
12. Where the development of a large reverse vending machine and/or container collection cage is proposed outdoors, the infrastructure must be constructed and clad with low-reflective, graffiti resistant materials, which provide protection from the elements and, where not consisting of promotional or branding material approved under the operation of the container deposit scheme, are consistent in colour and finish to that of nearby existing buildings.
13. Where the development of a large reverse vending machine and/or container collection cage is proposed outdoors, the infrastructure must not display any advertising signage other than promotional or brand signage approved under the operation of the container deposit scheme.
14. Where the development of a large reverse vending machine is proposed outdoors, and the infrastructure exceeds a development footprint of 10 square metres, bins for the removal of waste or recyclable materials not accepted by the infrastructure are to be provided, and serviced regularly to maintain the amenity of the area, at a rate of one (1) waste bin and 0.5 recycling bins (both 240L in volume) per 10 square metres of development footprint.

Operational Amenity

15. Where the development of a large reverse vending machine and/or container collection cage is proposed, the operation of the infrastructure must not prejudicially affect the amenity of the locality due to the emission of light, noise, vibration, electrical interference, smell or any other by-product.
16. Where the development or operation of a large reverse vending machine is proposed adjacent to land that accommodates a residential use, the machine must operate only between the approved opening hours of the predominant land use, or in the absence of any other use:
 - a) Between 7.00 am and 7.00 pm Monday to Saturday; and
 - b) Between 9.00 am and 7.00 pm on Sunday and public holidays.
17. Where the development or operation of a large reverse vending machine is proposed, the reverse vending machine when in operation must not emit noise at a level which exceeds any requirement(s) under the Noise Regulations.
18. Where the development or operation of a large reverse vending machine and/ or container collection cage is proposed, the infrastructure must be provided with lighting that complies with AS/NZS 1158.3.1: 2005 Lighting for roads and public spaces, Part 3.1: Pedestrian area (Category P) lighting—Performance and design requirements (as amended).

19. Where the development or operation of a large reverse vending machine and/or container collection cage is proposed, the infrastructure must be accessible to any person with a disability.

Development Footprint

20. Where the development of a container collection cage is proposed outdoors, the cage must not:

- a) Have a development footprint of more than eight (8) square metres; or
- b) Be more than two (2) metres in height.

21. Where the development of a large reverse vending machine is proposed outdoors, on land not used for car parking, the machine must not:

- a) Have a development footprint of more than 45 square metres, and
- b) Be more than three (3) metres in height, or have dimensions greater than eight (8) metres by six (6) metres.

22. Where the development of a large reverse vending machine is proposed within an existing car park comprising more than 40 car parking spaces, the area occupied by the reverse vending machine must not exceed the greater of the following areas:

- a) The area comprising four (4) car parking spaces; or
- b) 45 square metres, where the car park contains 200 car parking spaces or less; or
- c) 75 square metres, where the car park contains 200 or more car parking spaces.

23. Where the development of a large reverse vending machine and/or container collection cage is proposed outdoors, the infrastructure shall be installed at a rate no greater than:

- a) Container collections cage – one (1) per lot;
- b) Large reverse vending machine proposed on land not used for car parking – one (1) per 15,000 square metres of total lot area; or
- c) Large reverse vending machine proposed in an existing car park comprising more than 40 car parking spaces – one (1) per 1000 car parking spaces.

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