



SHIRE OF WOODANILLING

TOWN PLANNING SCHEME No 1

DISTRICT ZONING SCHEME

HANDBOOK

Preamble

This Town Planning Scheme Handbook of the Shire of Woodanilling is an extract of the Shire of Woodanilling Town Planning Scheme No. 1 Scheme Text and the Scheme Maps, and is designed as a simplified guide for staff and ratepayers. The full Scheme Text and Maps should be referred to when considering any request for development.

Development of land

Requirement for approval to commence development

All development on land zoned and reserved under the Scheme requires the prior approval of the local government. A person must not commence or carry out any development without first having applied for and obtained the planning approval of the local government.

‘Development’ is relevantly defined as:

‘means the development or use of any land, including –

- (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;
- (b) the carrying out on the land of any excavation or other works;
- (c) in the case of a place to which a Conservation Order made under section 59 of the *Heritage of Western Australia Act 1990* applies, any act or thing that –
 - (i) is likely to change the character of that place or the external appearance of any building; or
 - (ii) would constitute an irreversible alteration of the fabric of any building;’





Objectives of the Zones

Residential Zone

To provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Planning Codes.

Commercial Zone

To provide for retail shopping, office and commercial development, and social, recreational and community activities servicing the town as a whole.

Industrial Zone

To provide for manufacturing industry, the storage and distribution of goods and associated uses, which by the nature of their operations should be separated from residential areas.

Regional Rural Zone

To provide for a range of rural pursuits such as broad acre and diversified farming which are compatible with the capability of the land and retain the rural character and amenity of the locality. Specific objectives are as follows:

- To ensure the continuation of broad-acre farming as the principle land use in the District and encourage where appropriate the retention and expansion of agricultural activities;
- To protect the potential of agricultural land for primary production and to preserve the landscape and character of the rural areas;
- To consider other non-rural uses where they can be shown to be of benefit to the District and not detrimental to the natural resources or the environment;
- To provide for a range of rural pursuits such as broad-acre and diversified farming which are compatible with the capability of the land and retain the rural amenity and character of the locality;
- To provide for a range of commercial and light industrial land uses that are appropriately located and will not cause land conflicts or adverse impacts on the amenity and character of the zone;
- To prevent the fragmentation of broad-acre farming properties through the process of subdivision;
- To protect broad-acre agricultural land from land degradation and any further loss of biodiversity by:
 - (i) Minimising the clearing of remnant vegetation on public and private lands;
 - (ii) Encouraging the retention and protection of existing remnant vegetation;
 - (iii) Encouraging the development and protection of corridors of native vegetation;
 - (iv) Encouraging the development of environmentally acceptable surface and sub-surface drainage;
 - (v) Encouraging the rehabilitation of salt affected land;





- (vi) Controlling the introduction and spread of alien species of flora and fauna;
- (vii) Encouraging soil conservation through the application of cultural vegetational land management measures.

Local Rural Zone

To provide for a mix of residential and business related uses in a rural setting which achieves a high standard of visual amenity, facilitates landscape protection and conservation and will not cause land use conflicts or adverse impacts on the amenity and character of the zone.

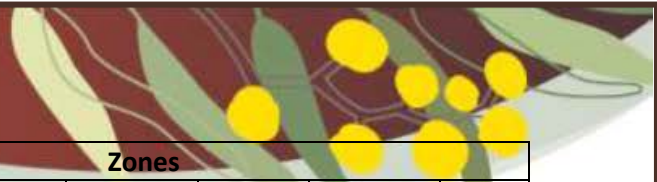
Zoning Table

The symbols used in the cross reference in the Zoning Table have the following meanings -

- 'P'** means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;
- 'D'** means that the use is not permitted unless the local government has exercised its discretion by granting planning approval;
- 'A'** means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4;
- 'X'** means a use that is not permitted by the Scheme.

Use Class	Zones					
	Residential	Commercial	Industrial	Special Use	Regional Rural	Local Rural
1 Aged & Dependent Persons Dwelling	P	A	X		A	A
2 Agriculture – Extensive	X	X	X		P	P
3 Agriculture - Intensive	X	X	X		D	D
4 Agro Forestry	X	X	X		P	A
5 Ancillary Accommodation	D	D	X		D	D
6 Animal Establishment	X	X	X		P	A
7 Animal Husbandry Intensive	X	X	X		D	X
8 Bed And Breakfast	A	X	X		D	D
9 Betting Agency	X	A	X		X	X
10 Caravan Park	X	A	X		A	D
11 Caretaker's Dwelling	X	X	D		X	X
12 Car Park	X	P	P		D	D
13 Cemeteries/Crematoria	X	X	X		A	X
14 Child Care Premises	A	D	X		X	A
15 Civic Use	A	A	A		A	A
16 Club Premises	X	A	X		A	A
17 Community Purpose	P	P	P		P	P
18 Consulting Room	A	P	X		A	A
19 Corrective Institution	X	X	X		X	X
20 Dog Kennels	X	X	X		A	X
21 Dry Cleaning Premises	X	P	P		X	X





Use Class	Zones					
	Residential	Commercial	Industrial	Special Use	Regional Rural	Local Rural
22 Educational Establishment	A	A	A		A	A
23 Exhibition Centre	X	D	X		A	A
24 Family Day Care	A	D	X		D	A
25 Fast Food Outlet	X	D	X		X	X
26 Fuel Depot	X	X	A		X	X
27 Funeral Parlour	X	X	A		X	X
28 Home Business	A	D	X		D	A
29 Home Occupation	P	D	X		P	P
30 Home Office	P	D	X		P	P
31 Hotel	X	D	X		X	X
32 Industry – Mining	X	X	X		A	X
33 Industry Extractive	X	X	X		A	X
34 Industry General	X	X	A		X	X
35 Industry Hazardous	X	X	X		X	X
36 Industry Light	X	A	P		D	X
37 Industry Noxious	X	X	X		A	X
38 Industry Rural	X	X	A		D	A
39 Industry Service	X	D	P		A	X
40 Motel	X	A	X		X	X
41 Motor Vehicle Repair	X	X	A		X	X
42 Motor Vehicle Sales	X	A	X		X	X
43 Motor Vehicle Wrecking	X	X	X		A	X
44 Night Club	X	A	X		X	X
45 Office	A	A	X		A	A
46 Place Of Worship	A	A	X		A	A
47 Plantation	X	X	X		D	X
48 Public Amusement	X	A	X		A	X
49 Public Utility	P	P	P		P	P
50 Reception Centre	X	A	A		A	A
51 Recreation Private	X	D	X		D	A
52 Residential – Group Dwelling	D	D	X		D	D
53 Residential – Multiple Dwelling	X	X	X		X	X
54 Residential – Single House	P	A	X		P	D
55 Residential Building	A	A	X		A	A
56 Restaurant	A	A	X		A	A
57 Restricted Premises	X	X	X		X	X
58 Rural Home Business	X	X	X		D	A
59 Rural Pursuit	D	A	A		P	D
60 Service Station	X	A	A		X	X
61 Shop	X	P	X		X	X
62 Showroom	X	P	D		X	X
63 Sportsground	X	X	X		A	X
64 Tavern	X	D	X		X	X
65 Telecommunications Infrastructure	D	D	D		D	D
66 Tourist Accommodation	A	A	X		D	A
67 Transient Workforce Accommodation	X	A	X		D	X
68 Transport Depot	X	A	P		D	A
69 Veterinary Centre	X	A	A		D	A
70 Warehouse	X	D	D		A	X



Use Class	Zones					
	Residential	Commercial	Industrial	Special Use	Regional Rural	Local Rural
71 Winery	X	A	A		D	A
72 Zoological Gardens	X	X	X		A	A

General Appearance of Buildings

No person shall without written approval of the council erect a building which by virtue of colour or type of materials, architectural style, height or bulk, ornamental or general appearance, has an exterior design which is out of harmony with existing buildings or the landscape character of the area.

Regional Rural Zone Local Rural Zone

In considering applications in the Local Rural Zone the local government shall have regard to the objectives for that zone as specified in Clause 4.2.

All development in the Local Rural Zone shall be conducted in a manner that preserves local amenity and the natural landscape and rural character of the zone by minimising the clearing of remnant vegetation and promoting revegetation measures.

No person shall on land classified as Local Rural Zone -

- (i) Develop or establish or allow to develop the land for non-residential purposes unless a residence is first erected;
- (ii) Allow a house to be occupied by any person other than the owner or manager or an employee of the commercial of the commercial or industrial use;
- (iii) Establish or permit to establish more than one business or industry to operate from each lot;
- (iv) Develop or allow the development of a residence *that precludes* vehicle access to the rear of the lot with a minimum width of five (5) metres.

Applications for planning consent for development in the Local Rural Zone that have potential to cause land use conflicts or adverse impacts upon the visual amenity and character of the locality will not be approved by the local government unless it can be demonstrated to the satisfaction of the local government that such usage can be suitably managed so as to minimize any detrimental impacts.

In order to conserve the rural environment or features of natural beauty within the Local Rural zone all trees shall be retained unless their removal is authorised by the Local Government.

The approval of the Local Government is required for the clearing of indigenous trees or other substantial vegetation except for the clearing of vegetation which is:

- (i) dead, diseased or dangerous;
- (ii) necessary for any firebreak required by law;
- (iii) for the purpose of access to an approved dwelling or outbuildings;
- (v) within a defined building envelope and limited to that;





- (v) necessary for the construction of a dwelling, outbuildings and an area of 20m width surrounding the dwelling for the purpose of bush fire protection.

Development on Lots Abutting Unconstructed Roads or with no Gazetted Road Access

Notwithstanding anything else appearing in the Scheme, planning approval is required for development of land abutting an unconstructed road or a lot which does not have frontage to a constructed road. In considering such an application the Council shall either:

- (i) refuse the application until the road has been constructed or access by means of a constructed road is provided as the case may be; or
- (ii) grant the application subject to a condition requiring the applicant to pay a sum of money in or towards payment of the cost or estimated cost of construction of the road or part thereof and any other conditions it thinks fit to impose; or
- (iii) require such other arrangements are made for permanent access as shall be to the satisfaction of the Council

Permitted development

Except as otherwise provided in the Scheme, for the purposes of the Scheme the following development does not require the planning approval of local government -

- (a) the carrying out of any building or work which affects only the interior of a building and which does not materially affect the external appearance of the building except where the building is -
 - (i) located in a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*;
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (iii) included on the Heritage List under clause 7.1 of the Scheme;
- (b) the erection on a lot of a single house including any extension, ancillary outbuildings and swimming pools, except where -
 - (i) the proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Planning Codes; or
 - (ii) the development will be located in a heritage area designated under the Scheme;
 - (iii) is a dwelling which exceeds 8 metres in height;
 - (iv) is an ancillary out building which exceeds an area of 72sqm and/or exceeds 4 metres in height.
 - (v) is a single house on a lot with unconstructed road access or no gazetted road access.
- (c) the demolition of any building or structure except where the building or structure is -
 - (i) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*;
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*;





- (iii) included on the Heritage List under clause 7.1 of the Scheme; or
- (iv) located within a heritage area designated under the Scheme;
- (d) a home office;
- (e) any works which are temporary and in existence for less than 48 hours or such longer time as the local government agrees; and
- (f) any of the exempted classes of advertisements listed in Schedule 5 of the Scheme except in respect of a place included in the Heritage List or in a heritage area.





POLICIES

Town Planning Policy No 1

Permitted Uses

Policy Area

This Policy applies to the whole Shire.

Objective

To clarify what development requires Council Planning Approval.

Background

Clause 8.1 of the Scheme requires that all development requires the approval of Council. Clause 8.2 then sets out the types of development which are except from this requirement; including a single dwelling.

Table 1 – Zoning Table; then sets out uses which:

- Are permitted by the Scheme providing that they meet the relevant development standards in the Scheme;
- Require Council’s Planning Approval;
- Require Council’s Planning Approval and must be advertised; and
- Are prohibited.

The permitted uses are as follows:

Use Class	Zones				
	Residential	Commercial	Industrial	Regional Rural	Local Rural
1 Aged & Dependent Persons Dwelling	P				
2 Agriculture – Extensive				P	P
3 Agro Forestry				P	
4 Animal Establishment				P	
5 Car Park		P	P		
6 Community Purpose	P	P	P	P	P
7 Consulting Room		P			
8 Dry Cleaning Premises		P	P		
9 Home Occupation	P			P	P
10 Home Office	P			P	P
11 Industry Light			P		
12 Industry Service			P		
13 Public Utility	P	P	P	P	P
14 Residential – Single House	P			P	
15 Rural Pursuit				P	
16 Shop		P			
17 Showroom		P			
18 Transport Depot			P		





The development standards are generally contained within Part of the Scheme and all development must comply with these standards unless a variation is approved by Council. Where a Permitted Use meets these standards then Council cannot unreasonably refuse such an application.

Development standards applicable to houses including any extension, outbuildings, swimming pools etc include:

- Compliance with the Residential Planning Codes (with particular reference to boundary setbacks);
- Not being located within a heritage area designated under the Scheme (no such areas apply at this time);
- Does not exceed 8m in height;
- Is not located on an unconstructed road or on a lot with no gazetted road access.

In summary the setbacks for houses are as follows:

Setback from lot boundaries (1)	Residential R 5	Regional Rural	Local Rural
All boundaries		20m	
Front	12.0m		10m
Rear	6.0m		10m
Side (2)	1.5m		5m

- (1) *Lot boundaries means any individual allotment as defined within the Town Planning and Development Act 1928*
- (2) *Tables 2a & 2b of the Codes define the side setbacks based on the length of the walls and whether there are any major windows.*

Policy Statement

1. In accordance with Clause 8.2 of the Scheme, Council will not require a planning application for a single house within the Residential or Regional Rural zones, provided that such development complies with the minimum setback requirements and any other applicable development standards.
2. A Building Licence is still required for a single house and compliance with the setback requirements and any other applicable development standards will be assessed as part of this application.
3. Item 1 above does not apply to a single house on a lot with an unconstructed road access or no gazetted road access (refer to Clauses 5.14 and 8.2(b)(v)).
4. Council's planning approval for more than one single dwelling in the Regional Rural Zone is required under Clause 5.11.5
5. In accordance with Clause 8.2 of the Scheme, Council will not require a planning application for a 'Home Office' within the Residential, Regional Rural, or Local Rural zones. A 'Home Office' is defined as a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not:
 - (a) entail clients or customers travelling to and from the dwelling;
 - (b) involve any advertising signs on the premises; or
 - (c) require any external change to the appearance of the dwelling.
6. All other P uses listed in Table 1 of the Scheme will require the Planning Approval of Council.





Town Planning Policy No 2

Sheds (Outbuildings)

Policy Area

This Policy applies to the whole Shire.

Objective

In order to clarify the interpretation and application of Scheme provisions in relation to the development of sheds (outbuildings) and to maintain the character of the Shire and to ensure an adequate standard of residential accommodation.

Background

Town Planning Scheme No 1 does not specifically define or list outbuildings as a separate use of land.

Within 'residential' areas outbuildings when developed in conjunction with a house are governed by the provisions of the Residential Design Codes (2010) and are defined as an enclosed non-habitable structure that is detached from any dwelling.

Carports and garages which abut or are attached to a dwelling are not included in this Policy.

Clause 8.2 (b)(iv) of the Scheme nominates the acceptable standards for outbuildings are a maximum area of 72 m² with a maximum height of 4.0m.

Clause 6.10.1 of the R Codes requires that outbuildings do not detract from the streetscape or the visual amenity of residents or neighbouring properties.

Within 'rural' areas outbuildings are normally considered as being ancillary to the main use of the property. Such uses defined within the Scheme include,

Use Class	Regional Rural	Local Rural
Agriculture - extensive	P	P
Agriculture - intensive	D	D
Industry - rural	D	A
Rural home business	D	A
Rural pursuit	P	D

Setback from lot boundaries *		
All boundaries	20m	
Front and rear		10m
Side		5m

* Lot boundaries means any individual allotment as defined within the in the Planning and Development Act 2005

Clause 5.5 of the Scheme allows Council to consider variations to the setbacks from boundaries.



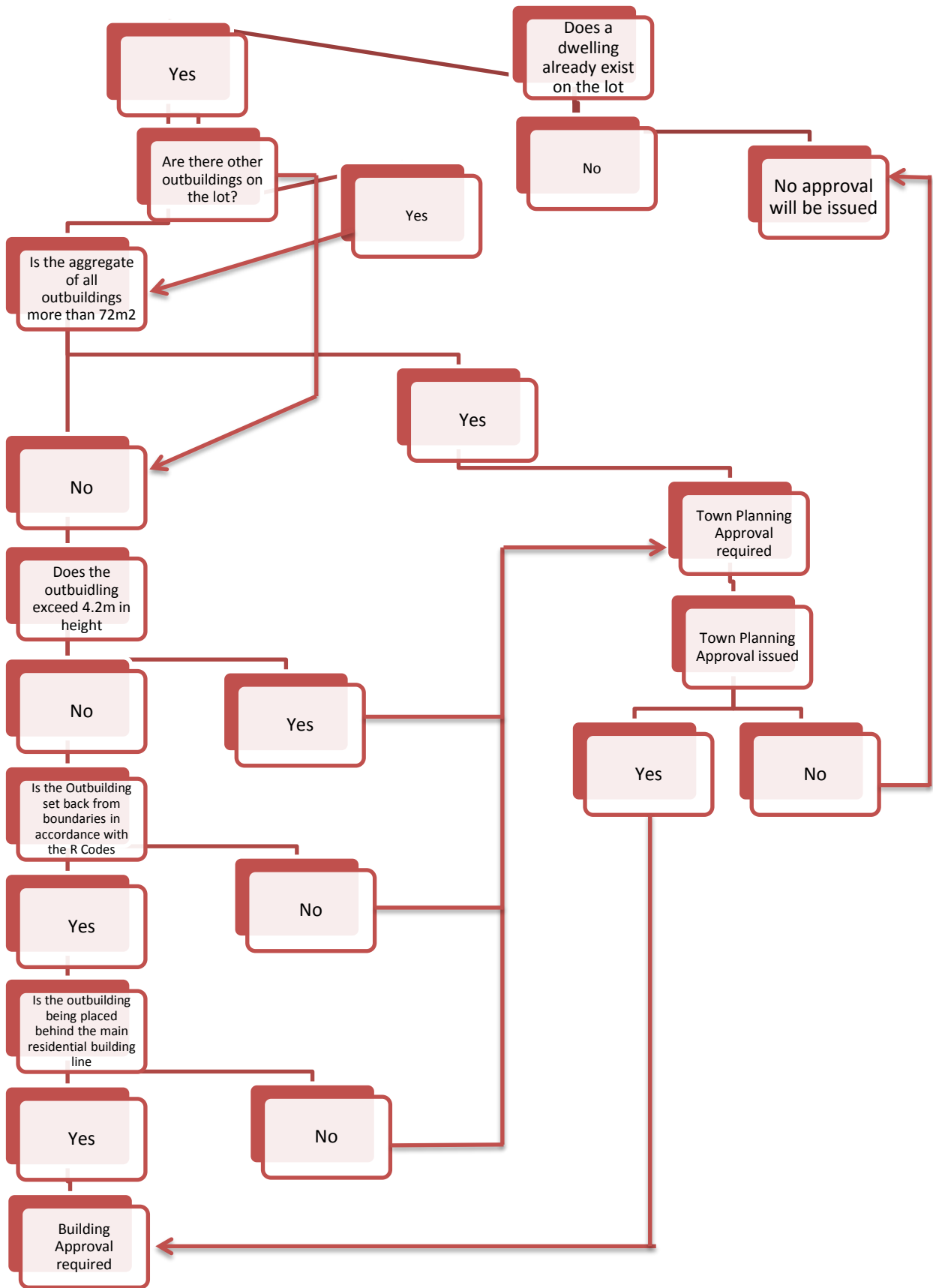


Policy Statement

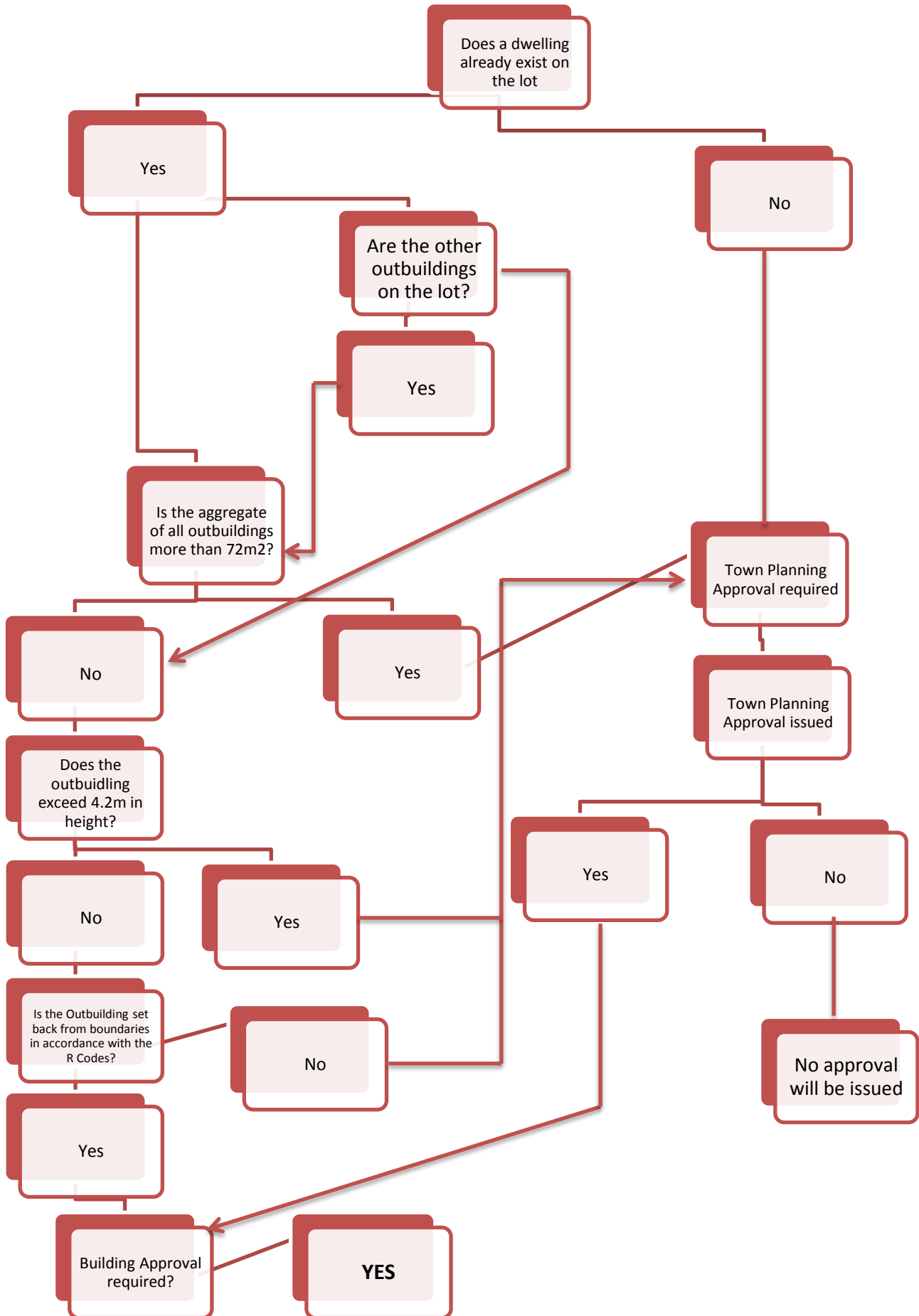
1. Outbuildings will not require Planning Approval from Council
 - (a) In the Residential and Local Rural Zones provided that:
 - A dwelling already exists on the lot subject to the application;
 - The aggregate of all outbuildings does not exceed 72 m² in size;
 - The outbuilding does not exceed 4.2m in height; and
 - All buildings Are setback from lot boundaries in accordance with the R Codes and BCA requirements.
 - The outbuilding in the Residential Zone is placed behind the main residential building line
 - (b) In the Regional Rural Zone where they are for non commercial or non industrial purposes and
 - Do not exceed 500 m² in size
 - Wall heights do not exceed 5.0 m; and
 - Are setback more than 20m from any lot boundaries.
2. Council in considering all applications for outbuildings will have specific regard to the proposed use and location of the outbuilding and how this might impact on the surrounding properties. It may require any such applications to be advertised and may (if it approves any such application) impose conditions relating to:-
 - The provision of landscaping;
 - In the Residential and Local Rural Zones the use of non-reflective natural colours which blend with the natural landscape to the satisfaction of the local government being used on all external surfaces of the outbuilding noting that unpainted zincalume cladding does not apply.
 - The site being so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance
 - The outbuildings shall only be used for purposes incidental to the residential or rural use of the property.
3. Outbuildings will require the Planning Approval of Council in the Commercial and Industrial Zones.
4. Outbuildings will not be approved on vacant land within the Residential Zone.
5. Outbuildings will not be approved on vacant land within the Local Rural Zone unless a simultaneous Building Licence Application for a dwelling has been approved by the local government.
6. Outbuildings are not to be used for human habitation at any time.



TOWN PLANNING APPROVAL PROCESS FOR OUTBUILDINGS IN RESIDENTIAL ZONE



TOWN PLANNING APPROVAL PROCESS FOR OUTBUILDINGS IN LOCAL RURAL ZONE



Town Planning Policy No 3

Sea Containers

Policy Area

This Policy applies to the whole Shire.

Definitions

All reference to containers shall mean either a sea container or railway carriage.

Objective

The objectives of this policy are to regulate the use of sea containers to ensure they do not detract from the visual amenity of the locality.

Background

In recent years there has been increased use of sea containers within the Shire for storage. While these can serve a useful role in rural areas there have been concerns about aesthetics, particularly in more settled areas such as the Residential and Local Rural Zones.

Sea containers are generally second hand structures which were originally designed for commercial and industrial use but are sought by landowners for use in a residential environment.

TPS No. 1 makes no direct reference to sea or containers and Council regulates them under general development control powers covering amenity and protection of the natural environment.

This policy has been created to provide guidance for Council and land owners in the use and siting of sea containers and railway carriages.

Policy Statement

Exemptions from Planning Consent Requirements

1. Planning consent is not required for the use of containers fully enclosed within a building.

General Requirements for Sea Containers

1. All containers shall require the planning approval of Council.
2. As they are second hand relocated structures, containers are not considered as being "ancillary outbuildings".
3. Containers may be approved in any zone.
4. There is a presumption that no more than one container will be permitted per property, particularly in the Residential Zone. Council may consider additional containers where it is satisfied that there is a genuine need for these and that the objective of this policy is complied with.
5. Containers may be approved on a vacant property.
6. Containers are not to be used for habitable purposes.





7. Containers are not to be located within front boundary setbacks as required by Town Planning Scheme No. 1.
8. Containers may be temporarily placed on a property to store building materials while construction of a house is being carried out on the property. Where containers are proposed for a temporary period the following will apply:
 - (a) The use will expire with the building licence.
 - (b) A building licence for the dwelling must be issued before a planning approval is granted for a container.
 - (c) The container must be maintained in a reasonable condition as determined by Council.
9. Where containers are proposed to be permanently sited on a property the following will apply:
 - (a) They should be adequately screened from view and shall not be easily seen from nearby roads, other public places, or adjoining properties
 - (b) They should be painted in muted tones to the satisfaction of Council so as not to be visually intrusive.
 - (c) They should be maintained in good repair with no visible rust marks.
10. Applications for planning consent shall include:
 - (a) A scaled site plan showing the proposed location of the sea container and detailing setbacks to boundaries. The site plan shall also include other buildings, accessways, watercourses and vegetation on the property.
 - (b) The proposed size and use of the sea container.
 - (c) Evidence that the sea container will be adequately screened from view and shall not be easily seen from nearby roads, other public places, or adjoining properties.
11. Sea containers are approved in the Regional Rural Zones, subject to them not being located within the front boundary setback area or in areas designated for car parking or landscaping.





Application for Planning Approval

Proposed Development/Land Use

Description of Proposed Development and/or proposed use:

Nature of any existing buildings and/or use:

Approximate cost of proposed development:

Property Details

Lot No:

House/Street No:

Location No:

Street Name:

Suburb:

Diagram or Plan No:

Certificate of Title Vol. No:

Folio:

Title encumbrances (e.g. easements, restrictive covenants):

Owner Details

Name:

Postal Address:

Postcode:

Phone: (work):

(home):

(mobile):

(fax): Email:

Contact Person:

Name:

Signature:

Name:

Signature:

Name:

Signature:

The signature of the owner(s) is required on all applications. This application will not proceed without that signature.

Applicant Details – **Contact Person for all correspondence relating to the application**

Name:

Postal Address:

Postcode:

Phone: (work):

(home):

(mobile):

(fax): Email:

Signature:

Date:





GENERAL INFORMATION & CHECKLIST:

The Shire of Woodanilling Town Planning Scheme No. 1 requires appropriate information to accompany every application for planning approval. This checklist sets out the minimum required information for an application to be considered complete.

All applications require a brief covering letter providing details of the proposed development/land use. This should include enough information to enable Shire staff to ensure compliance with TPS1 and Local Planning Policies. Variations to R-Codes will require performance criteria to be addressed.

If the proposal is required to be advertised or notified in accordance with TPS 1, the application will attract an additional fee. You will be advised of this requirement and invoiced in accordance with the Shire's Fees and Charges prior to any advertising taking place.

ALL APPLICATIONS SHALL BE ACCOMPANIED BY:

- Application form fully completed and signed by **all** landowners where applicable.
- Cover letter providing details of proposed development (as described above).
- Planning Fee - **due on lodgement – please contact 98231506 for advice regarding fees payable)**
- Copy of current Certificate of Title.

DETAILED SITE PLAN - (preferred scale of not less than 1:500) including:

- Lot boundaries, dimensions & street frontages
- Dimensions of building envelope (where applicable)
- Proposed development (include setback details) and existing structures and/or structures to be removed
- Contours, existing and proposed levels, finished floor levels
- Existing vegetation, proposed landscaping areas and proposed clearing
- Easements, rights of carriageway, sewer/drainage lines, power poles, manholes and footpaths on site or in verge
- On-site effluent disposal system (if applicable)
- Existing/proposed parking, access ways and crossovers
- Fencing / Screen walls (location, height, materials)
- Scale, lot/street number(s), address, owner's name, drawn by, date drawn, north arrow

ELEVATIONS including:

- Proposed structures all elevations (additions to include existing structures) showing natural ground level and dimensions.
- External finishes (including schedule of colours and materials)

FLOOR PLANS (2 copies) including

- Total Floor Area, Proposed Floor Area of Use(s)
- Sanitary facilities, Entry/Exits, Internal Walls

The Shire may within 21 days of receipt of the application request additional information or justification where it is considered necessary to enable an informed assessment of the proposal. Where further information is required you will have 21 days to provide the information requested, or alternatively you can withdraw your application, upon which the minimum fee or 25% of the total application fee, whichever is the greater, will be retained and the remainder refunded. **Failure to withdraw the application or to provide additional information within the 21 day timeframe will result in the application being REFUSED.**

Any queries regarding your application please contact the Shire of Woodanilling on (08) 9823 1506.

PLEASE NOTE: THIS IS DEVELOPMENT CONSENT ONLY

Application for Building Licence may be required. Please direct queries to Building Services on 0438 811 944

Any Application not meeting minimum information requirements will not be accepted.

