

SECTION 7

PLANNING

7.1 Development across a Cadastral Boundary

That Council only give a development approval on more than one lot where the separate lots are amalgamated as a condition of planning consent, unless each of the separate lots can be independently developed without there being any inter dependence on any aspect.

7.2 Amusement Parlours

Council shall consider an application for planning consent to commence development of a "Place of Amusement" in the "Town Centre" under the terms of an "SA" use classification as stated in its Town Planning Scheme. The terms of Council's approval to such an application shall be valid for a period of one year only and thereafter the applicant shall re-apply for planning consent to commence development.

Council will only renew its approval to "Place of Amusement" after it has examined the application under the terms of an "SA" use classification, and where it is satisfied that the operation of the premises has been conducted such that:

1. The hours of operation of Amusement Parlours shall be within the times 10.00 am to 10.00 pm Monday - Saturday, 1.00 pm to 8.00 pm Sunday.
 - a) Amusement machines are permitted in cafes and delicatessens as an incidental use.
2. Adequate standards of cleanliness are maintained.
3. The premises shall be conducted in an orderly manner at all times - by an adult person, to ensure that -
 - a) A minor enrolled at a school shall not be permitted to operate an amusement machine during school hours. A minor of pre - school age shall not be permitted to operate an amusement machine unless accompanied by an adult,
 - b) No intoxicating liquor or any drugs shall be permitted to remain upon premises;
 - c) No gambling shall be permitted and no monetary prizes shall be offered as a reward for skill in playing any machine within the premise,
4. The maximum number of machines that can be installed in any premises will be limited by the available floor space. The Council requires that for every machine there will be five square metres of floor space available.

5. Provision shall be made for toilet facilities based on the number of people expected at any one time on the premises.

The calculation of the numbers of WC's and wash basins shall be as required by the Building Code of Australia.

6.
 - a) The annual licence fee shall for each amusement machine is to be determined in the budget from time to time-
 - b) The number of machines installed shall not be increased beyond the number shown on the licence unless written approval of the Council is obtained.
7. Noise is kept to an acceptable level and is not offensive to the adjoining premises. Amplified music is not allowed.
8. The conduct of patrons is of an orderly manner at all times.

7.3 Rezoning

That the bond and conditions applicable to Town Planning Scheme amendments (rezoning requests) be as under;

1. Payment of the Initial Application fee set in the Budget.
2. Affected residents being advised in writing of the amendment during any required advertising period.
3. A suitable sign being erected on the site during the advertising of the amendment, to Council satisfaction.

7.4 Keeping Horses and Hoofed Animals within Townsites

That the following policy applies to the Keeping of Horses and other Hoofed Animals on land within townsites in the Moora Shire.

1. In respect to a lot of land having an area of 10,000 square metres or less, a person shall not keep, or permit to be kept thereon, any hoofed animal being horses, cows, sheep, goats, donkey or such.
2. In respect to a lot of land exceeding 10,000 square metres in area, a person shall not keep any more than two such hoofed animals without having first received written approval of the Council specifying the number of such animals that may be kept thereon, but such approval may be cancelled by the Council in any case where, having regard to the circumstances, it is of the opinion that such cancellation is warranted.
3. A person shall not allow any hoofed animal to approach to within 20 metres of any dwelling whatsoever, or other building where food is stored or prepared, or to within 15 metres of

any street adjoining such property without having first received the written approval of Council specifying a lesser distance, but such approval may be cancelled by the Council in any case where, having regard to the circumstances, it is of the opinion that such cancellation is warranted.

7.5 Temporary Accommodation Policy - Special Rural and General Farming Zones

That, under the provision of Section 144 of the Health Act 1911 as amended, the Manager Development Services is delegated authority by Council to implement the following policy on temporary accommodation:-

- Sheds or outbuildings may be licensed as temporary accommodation during the building of a house.
- The following criteria are to be met at the time of approval:-
 - a) building plans must have been approved and a building license issued-,
 - b) the house pad must be laid within twelve months or the Manager Development Services must be satisfied that any delay is justifiable;
 - c) adequate sanitary conveniences are provided to the satisfaction of the Manager Development Services;
 - d) Council must be satisfied that there will be no undue delay in the completion of building a residence which must be completed within two years.
 - e) a potable water supply must be available.

Temporary accommodation permits be granted for 12 months. At the completion of 12 months it will be necessary to reapply to Council for permission to live on site; in temporary accommodation subject to satisfactory progress of the building as determined by the Manager Development Services.

7.6 Building and Development Control Strategies

1. Any proposed development within the high hazard (floodway) areas should have a hydrology assessment to determine its impact on flood flows and flood levels. Any development proposal found to have an adverse impact on peak flood levels at neighbouring properties should not be accepted. A suitably qualified neutral person such as a representative of Department of Water should make this assessment.
2. A letter from the Department of Water is required for each building approval within the flood zone (as depicted on the Town Planning map) with a Finished Floor Level (FFL) measurement.
3. For non-habitable dwellings such as sheds, industrial and commercial sites;
 - a) The minimum FFL should be 0.15m above the March 1999 Flood level.
 - b) Power points, electrical or data connections outlets should be installed 0.5m above floor level.
 - c) Windows should be installed no lower than 0.5m above the March 1999 flood level.
 - d) Septic tank disposal of waste should not be allowed when a connection sewer is available.

- e) Chemical storage areas should have a minimum FFL of 0.5m above the March 1999 flood level.
- f) Breather inlets to underground storage tanks should be 0.5m above the March 1999 flood level.

7.7 Agroforestry and Plantations

Background

Under the Shire of Moora Local Planning Scheme No. 4 ('the Scheme') planning approval is required for any proposed agroforestry or plantations; therefore this Policy has been developed as a guide for applicants and Council.

It should be noted that Council will have significant regard for the provisions of the Local Planning Policy however it is a guideline only.

Policy Basis

Clauses 8.7 of the Scheme provide for the preparation of Local Planning Policies. This Policy has been prepared in accordance with the Scheme.

Scheme Requirements

The Scheme does not specifically mention 'agroforestry' or 'plantations' however Council does, under Clause 7.1.1 of the Scheme, require planning approval for development of any land zoned or reserved.

It should be noted that the Scheme contains statutory requirements, and this Policy expands on and complements the existing Scheme requirements. The Policy cannot override any aspect of the Scheme.

Policy Statement

This Policy applies to all 'General Agriculture' zoned land in the Shire of Moora.

Policy Objective

- To actively encourage the integration of agroforestry and plantations with existing agricultural uses over the Shire as a complementary and ancillary use.
- To facilitate retention of traditional agriculture as the predominant use on the land.
- To support applications that actively integrates agroforestry or plantations with farms in recognition of the economic, environmental and social benefits.
- To encourage planting areas with linkages to existing remnant vegetation on the same lot or adjacent lots. Where appropriate encourage linkages with vegetation on adjacent reserves however consult with the relevant reserve authority or manager.
- To protect and enhance native vegetation, wetlands and water courses and assist in the reduction of salinity, waterlogging and erosion.
- To support continuing broad acre agriculture and production as the primary and priority landuse in the Agriculture zone.

- To generally discourage the use of whole farms for plantations (particularly where it contains a dwelling) unless the applicant has clearly demonstrated extenuating circumstances or provided significant justification warranting support for a variation to any aspect of the Policy.
- To achieve agroforestry and plantation designs which do not compromise the fire safety of the local community or of biodiversity conservation and management of reserves.
- To minimise the potential for any loss of population or agricultural land through the use of whole farms for plantations and encourage agroforestry or plantations that provide a supplementary income to farmers.
- To achieve agroforestry and plantation designs which do not compromise the fire safety of the local community or of biodiversity conservation and management of reserves.
- To achieve high quality fire management plans which are independent and self sufficient unless the relevant authority managing land outside of the application has endorsed a FMP which relies on external fire management methods (such as major protective burning of adjacent reserves).
- To encourage the selection of tree species that are complimentary to native remnant vegetation will assist in maintaining landscape function.

Policy Aim

- To clearly outline the existing Scheme requirements, land use definitions and assist applicants by providing general guidelines.
- To assist Council in determining applications for agroforestry and plantations by setting out matters Council will have regard for in assessing applications.
- To streamline the planning process in the longer term for applications that propose integration of plantings with existing farms / agricultural uses and that comply with the Scheme and local planning policy.

Planning Approval

Need for Planning Controls

- 1) There has been some concern raised by key stakeholders that landowners should be able to pursue agroforestry and/or plantations on their land without interference by local governments as they would normally do for any cropping or revegetation for land rehabilitation.
- 2) Whilst 'Extensive' Agriculture is a permitted use in the 'Agriculture' zone, there are planning controls over other rural uses including and not limited to Rural Industry. This is appropriate so that the Shire can examine relevant planning considerations such as the objectives of the zone, land use compatibility, buffers, amenity and other relevant planning issues.
- 3) There are landuse and community implications associated with agroforestry and plantation uses that are controlled through the planning process such as impacts on local roads for harvesting plantations, fire management, visual impact on any scenic routes, social impacts and concern over

potential loss of prime agricultural land. These are valid planning issues which are also recognised by the Western Australian Planning Commission (WAPC) in Planning Bulletin No. 56 (although this WAPC Policy is outdated as it does not specifically deal with carbon sequestration plantations which can represent a more permanent land use change).

- 4) With new emerging plantations for carbon sequestration there has been Council and community concern over the potential to develop significant areas or whole farms. Some applicants propose long term harvesting whilst other may not nominate to harvest at all (means the land may never revert back to agricultural uses.)
- 5) While no wide general community consultation has been undertaken by the Shire, there has been mixed views within Council and there is clear concern over the need for a local planning policy and the general issue of any potential for loss of population.
- 6) Whilst some of the issues are difficult to quantify this policy aims to encourage an integrated approach of plantings with more traditional farming or agricultural uses.

Statutory Requirements

- 1) Under Clause 7.1.1 of the Scheme all development on zoned land requires prior approval of the local government, unless specifically exempted under Clause 7.1.2
- 2) A planning application is required to be lodged for any proposed planting of trees for commercial use exceeding a one hectare area and would be construed as 'agroforestry', regardless of whether the trees are proposed to be harvested or not.
- 3) A planning application is also required for any plantations (involving planting areas of 10 hectares or more). This Policy proposes to process 'carbon sequestration plantations' the same as the more traditional 'plantations', as both are almost identical, and the only difference is that some applicants may not propose harvesting, or may only propose harvesting in the longer term (so it may be a more permanent landuse change).
- 4) Planning approval is not required for the planting of trees for land rehabilitation, salinity affected area, wind belts etc. which are not proposed to be used for any commercial use, production or carbon sequestration.

Definitions and Explanations of Landuse

Landuse definitions are contained in the Shires Scheme and are repeated in this Policy for ease of reference.

Agroforestry

- 1) Agroforestry is defined as:
 - a. *"means land used commercially for tree production and agriculture where trees are planted in blocks of more than one hectare"*.

- 2) Agroforestry is the combining of agriculture and tree growing, to produce both agricultural products and tree products on a commercial basis. In some areas it is also known as 'farm forestry'.
- 3) Australian agroforestry produces a wide range of products, including energy, wood and fibre, eucalyptus oil and oil products, food, fodder and ecosystem services. It is considered that the carbon from tree planting for sequestration could also be reasonably considered as a 'tree product' and certainly the trees are used for commercial purposes.
- 4) Agroforestry by its very definition is a combination of commercial tree growing in addition to agricultural practices. This integrated approach is considered the most beneficial as;
 - Many forms of agroforestry result in the production of a wide range of products which in turn has economic benefits and can generate employment.
 - The use is compatible with continuing agriculture.
 - There are environmental benefits and the planting areas can be used to mitigate salinity, prevent wind erosion etc.
 - The planting areas are robust if harvested and land can be used for other forms of agriculture in the long term.
 - It provides alternative income sources and diversification of land use for farmers.

Plantation

Plantation is defined in the Scheme as:

"has the same meaning as in the Code of Practice for Timber Plantations in Western Australia (1997) published by the Department of Conservation and Land Management and the Australian Forest Growers".

Plantation is defined in the Code of Practice as:

"a stand of trees of ten hectares, or larger, that has been established by sowing or planting of either native or exotic tree species selected and managed intensively for their commercial and/or environmental value. A plantation includes roads, tracks, firebreaks and small areas of native vegetation surrounded by plantation. Implicit in this definition is the recognition that plantations will be harvested."

It is recognised that technically plantations involve the harvesting of trees. There are emerging new trends for plantations for carbon sequestration which may or not be planned to be harvested. Often applicants seek to keep their options for future harvesting open as part of applications.

In the absence of any other suitable land use definition, plantations for carbon sequestration will be processed as 'plantations' as it is essentially the closest definition to describe the use, and both have to comply with the 'Code of Practice for Timber Plantations in Western Australia'.

This approach will allow for flexibility in the future if sequestration plantings are harvested in the longer term. It also allows the Shire to include appropriate conditions on any development to require a future harvesting plan.

Plantations also have economic and environmental benefits similar in parts to agroforestry. Where harvesting occurs there are economic benefits associated with the timber industry, the creation of products and employment.

Even with carbon sequestration planting there is some employment associated with preparation, planting and ongoing monitoring. Farmers can receive economic benefits as these types of land uses provide an alternative income opportunity.

There are also environmental benefits similar to agroforestry such as salinity mitigation, reduction of water logging etc.

Existing Scheme Requirements

The Shires' Scheme is a legal document which already lists some matters to be considered when considering an application for planning approval.

When assessing a planning application for the development for 'agroforestry' or 'plantation' Council will have regard for the following matters:

- The Code of Practice for Timber Plantations in Western Australia 2006 as amended ('Code of Practice').
- Submission of a plantation management plan in accordance with the protocol in the Code of Practice.
- The need to encourage the commercial production of trees which is of significance to the national, regional, and local economy.
- The benefits of agroforestry and plantations in addressing land degradation including soil erosion and salinity.
- The role of agroforestry and plantations in protecting water quality and preventing adverse effects on groundwater recharge.
- The location of the land in relation to land zoned for residential, industrial and commercial uses.
- The suitability of the current and future road systems.

Policy Requirements

In assessing any application for agroforestry or plantations Council will have regard for the following matters;

Continuing Agricultural Activities

Traditional agricultural activities such as cropping, grazing and food production should generally remain the predominant land use with agroforestry or plantations as an ancillary and complementary use.

This Policy does not attempt to introduce maximum planting areas by means of a percentage of the lot area, simply because some flexibility needs to be afforded. As a general rule the Shire will assess if a plantation area is 'ancillary' having regard for;

The area of each lot;

- I) The proportion or percentage of the plantation area on a lot by lot basis. Generally a 30-35% maximum planting area is encouraged, although each application will be assessed on its merits on a 'case by case' basis;

- 2) The extent of existing remnant vegetation areas; and
- 3) Whether a significant portion of each lot can continue to be used for agriculture.
- 4) Council will be able to clearly identify whether agriculture remains as the primary use, simply because detailed site plans are lodged for all applications and show the extent of planting areas.

This Policy aims to actively encourage the integration of tree planting with agricultural farms. Whilst there are other factors contributing towards reductions of rural population, the Shire wishes to ensure that new land uses do not exacerbate an existing ongoing problem.

Council will not generally support the planting of whole lots or farms for tree planting due to the potential for the displacement of agricultural pursuits and loss of agricultural land.

Variations

In dealing with this matter Council will have regard for any specific circumstances where a variation to this criteria 10.1 may be warranted, however in those cases the onus will be on the applicant to demonstrate the particular merits of a proposal or justification for an assessment on a 'whole farm' basis.

If an applicant seeks any variation or support for plantation areas on a 'whole farm' basis then the application should be accompanied by justification such as;

- Land Capability Studies;
- Farm Management Plan;
- Soil or water test results demonstrating areas not suitable for agriculture;
- Photographs showing shallow soils or rocky areas which visually demonstrate that the land is not suitable for agriculture.
- Demonstration that planting areas will have local environmental benefits for the specific location (refer 10.3). For example, larger planting areas may be warranted as block planting adjacent to a creekline, or for salinity prone areas.

More detailed information would be required to be submitted to justify such an application.

Location and Compatibility with Adjacent Land Uses

The larger scale plantations are encouraged to locate in rural areas located away from any main townsites, areas with smaller lot sizes that have potential for dwellings, and rural residential / lifestyle lots. Plantations should avoid locations near areas earmarked for future residential or rural development.

To reduce potential adverse impacts from inappropriate siting and development of agroforestry and plantations, Council will consider the following matters;

- 1) The proximity to any land zoned or earmarked for residential development, rural residential development or smaller lots with potential for dwelling development.
- 2) Separation distances between the proposed use and any commercial properties, or other areas such as public reserves, which may be sensitive to the exposure of pesticides (mainly if any aerial spraying is proposed).

- 3) Where harvesting is proposed, the suitability of the location in terms of the road network capabilities.
- 4) The visual impact if the plantation has potential to interrupt scenic views (particularly along main tourist routes). Scenic views should be protected, particularly along tourist routes or of specific landscape features.
- 5) Any strategic plan contained in a planning strategy or town site expansion strategy.
- 6) Impact on any tourist and recreation uses.
- 7) Proximity to any airstrips.

Proximity to conservation areas and reserves. Any plantation in close proximity to a reserve under the care and management of an authority (such as the Water Corporation, Department for Environment and Conservation or the like) will be referred to the relevant authority for comment. Council will have regard for the advice of the relevant authority.

Economic Benefits

Council will have regard for the economic benefits associated with agroforestry and plantations. Most tree planting ventures are commercial propositions therefore the majority will result in some economic benefits.

It is often difficult to quantify the extent of any economic benefits or long term local economic impact. It is also impractical to assess in a balanced way the economic benefits of a large plantation versus the economic benefits of a continued agricultural/ farm use.

It is a complex issue due to the many influencing factors such as type of products produced, prices available for products, changing economic climate, demand, expenditure in the local area, extent or use of local persons for employment, how much employment is generated by a use, whether local suppliers are used, extent of employment (may be for short specific periods), transport etc.

Detailed business plans, clear measurable evidence of economic benefits or expert economic analysis are generally not provided to the Shire.

The Shire can only consider economic benefits in the broader sense and an integration of land uses will likely maximise potential for retention of farmers/population, diversification of rural land uses, assist agricultural productivity and often provide a secondary income to farmers.

Environmental Benefits

Council recognises that there are a variety of broad environmental benefits associated with tree planting that have the potential to contribute to the security and quality of water resources and salinity management.

Agroforestry and plantations can benefit water resources by improving water quality in catchments affected by saline surface water, reversing dryland salinity and water logging by controlling groundwater levels and assisting in the control of soil erosion.

In considering and any variation to the Policy, Council will have positive regard for any specific environmental benefits to the development land and any application that;

- 1) Uses plantings on site to assist to mitigate salinity affected areas and demonstrates through soil analysis/mapping that there are salinity affected areas on the application land.
- 2) The use of native species is encouraged.

It is recognised that species that are native to Australia are often used (such as Mallee's) for carbon sequestration, due to their growth rates, stock resistance, ability to survive in medium to low rainfall areas and minimal ongoing management needs.

Where feasible (taking into account continuing agricultural activities), the incorporation of some endemic local species plantings is encouraged particularly in areas such as;

- Along watercourses including natural drainage lines and creeks.
- For rehabilitation of land unsuitable for agriculture, or to provide connections between existing remnant vegetation areas remaining on site.
- As a buffer or to expand / complement native vegetation corridors along Rivers.
- Along plantation edges adjoining conservation reserves or other Crown land.

The use of local native species is not compulsory however the Shire actively encourages applicants to look for opportunities to introduce species endemic to the area, especially for rehabilitation of creekline and watercourses. Where feasible, the introduction of some areas of local native vegetation is also encouraged as part of each application.

- 3) The use of planting areas to provide vegetation corridors, linkages to remnant vegetation or assist to protect remaining cropping/grazing areas on the same property from wind erosion.
- 4) The use of planting areas to protect or enhance water courses, reduce water logging in affected areas and improvements to an existing situation (such as fencing of watercourses from stock).
- 5) The identification and protection of any existing local native vegetation.
- 6) Where commercially possible a mixture of planting species is encouraged even if it is only for a portion of the overall planting area. For example, the predominant planting areas may be Mallee's but a mixture of local native species may be used along a creekline, as a wind break or adjacent to conservation / reserves areas.

Code of Practice for Timber Plantations in Western Australia (as amended)

In accordance with the Scheme Council will have regard for compliance with the Code of Practice for Timber Plantations in WA ('the Code') which sets out goals and guidelines for specific areas, including management plans, planning and design, plantation roads, weed and pest control, waterway protection, drainage, harvesting, fire prevention and control, research and development, safety and investment.

This Policy does not attempt to reiterate all of the requirements in the Codes of Practice however they should be addressed by each applicant.

All plantation applications will be required to meet the minimum standards as outlined in the Code of Practice. All applications will be assessed having regard for the general principles of the Code.

Fire Management Plans

Fire Management is an important issue which needs to be addressed as part of any new proposal, and applicants need to recognise that the Shire has limited resources when dealing with strategic Fire Management.

In accordance with the Timber Code of Practice a Fire Management Plan (FMP) will be required for all agroforestry and plantation applications.

Historically, there has been some 'generic' Fire Management Plans lodged with plantation applications and some have included information which is not relevant to the site (such as details for eastern states contacts). There is concern that each FMP needs to be written and tailored specifically for the property subject of an application.

As a minimum all Fire Management Plans shall be compiled by a suitable qualified or experienced fire consultant and;

- 1) Address the Bushfires Act (1954), the FESA Guidelines for Plantation Fire Protection 1998 (as amended)* and the local government firebreak notices.
- 2) Generally follow the format of the 'Model Fire Management Plan' contained in the FESA Guidelines however also include;
 - A bush fire hazard assessment using the methodology of 'Planning for Bushfire Protection' or detailed analysis of the risk of ignition.
 - A fire suppression response examining the ability of the local fire brigade to respond to a fire on the property, having regard for distance, existing available local equipment and the location of on site water supply.
 - Outline the owner's responsibilities, neighbour responsibilities, applicant responsibilities and Shire responsibilities.
 - Where land is owned by an 'absentee owner', implementation of the fire management plan needs to be addressed.
 - Owners may need to consider providing on site water trucks for use in the event of a fire having regard for the property location, and realistic fire suppression response.
- 3) Include a location/ context plan examining the surrounding land uses and identifying;
 - Other existing or approved plantations within the immediate vicinity.
 - Any significant surrounding industries or land uses which may impact on fire management such as Rural Industry (hay storage), wood stockpiling, fuel storage etc.
 - Identify any residential, rural residential or built up town sites located within one kilometre.
 - Identify nearby well vegetated areas or sources which may increase the risk of fire.

- 4) Include a Fire Management Plan (site plan) addressing the guidelines for 'fire prevention and suppression' contained in the Code and clearly show;
- Compartments and compartment sizes.
 - Water supply / points
 - Location of any powerlines passing through planting areas or in close proximity to planting areas and / or proposed firebreaks.
 - Location of fire breaks. The site plan is to clearly distinguish between boundary firebreaks, strategic firebreaks, compartment breaks, fire breaks along public roads and fire breaks along powerlines using a colour coded legend.
 - Turnaround areas for emergency vehicles.
 - Location for emergency signage. All signage to be in accordance with the specifications / sizes outlined in 'Planning for Bushfire Protection' – AS 3.4.3(x).
 - Emergency access / egress points and internal access ways.
 - Existing or proposed gates where firebreaks/emergency accesses intersect with fencing that can accommodate a 3.4 fire appliance.
- 5) Identify the location of any existing structures and need for low fuel areas. FESA guidelines recommend;
- A 50 metre distance between a planted area any structure
 - A further 50 metre pruned area and reduced ground fuel levels for 100 metres.
 - These are to be clearly shown in the FMP or on the site plan.
- 6) Comply with the minimum fire break standards outlined in the existing FESA 'Guidelines for Plantation Fire Protection' which are outlined below;
- (i) 15 metres on the boundary of plantations
 - (ii) 6 metres between compartments of up to 30 hectares
 - (iii) 10 metres for compartments over 30 hectares
 - (iv) 15 metres for firebreaks adjoining public roads
 - (v) Fire breaks adjacent to powerlines to meet Western Power specifications.
- 7) Involve consultation with the relevant authority (such as Department of Environmental and Conservation; Water Corporation, the Shire or the like) where the land is adjacent to a reserve, conservation area or crown land. Fire Management Plans should be independently managed unless there is a formal written agreement from an adjacent reserve owner over issues such as major burning of land outside of the application.

It is recognised that many agroforestry applications are of a substantially smaller scale than plantations; therefore it may be onerous to rigidly apply the same firebreak specifications. The existing FESA Guidelines are orientated towards harvesting plantations and are under review. For any agroforestry application variations to the fire break requirements/widths can be considered if justified in a comprehensive Fire Management Plan.

Where an agroforestry applicant seeks to vary a firebreak width requirement, they should provide an explanation and justification as part of the application. In these cases the Shire will act on the advice of the local Chief Fire Brigade Officer and / or DFES.

**Note 1: DFES is currently reviewing the Guidelines for Plantation Fire Protection 1998.*

Water Quality and Buffers to Water Bodies (creek lines)

Adequate buffers are required between any plantation and watercourses on private land where the end use is not for public water supply. Buffers play an important role in maintaining water quality, protecting ecological values of waterways and preventing erosion or sediment movement.

The Timber Code of Practice recognises the need to protect water quality and cites that non planted buffers of 6 metres should be maintained from the edge of a watercourse. A 6 metre buffer is relatively minimal and is not considered adequate. The Timber Code of Practice also refers to the Department of Water's Water Quality Protection note however it is only in reference to public drinking water course areas.

The Department of Water (DoW) has a Water Quality Protection Note on '*Vegetation buffers to sensitive water resources*' which recommends the following minimum buffers;

- 50 metres for permanent water or greater ephemeral streams (intermittent) which can be reduced to 30 metres where the landowner uses a combination of practices (multiple contaminant barriers) to protect water quality.
- 30 metres for ephemeral streams and margins of water supply / drainage which can be reduced to 20 metres where the landowner uses a combination of practices (multiple contaminant barriers) to protect water quality.

The types of 'multiple contaminant barriers' listed by DoW include effectively trained operators, regular supervision of activities, quality assured contaminant processes etc. Copies of the DoW note can be obtained on www.water.wa.gov.au

Council will have regard for the recommended buffers by Department of Water and may refer any applications to DoW for advice where deemed appropriate. Examples of where referrals will occur include;

- 1) Any application proposing a buffer less than the generic 50 metres or 30 metres. This will allow DoW to consider lesser setbacks based on the nature of the watercourse, and any multiple contaminant barriers proposed by the applicant.
- 2) Any application where there is ambiguity on the plans over the exact buffer distances, or that does not clearly comply with the 50 and 30 metre generic buffers respectively.
- 3) Any application where the nature of the watercourse is unclear and it is considered advice is required from Department for Water for Council to make an informed decision and assessment.

Ultimately Council is the determining authority and can consider lesser buffers where sufficient justification is provided by the applicant. In considering buffers Council will also have regard for;

- The recommendations and advice of the Department of Water.
- Whether the development will result in significant revegetation of creekline using local native species or upgrading of existing vegetation corridors using local species and;
- The creekline and remnant vegetation along a creek is fenced for protection against grazing animals; and

- The applicant demonstrates significant environmental benefits which improve an existing situation such as combating erosion, mitigating salinity, stabilising banks etc. and;
- Whether the proposal substantially improves an existing situation and has an aerial spray application management plan.

Plantation Management Plan

The Council requires the preparation of a Plantation Management Plan to accompany applications in accordance with the protocol of the Code of Practice.

Appendix I of the Code of Practice provides a detailed description of matters to be addressed so will not be replicated in this policy (e.g. establishment and maintenance plan, fire management plan, weed control, planting details, native vegetation management etc.).

The Suitability of the Current and Future Road Systems (for harvesting only)

Council needs to consider the adequacy of the existing road infrastructure to service any future harvest and will require the applicant to outline the preferred haulage routes to be used on public roads as part of the planning application.

In accordance to Appendix 3 of the Code of Practice, a Plantation Harvest Plan is generally produced in accordance with the haulage-management notification.

Council may also require a report on the general pre-condition of the main haulage roads as part of a Plantation Harvest Plan, and payment of a bond to cover any potential road damage.

In considering adequacy of the existing road structure and harvest plan, applicants and the Council shall have regard for any proposed use of Restricted Access Vehicles (larger than 19 metre semi-trailer, 42.5 ton). Main Roads WA has advised that roads not currently permitted for this type of vehicle will be required to be at a standard in conformance to Main Roads 'Guidelines for Assessing the Suitability of Routes for Restricted Access Vehicles' before MRWA can allow access by this type of vehicle.

Any application or Harvesting Plan with land parcels totalling 1000 hectares or greater and located within 10 kilometres of a state controlled road (refer Attachment 1) will be referred to Main Roads WA for comment, prior to determination.

Vermin and Weed Control

Council is mindful of the impact of agroforestry and plantation on neighbouring and surrounding property owners in relation to the possible spread of noxious and declared weeds, and invasion of native and feral animals.

The applicant is to prepare in consultation with the Department of Agriculture and Food WA and Department of Environment and Conservation a weed, native and feral animal control plan that will ensure that noxious and declared weeds are effectively managed on the property so that pests, weeds and native or feral animals are not invasive to adjoining properties.

Applications – Minimum Requirements

All agroforestry and plantation applications require planning approval under the requirements of the Scheme.

An application checklist has been developed for all agroforestry or plantation applications, and must be lodged with all application forms – Attachment 2.

Attachment I

**Plan showing areas where referral to Main Roads WA
will be required**

**(For land parcels totalling 1000 hectares or greater and within 10
kilometres of a state controlled road)**

Attachment 2

**Application Form to be lodged
With the Application Checklist**

Shire of Moora
APPLICATION CHECKLIST FOR AGROFORESTRY OR PLANTATION APPLICATIONS

FORMS	Applicant to tick	Office Use Only														
A formal application must be lodged and signed by; 1. The owner of the land as registered on the Certificate of Title. 2. If the land is owned by a company, then it needs a minimum of one Director signature and company seal (if a sole Director); or a minimum of 2 Director signatures.	1. ☐ OR 2. ☐	☐														
CERTIFICATE OF TITLE	Applicant to tick															
If there are any encumbrances registered on the Certificate of Title, then a copy of the Certificate of Title must be lodged with the Form 1 application. Encumbrances may include conservation covenants, easements, rights of carriage way, and reciprocal rights of access, caveats and notifications. Titles can be obtained from Landgate.	☐															
PLANNING APPLICATION FEES (IN ADDITION TO BUILDING APPLICATION FEES)	Applicant to tick	Office Use Only														
<table border="0"> <thead> <tr> <th><i>Estimated Cost</i></th> <th><i>Planning Fee</i></th> </tr> </thead> <tbody> <tr> <td>Not more than \$50, 000.....</td> <td>\$132.00</td> </tr> <tr> <td>More than \$50, 000 but not more than \$500,000.....</td> <td>\$0.30% of estimated cost of development</td> </tr> <tr> <td>More than \$500, 000 but not more than \$2.5 million.....</td> <td>\$1500+0.24% for every \$1 in excess of \$500,000</td> </tr> <tr> <td>More than \$2.5 million but not more than \$5 million</td> <td>\$6300+0.20% for every \$1 in excess of \$2.5 million</td> </tr> <tr> <td>More than \$5 million but not more than \$21.5 million</td> <td>\$11300+0.12% for every \$1 in excess of \$5 million</td> </tr> <tr> <td>More than \$21.5 million.....</td> <td>\$31,100</td> </tr> </tbody> </table>	<i>Estimated Cost</i>	<i>Planning Fee</i>	Not more than \$50, 000.....	\$132.00	More than \$50, 000 but not more than \$500,000.....	\$0.30% of estimated cost of development	More than \$500, 000 but not more than \$2.5 million.....	\$1500+0.24% for every \$1 in excess of \$500,000	More than \$2.5 million but not more than \$5 million	\$6300+0.20% for every \$1 in excess of \$2.5 million	More than \$5 million but not more than \$21.5 million	\$11300+0.12% for every \$1 in excess of \$5 million	More than \$21.5 million.....	\$31,100	☐	☐
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PLAN REQUIREMENTS

LOCATION / CONTEXT PLAN (Applicant to tick Left Hand side boxes)	Office Use Only
Four (4) copies of a location plan which clearly shows; ☐ The boundaries of all lots included in the application with an overlay of the existing lot number. ☐ If the lot is used in combination with other lots as one farm operation, then the plan should outline the whole farm boundary and the written submission should list all the lots included in the farm. ☐ All existing roads abutting the lot and the names of the roads. ☐ A north point.	

☐ Identification of any major landuses such as airstrips, rural industries, residential, townsites within 1 kilometre, other plantations or any commercial landuses that are sensitive to fertiliser application.	
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FOUR COPIES OF AN A3 SITE PLAN	Applicant to tick	Office Use Only
Four (4) copies of a site plan drawn to scale. All plans to be a minimum of A3 size.	☐	☐
If the lot(s) contain any water feature then the plan must include Clear dimensions / setbacks between plantation areas and creekline, swamps or watercourses. This can be an enlargement detail on the plan.	☐	☐

SITE PLAN REQUIREMENTS – DETAILS TO BE SHOWN ON THE SITE PLAN (Applicant to tick Left Hand side boxes)	Office Use Only
The site plan is to show; ☐ The boundaries of all lots included in the application with an overlay of the existing lot number. ☐ If the lot is used in combination with other lots as one farm operation, then this should be reflected on the plan or explained in the written submission. ☐ The dimension of each lot boundary to be clearly marked in metres. ☐ The site plan to clearly show all existing roads abutting the lot and the names of the roads. ☐ A north point. ☐ Contours at such intervals to adequately depict the landform of the area overlaid on aerial photography. A separate contour plan can be lodged if they will be difficult to read on a combined map. ☐ Existing physical features such as rock outcrops, watercourses etc. ☐ All existing trees or groups of trees with a clear indication of retention or proposed clearing. ☐ The location and type of all existing structures such as dwellings and sheds (and clearly marked 'existing' or 'to be removed'). ☐ An indication of the different existing agricultural pursuits operating on the land (e.g. Existing grazing area to be retained – 500 cattle, existing olive tree plantation to be retained – 100 trees). If this cannot be shown on the plan it should be explained in the written information. ☐ Existing and proposed driveway location and all proposed internal access ways. (must show trafficable access to water points, turnaround bay for fire access and gates for firebreaks crossing any fencing) ☐ Existing and proposed crossovers. ☐ All proposed compartments are to be clearly numbered on the plan with a legend listing the total planting area in each compartment. The plans to	

clearly show the form of planting (i.e. block or belts). ☐ All existing dams, watercourses, main drainage lines or areas subject to inundation.	
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WRITTEN INFORMATION

DETAILED SUBMISSION	Applicant to tick	Office Use Only
A detailed written submission or covering letter in support of the proposed application. The detailed submission should include information on; ☐ Description of existing agricultural activities conducted on the land, explanation of how the proposed planting areas have been selected and details on how the application complements continued agricultural activities. ☐ Address the objectives of the Shires Town Planning Scheme applicable to Rural zoned land. ☐ Explanation of how the application complies with the Shires Local Planning Policy and the Code of Practice for Timber Plantations in WA ☐ If proposing any variation to the Policy, Code of Practice or FESA Guidelines, detail the proposed variation and explain why the Shire should support a variation / provide justification.	☐	☐
☐ A detailed land capability report (only for proposals to develop a whole farm or substantial portion of a farm) or sufficient information such as photographs, soil analysis / mapping, water analysis etc. OR ☐ A report by a suitably qualified farm management consultant demonstrating why the land is preferred for plantation as opposed to ongoing agricultural uses. This should be accompanied by soil analysis / mapping. This is not relevant for applications which comply with the Shires Local Planning Policy and integrate plantings with agricultural uses.	☐ Yes OR ☐ Yes ☐ N/A Incidental Use	☐ ☐ ☐

DETAILED SUBMISSION	Applicant to tick	Office Use Only
☐ A Plantation Management Plan that complies with Appendix I of the Code of Practice for Timber Plantations in WA (e.g. establishment and maintenance plan, fire management plan, weed control, planting details, native vegetation management etc.).	☐	☐
☐ A Plantation Harvest Plan including a clear map of the preferred haulage route. If harvesting is proposed as a long term option, then submission of a harvesting plan may be included as a condition at Councils discretion.	☐	☐

Photographs of the site (Optional)	Applicant to tick	Office Use Only
General photographs of the existing agricultural areas, proposed planting areas, main access in and water sources for fire fighting. Whilst photographs are optional they assist in the assessment of the application and provide a visual image of the property. Photographs also assist Councillors to gain a visual understanding of the property as site inspections to each lot are not feasible. Applications are dealt with in the date order that they are submitted, however generally it is easier to assess an application which includes photographs.	☐	☐

If an application is lodged which is incomplete, the application will be placed on hold and additional information requested in writing.

Please lodge this checklist with your application. Applications lodged without a checklist may be returned to the applicant.

_____ Name of person who completed checklist	_____ Date
_____ Name of Council Officer who certified the checklist complete	_____ Date

7.8 Relocated Buildings

Purpose

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. The Scheme prevails should there be any conflict between this Policy and the Scheme.

Scope

A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

Objective

- 1) To ensure the relocated building presentation is of an acceptable standard to that of the locality.
- 2) To ensure that any relocated buildings does not detract from an existing (or reasonably desired) streetscape.
- 3) To enable the local government to retain such monies (bonds) to ensure the desired standard of development is achieved.

Policy Statement

Definitions

- 1) For the purposes of this policy a “Relocated Building” means a dwelling or outbuilding that has been previously constructed/located on a different property yet has the ability to be dismantled in whole (or in part) for the purpose of being transported and sited on another property.
- 2) A purpose designed, new transportable building (e.g. a “kit home”) is not considered a relocated building when first being located on a lot. Subsequent moving of the building is subject to this policy.

Location

In general, relocated buildings are not considered appropriate in the “Urban Precinct” areas of the Town Planning Scheme as they would be contrary to the objectives of those areas. In addition, in newly created subdivisions, it is often the case that design guidelines are attached to the sale of the land which may prohibit the placement of a relocated building on the property. The onus is on the applicant to source this information if this is the case, as the local government does not administer these types of guidelines.

Cladding

All external asbestos cladding shall be removed from the relocated building prior to it being transported, and (unless specific approval is given otherwise) be replaced with new material.

Conditions

Buildings that are relocated are often in poor condition and as such the local government may impose conditions to ensure the building presentation is of an acceptable standard to enhance the streetscape appearance. Such conditions may include (but are not limited to) the following:

- 1) need for additional setbacks over and above the prescribed minimum and the need for screening/landscaping;
- 2) a bond/bank guarantee and legal agreement to ensure the external appearance of the relocated building has completed to the approval of the local government;
- 3) the space between the ground level and the floor level being suitably enclosed; and

- 4) the roof and/or walls being clad of non-reflective materials and be consistent or complimentary in colour with the surrounding natural landscape features or desired streetscape.

Bonds/Guarantees

Prior to the issue of any building licence for a relocated building the local government shall require the lodging of

- 1) a bond amount equivalent to 20% of the estimated value of the approved works to be undertaken to ensure the building presentation is of an acceptable standard, with a minimum amount of \$5,000 for residential houses;
- 2) a bond amount equivalent to 10% of the estimated value of the approved works to be undertaken to ensure the building presentation is of an acceptable standard, with a minimum amount of \$1,000 for other buildings (such as sheds or the like); and
- 3) a legal agreement stating that the bond will be forfeited if the approved works are not carried out within the approved timeframe.

Application Requirements

- 1) Photographs will need to be submitted that clearly illustrate the in-situ condition and appearance of the entire building (all sides and roof).
- 2) Clear and concise details of proposed works to be undertaken to ensure the relocated building presentation is of an acceptable standard to that of the locality. This will generally include elevations of the proposed finished works.
- 3) A clear timeframe for the completion of the above works, with such time frame to be as short as practicable and a maximum of 12 months.
- 4) Any other additional information required to demonstrate that the building will be aesthetically acceptable and comply with the objectives of this policy.

Consultation

The local government may choose to advertise an application should it be concerned at the appearance or proposed location of the relocated dwelling.

7.9 Advertising Devices

Purpose

The purpose of this Policy is to ensure that the display of advertisements within the Shire of Moora does not adversely impact on the amenity of surrounding land while providing appropriate exposure for businesses, activities or services.

For the purposes of this Policy, the erection, placement and display of any advertisement (other than an exempted advertisement) and the use of land, buildings or vehicles for that purpose is classed as development requiring the approval of Council.

The erection, placement and display of any proposed hoardings or advertising structures, on or in the vicinity of a State road, will also require approval in accordance with the Main Roads Act 1930, in addition to the approval required by Council.

This Policy should be read in conjunction with “Shire of Moora Local Government Property Local Law” and the “Shire of Moora Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law”, both made pursuant to the Local Government Act 1995.

Objective

- To enable businesses and community groups to effectively advertise goods, services and events in a way that safeguards the visual amenity of the district and meets the safety and amenity needs of the general public.
- To ensure that the display of advertisements does not adversely impact on the amenity of surrounding land;
- To avoid a proliferation of signs on individual sites and buildings;
- To improve the streetscape of major roads;
- Encourage the rationalisation of advertising signs on individual premises;
- Encourage the consideration of advertising signs as part of the design of buildings;
- To ensure that signs are not discriminatory or offensive; and
- To provide valuable information for travellers and tourists that will be easily understood while ensuring the safety of all road users is maintained.

Sign types not listed

If a Sign Type or a particular advertisement sign is not mentioned in this Policy or the Scheme, then the sign shall be assessed on its individual merits in accordance with the objectives of the Shire of Moora’s Local Planning Scheme.

Exempt signs

An exempt sign for the purpose of this Policy is:

- 1) any sign which is classified as exempt under Schedule 5 of Local Planning Scheme;
- 2) any sign which is the subject of an existing approval made prior to the date of effect of this Policy;
- 3) any advertisement affixed to or painted on a shop window by the occupier of the shop and relating to the business carried on in the shop;
- 4) any sign within a building;
- 5) any building name sign on residential flats or home units which has a single line of letters not exceeding 300mm in height, fixed to the facade of the building;
- 6) any newspaper poster;
- 7) one freestanding sign. The sign is to be placed or erected only to direct attention to a place, activity or event during the hours of that activity or event.

A SIGN placed on or in front of a property advertising the sale or lease of a building, property or business, providing;

- the aggregate area of such onsite signage does not exceed 3m³ in area;
- the signage is contained within the property boundary, unless in the instance that the sign will be substantially obstructed, in which case the sign can be located on the road reserve providing it does not obstruct public visibility or access; and
- the signage does not protrude above surrounding elements of the landscape.
- a flag sign associated with a commercial property, where;
- the aggregate area of surfaces that provide advertising is 0.2m² per 1m of street frontage of the subject tenancy (max aggregate area of 2m²);
- minimum ground clearance of 2.4m
- maximum height is less than 3m above ground level; and
- project less than 0.6m from the façade of building.

8) a banner used for a temporary period

Policy Statement

Standards common to all signs

All signage within the Shire of Moora must consider the following general requirements.

Design and Amenity

- 1) A sign shall be designed and located so as to not significantly obstruct or impede all or part of a view of a river, or other place or feature which in Council's opinion is of significance to the district.
- 2) Every sign attached to buildings shall be incorporated into the architectural features of the building in placement, style, proportions, materials and finish and shall be designed, constructed, finished, installed and professionally maintained.
- 3) The design, number or variety of signs within an area shall not be injurious to the amenity or natural beauty of the locality.
- 4) All signs shall be simple and provide for instant recognition.
- 5) A sign shall not contain any discriminatory or offensive material.
- 6) All signs shall have sign writing, design work, lettering and colouring carried out in a professional and competent manner.
- 7) Materials of construction and placement should bear consideration of long term maintenance and repairs.
- 8) All signs shall be maintained in good order and clean condition.
- 9) Every sign shall be designed to utilise colour schemes and materials that fit in with the overall style of the surrounding development and/or precinct. (size, placement / location and style)

Safety

A sign shall:

- 1) be securely fixed to the structure by which it is supported, without affecting the stability of the building or structure to which it is affixed. Alternatively, a sign must be designed such that it maintains structural integrity in its own right;
- 2) be structurally sound and capable of withstanding any forces to which it would be reasonably subjected to without collapsing, deforming or moving from the position on which it was erected or displayed.
- 3) Be constructed and erected to the satisfaction of the Shire of Moora
- 4) not obstruct the passage of or so as to create a hazard for vehicles or pedestrians;
- 5) not be located such that it obscures or is likely to be confused with traffic signals or signs;
- 6) not obstruct access to or from any door, fire escape or window;
- 7) not be constructed of readily combustible material including but not limited to paper, cardboard or cloth, except in the case of posters securely affixed to a signboard or other structure.

Siting

- 1) Unless expressly permitted within this policy, signs shall not be supported on private land that is not associated with the goods and services advertised on the sign.
- 2) Unless expressly permitted within this policy, permanent signs shall not be located on land that is zoned or used for residential purposes.

Content

Every sign will be limited to the following content:

- 1) the name of the occupier;
- 2) the business carried on in the premises;
- 3) the occupier's telephone number, web or email address
- 4) a description of the goods sold or offered for sale in the premises to which the sign is affixed or to which it relates;
- 5) graphics relating directly to the effective advertising of the business, product or event; and
- 6) any other matter specifically approved by the Shire.

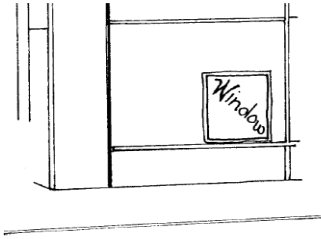
Council reserves the right to refuse any sign in which the content of the advertisement:

- 1) could harm or cause detriment to the State;
- 2) make reference to a product which is unsafe, or is otherwise unsuitable to be referred to in the advertisement;
- 3) contains confusing, misleading, political, religious, offensive or objectionable information; and
- 4) would breach any provision of the Trade Practices Act or any other State or Commonwealth legislation.

Requirements for particular signs

Bill / Fly Posting

(Shopfront Window)



DEFINITION:

An advertisement affixed to, or painted on a shop window by the occupier of the shop that relates to the business carried on in the shop. (any sign within a building)

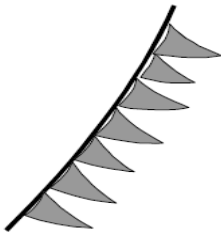
REQUIREMENTS:

Shall not Cover more than 50% of the glazed area of any one window or exceed 10.0m² in area in aggregate per tenancy per lot.

APPLICATION:

Exempted from planning approval providing it complies with the requirements.

Bunting



DEFINITION:

A thin strip of plastic or material used for decorative purposes or to highlight a location.

REQUIREMENTS:

Not encouraged as device creates visual clutter.

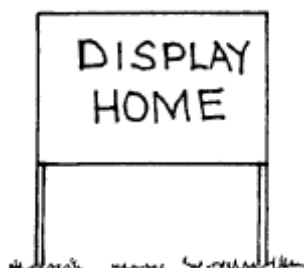
Approvals will be on a temporary basis, no longer than 4 weeks in a 3 month period to ensure the objectives of this policy are achieved; objective 2 of this policy and 1.1.3 of the policy statement.

APPLICATION:

Requires Planning Approval (Council approval)

Note: In the application an overall signage plan has to be submitted explaining its benefit for the business and justification for the use of this sign.

Development Sign



DEFINITION:

A sign to facilitate the sale, auction or leasing of a group of housing or building sites

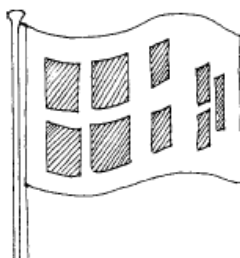
REQUIREMENTS:

- a) Shall not exceed 32m² in area;
- b) Displayed at the entrance to the subdivision and not remote from the lots being sold unless special approval is granted by Council; and
- c) Shall be removed within 2 years from the date of approval or when 80% of lots have been sold, whichever is the sooner, unless Council approval has been granted for a longer period.

APPLICATION:

Requires Planning Approval (Under Delegation of the Manager of Development Services)

Flag Sign (B)



REQUIREMENTS:

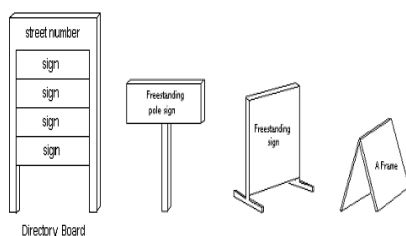
- a) Max 2 flag poles per lot (where not considered superfluous or unnecessary);
- b) Max height of 6m;
- c) Each flag no greater than 4.0sqm (with a pole of a size to satisfactorily support the flag under all conditions).

APPLICATION:

Requires planning approval (Under Delegation of the Manager of Planning)

Freestanding Signs

(Inc. A – frame, pole sign, board directory)



DEFINITION:

A portable sign that is displayed on a sign structure that is mounted on the ground on one or more supports.

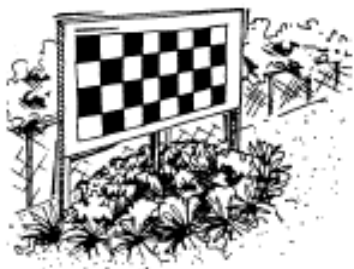
REQUIREMENTS:

- a) Max 1m in height;
- b) Max area of 1m² on each side;
- c) Erected immediately adjacent to building or business sign relates;
- d) Removed each day at close of business and erected next trading day.

APPLICATION:

Exempted from planning approval providing it complies with the requirements.

Hoarding



DEFINITION:

Detached or detachable structure other than a pylon sign that is erected for the sole purpose of displaying a sign or signs and includes a poster panel or an illuminated panel.

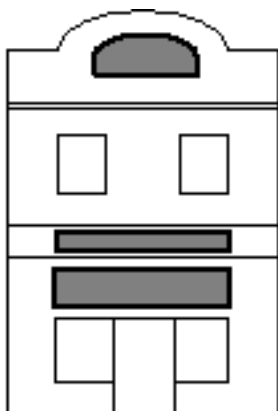
REQUIREMENTS:

The applicant is required to provide adequate justification for the use of a hoarding sign. Refer to Appendix I.

APPLICATION:

Requires Planning Approval (Council approval).

Horizontal Sign



DEFINITION:

A sign fixed parallel to the wall of a building to which it is attached and with its largest dimensions being horizontal.

REQUIREMENTS:

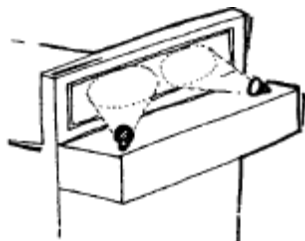
- a) To be fixed parallel to the wall of the building to which it is attached;
- b) not project more than 150mm from the wall to which it is attached;
- c) afford a minimum headway of 2.27m where the sign projects more than 12mm into pedestrian thoroughfare;
- d) not exceed 5m² in area; and
- e) conforms to the following table:

Min distance of sign above street	Max depth of sign
Less than 7.5m	600mm
7.5m to 9m	750mm
9m to 12m	1,000mm

APPLICATION:

Requires Planning Approval (Under Delegation of the Manager of Planning).

Illuminated Sign



DEFINITION:

A sign which can be lighted either from within or without the sign by artificial light provided, or mainly provided for that purpose and which does not emit a flashing light.

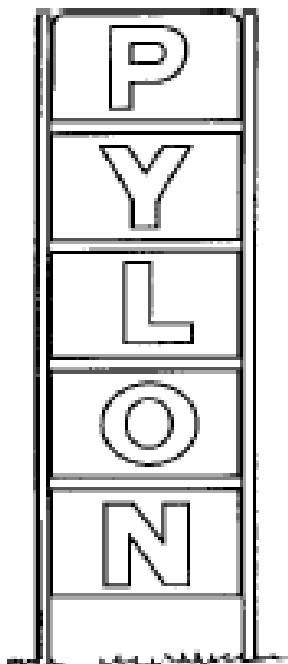
REQUIREMENTS:

- a) be constructed entirely of non-flammable materials;
- b) be maintained to operate as an illuminated sign;
- c) not be displayed where may be confused with or mistaken for the stop of tail light of a vehicle;
- d) no encouraged to be of flashing, pulsating, chasing or running lights; and
- e) Use a low level of illumination.

APPLICATION:

Requires Planning Approval (Council Approval).

Pole or Pylon Sign



DEFINITION:

A sign supported by one or more piers and not attached to a building and includes a detached sign framework supported by one or more piers to which sign infills may be added.

REQUIREMENTS:

- a) Max 6m above the level of the ground immediately below it;
- b) Not exceed 4m² in area unless approved by the Shire;
- c) Be supported on one or more piers or columns of brick, stone, concrete, timber or steel of sufficient size and strength to support the sign under all conditions;
- d) Not within 2m of side boundaries of the lot on which it is erected unless the lot abuts an intersecting street or right-of-way, where the Shire may authorise the erection of the sign at a distance less than 2m;
- e) Not be within 6m of another sign erected on the same lot;

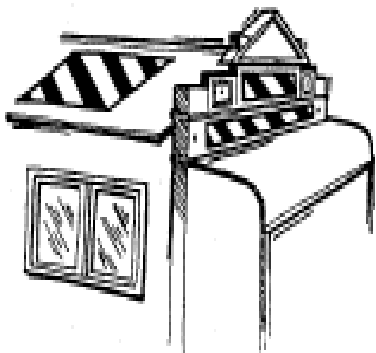
Where pylon signs are to be erected on a lot on which a factory tenement building or small shops are erected or are to be erected the Shire may require all pylon signs to be incorporated into one sign in which case:

- a) All of the constituent or infill signs are of an equal size; and
- b) One constituent or infill sign is provided for each business, shop or unit on the lot.

APPLICATION:

Requires Planning Approval (Council Approval).

Roof Sign



DEFINITION:

An advertising sign which is fixed to or painted on a fascia, or to the roof itself, or which forms part of a projection above the eaves, or ceiling of the subject building.

REQUIREMENTS:

A roof sign shall comply with the following table:

Height of building where sign is to be fixed	Maximum height of sign
4m and under 5m	1,250mm
5m and under 6m	1,800mm
6m and under 12m	3,000mm

APPLICATION:

Requires Planning Approval (Under Delegation of the Manager of Planning).

Rural Producer Sign

DEFINITION:

A sign erected on land zoned rural under the Local Planning Scheme indicating the products grown, reared or produced on the property.

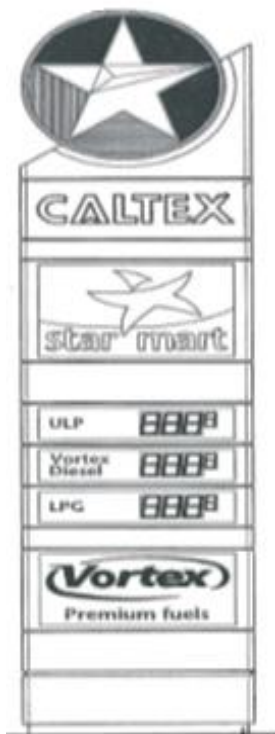
REQUIREMENTS:

- Not indicate or display any matter otherwise than for the purpose of indicating the products grown, reared or produced on the property on which the sign is erected;
- Be erected within the boundaries of the property; and
- Not exceed 2m² in area.

APPLICATION:

Requires Planning Approval (Under Delegation of the Manager of Planning).

Service Station Sign



DEFINITION:

A sign or signs used solely for the purpose of advertising the price of petrol, diesel, gas or other fuels and products sold from the premises.

REQUIREMENTS:

The following types of business identification signs will be permitted for service stations:

- i. Fascia signs;
- ii. Top hamper signs;
- iii. A pole / pylon sign;
- iv. A wall sign; and
- v. Entry / Exit signage.

- 1. Only one (1) pole / pylon sign permitted along the public road frontage;
 - a. Max height shall be 8 metres for sites located within a townsite;
 - b. Max height for sites within rural zone shall be 2 metres;
- 2. The face of the pole / pylon sign should include a display of the current price of fuel for the service station operation.

APPLICATION:

Planning Approval Required (Under Delegation of the Manager of Planning).

Note: a service station sign application is to be submitted as part of an overall sign strategy for the site. Refer to Appendix 1

Signs on Fences

DEFINITION:

Any advertising painted or attached to a fence of a property.

REQUIREMENTS:

Signs on fences shall not be permitted, except in designated industrial areas.

Free standing signs adjacent to the fence line are permitted elsewhere.

APPLICATION

Requires Planning Approval (Under Delegated Authority of the Manager of Planning).

Signs on Vehicles



DEFINITION:

An advertising sign which is applied to, or attached to, or placed on a vehicle. This excludes sign writing on the side of a registered vehicle and/or any form of advertising that does not alter the shape of the vehicle body and/or the advertisement on the vehicle relates to the registered business of which the vehicle owner operates.

REQUIREMENTS:

No permitted to park on any thoroughfare (other than within an approved car park) without a Shire permit.

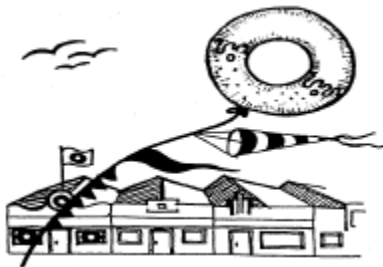
Display signs shall:

- a) Have no moving parts;
- b) Have a maximum vertical or horizontal dimensions of 2.0m; and
- c) Limited to a maximum of one sign per street frontage on any one lot.

APPLICATION:

Exempted from planning approval providing it complies with the requirements

Tethered Signs



DEFINITION:

Advertising sign which is suspended from, or tethered (tied) to any structure, or tree or pole (with or without supporting framework) and made of paper, plastic, fabric or of similar material. The term includes lighter than air aerial devices, inflatables, bunting, banners, flags and kites.

REQUIREMENTS:

Not encouraged as device creates visual clutter.

Approvals will be on a temporary basis, no longer than 4 weeks in a 3 month period to ensure the objectives of this policy are achieved; objective 2 of this policy and 1.1.3 of the policy statement.

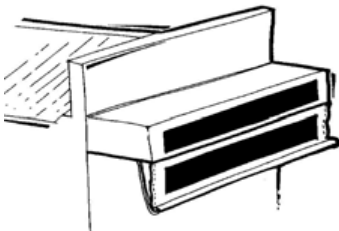
APPLICATION:

Requires Planning Approval (Council approval)

Note: In the application an overall signage plan has to be submitted explaining its benefit for the business and justification for the use of this sign.

Verandah Signs

(Awning)



DEFINITION:

An advertising sign fixed to the outer or return fascia of an awning or verandah associated with a commercial building, and includes signs on blinds, sunshades and similar structures.

REQUIREMENTS:

- a) only one such sign per street frontage of the subject tenancy;
- b) It has an area of 0.4m² per 1m of street frontage of the subject tenancy (max area of 10m²); and
- c) Is contained within the width of the building.

APPLICATION:

Exempted from planning approval providing it complies with the requirements.

Remote Advertising

- 1) Council will generally not support remote advertising or advance warning signs (other than a service or tourist sign), as this may lead to an undesirable precedent and proliferation of signage to the detriment of the amenity of the Shire.
- 2) All signage within road reserves must be co-located to maintain the visual amenity of the area.
- 3) All signage within road reserves shall be assessed in accordance with the proposed sign type requirements and clause 1 and 2 of this policy.

Should any conflict arise between the provisions of the Shire of Moora's 'Activities on Thoroughfares and Trading in Thoroughfares and Public Places' Local Law, then the local law is to prevail.

Signage within Road Reserves inside Moora Townsite

- 1) Notwithstanding any provisions in this policy, no signage other than that erected by the Shire of Moora is to be approved within the road reserve on Robert's Street, Gardiner Street, Tootra Street, Dandaragan Street and part of Berkshire valley Road and Dandaragan road inside the 50k/h and 60k/h speed limit zones.
- 2) The Shire may provide signage of varying sizes and charge fees for the inclusion of advertisements in such signs.
- 3) The Shire is responsible for the approval, installation and routine maintenance of these signs. In all cases the Shire retains ownership of the signs and the right to relocate, modify or remove them as necessary.
- 4) Signage will be required to be co-located by the Shire and therefore any further advertisements may be required to use existing signage infrastructure.

Signage within Road Reserves outside Moora Townsite, Watheroo Townsite and Miling Townsite

- 1) Council may consider a planning application for a development sign (given that the development is within close proximity to the sign), a sign advertising a tourist attraction, community association or not for profit organisation on properties, buildings or reserves that are not directly related to that sign outside the 50km/hr and 60km/hr speed zones in Moora, Watheroo and Miling in the following circumstances:

Where the proponent can prove to Council that there is a need from an economic view to have such a sign or advertising;

Where the sign falls within the definition of 'Special Events Sign', and will be only placed on the property, buildings or reserves for the period that the special event is being run; and

In any other situations that Council sees fit.

- 2) Applicants are advised that signage within Road Reserves may require the dual approval of Council and Main Roads WA. In most instances Main Roads WA require the approval of Council before an application for signage can be considered. The requirement for Main Roads WA approval is only a requirement on roads under the care, control and responsibility of Main Roads WA.

- 3) Council in considering applications may have regard to Main Roads WA Guidelines 'Guide to the Management of Roadside Advertising'.

Signage Register

Council will maintain a register of approved signs on Public Land.

Sign Liability

- 1) Council takes no responsibility for any damage to, theft of or claims arising from a sign within the road reserve.
- 2) It is the applicant's responsibility to ensure that a private sign on the road reserve is insured against any claims arising from the public.
- 3) Where a sign / advertisement will be placed in, or overhang, a public place or street, the owner of the property / applicant will be required where appropriate, to provide a public liability insurance policy indemnifying the Shire against all actions, suits, claims, damages, losses and expenses made against or incurred by the Shire arising from the approval. The applicant and/or land owner may be required by the Shire to –
 - take out a public liability insurance policy in the name of the owner or applicant and the Shire, for a minimum value of \$10 million or such other amount as considered appropriate to the risk involved;
 - keep that insurance policy current for the duration of the approval;

include a clause in the policy which prevents the policy from being cancelled without the written consent of the Shire;

- include a clause in the public liability insurance policy, which requires the owner or applicant and the insurance company, to advise the Shire if the policy lapses, is cancelled or is no longer in operation;
- on the request of an authorised person, provide for the inspection of a certificate of currency for the required insurance policy.

Variations of Standards

- 1) All proposals that do not conform to the standards prescribed in this policy and the applicable Local Planning Scheme shall be referred to the Council for determination.
- 2) If it is established to the satisfaction of the Council that a particular standard or provision contained within this Policy is unreasonable or undesirable in the particular circumstances of the case, the Council may at its discretion, vary the standard or provision.
- 3) The Council may only vary a standard or provisions where it is satisfied that:
 - Approval of the variation will not set an undesirable precedent;
 - The applicant demonstrates exceptional circumstances warranting support for a variation;

- Approval of the application is in accordance with variations to site and development requirements contained within the Shire of Moora's Local Planning Scheme (Section 5.6).
- 4) Any request by an applicant to vary a standard within the Scheme or this policy shall cause the Council to require a sign strategy to be developed and submitted by the applicant as part of the submission.

Signage Strategy

- 1) A "signage strategy" means an overall plan of the whole of the subject site showing the location and size of all advertisement signs proposed for the site, as well as the outline of any buildings, car parking areas, vehicular access points to the site, etc. Any existing signs must also be included on the plan and clearly delineated.
- 2) All subsequent applications for an advertisement sign on the subject lot must be in accordance with the approved sign strategy. If not, a new sign strategy will be required by Council.

Control of Advertisement Signs

- 1) The erection, placement or display of advertisements signs and the use of land or buildings for that purpose requires the prior approval of the Council (except where the advertisement signs are exempted as outlined in this policy).
- 2) An application for planning approval shall be accompanied by a duly completed 'Additional Information for Advertisements', as set out in Schedule 7 of the Shire of Moora's Local Planning Scheme.
 - Any signs, with the exception of exempted advertisements outlined in this policy, erected on a property or reserve prior to obtaining a formal planning approval would be in breach of the Shire of Moora's Local Planning Scheme.
 - With exception to requirements provided for in this policy, an approval granted pursuant to this policy remains valid until an alteration is proposed to be made to the structure or area of the sign in respect of which an approval has been issued and in such event the applicant shall apply for a new planning approval.
 - The Council may impose any conditions it thinks fit to an approval pursuant to this policy.

7.10 Sea Containers

Background

In recent years, there has been an increased use of sea containers for storage within the Shire. Sea containers can serve a useful purpose as they are a cheap and secure method of storing goods. However, they have the potential to adversely affect the amenity of an area being more industrial in character and often poorly located and maintained.

Purpose

The purpose of this policy is to provide guidance for landowners, developers and Council as to where sea containers are acceptable within the Shire.

Policy Basis

Clause 8.7 of the Shire of Moora Town Planning Scheme No.4 ('the Scheme') provides for the preparation of Local Planning Policies. This Policy has been prepared in accordance with the Scheme.

The Policy does not bind the local government in respect of any application for development approval but the local government is to have due regard to the provisions of this Policy and the objectives which the Policy is designed to achieve before making its determination.

Scheme Requirements

A 'Sea Container' is considered to be a 'Transported Building' and requires the Planning Approval of Council under clause 4.7 of the Scheme.

Whilst sea containers are 'transported buildings', the terms of this policy apply exclusively to sea containers used for storage purposes (Class 10A Building) and Local Planning Policy 'Shire of Moora Relocated Buildings' does not apply.

Clause 4.7.1 & 4.7.2 of the Scheme deals with matters Council will consider regarding the appearance of buildings when dealing with applications for planning approval in respect to any building.

A sea container is development and is not exempted from planning approval under clause 8.7 (b) of the Scheme as it is considered to be a transported building.

Clause 7.5 of the Scheme outlines general matters that Council can take into consideration when assessing any application.

This policy expands on and complements the existing Scheme requirements.

Policy Statement

This policy applies to all land zoned within the Shire of Moora with the exception of the 'General Agriculture' zone. The policy is aimed at controlling the impact of sea containers used for storage purposes on the amenity of the town-sites within the Shire of Moora.

Objectives

The objectives of this policy are as follows:

To establish clear guidelines for the placement of sea containers used for storage purposes within the Shire;

To ensure that any sea container does not detract from an existing (or reasonably desired) streetscape;

To achieve a balance between providing for the legitimate need for sea containers as an affordable and secure storage option, and minimising any adverse impacts on neighbours, streetscape, a neighbourhood or locality, amenity or the Shire as a whole.

To set out minimum standards and requirements for applications to place sea containers on land within the Scheme area.

Requirements

Temporary storage of materials on a building site

In all zones, a sea container may be placed on a property to store building materials while construction of a house or commercial building is being carried out on the property, without requiring town planning approval or a building licence. A sea container must not be placed on the property prior to the issue of a building licence and must be removed immediately upon completion of construction or expiry of the building licence.

Approval Requirements

Planning approval is required for all sea containers used for storage purposes in the Residential, Rural Residential, Rural Small Holding Zone Town Centre, Rural Townsite, Industrial and Light Industrial Zones.

Location Requirements

All sea containers are to be located in the following manner:

- i) Located at the rear of the property and suitably screened and/or fenced from the road frontage and neighbouring properties;
- ii) Shall be screened by landscaping, fencing or other means acceptable to Council, to ensure that storage areas are not exposed to view from nearby roads or other public places. If the container cannot be placed so as to be generally concealed from the street then the Shire will require the installation of screening to a minimum height equal to that of the container.
- iii) The normal Scheme setback requirements for the zone are applicable.

General Conditions and Requirements

Sea containers proposed for habitation are to be assessed against LPP – Relocated Buildings and are to be modified to meet the requirements of the Building Code of Australia. Once a sea container is modified to a habitable standard it is no longer considered to be a ‘sea container’ for the purposes of this Policy.

A maximum of one (1) sea container will be permitted per property in the “Rural Residential” and “Residential Zones.

Sea containers shall not to be located over septic tanks, leach drains or utilities.

Sea containers shall be located on a flat, compacted area to the satisfaction of the Shire of Moora Building Surveyor or manager Development services.

Sea containers shall be adequately ventilated to the satisfaction of the Shire of Moora.

The sea container must be in good repair with no visible rust marks, a uniform colour to compliment the building to which it is ancillary and be appropriately screened (vegetation or otherwise), where considered necessary by Council.

The placement of any sea container in non-conformity with this policy may result in enforcement action being taken by the Shire that could involve removal and impoundment of the sea container at the cost to the landowner.

The Council reserves the right to rescind a planning approval and instruct a landowner to remove a sea container from land in the district if any or all of the conditions stipulated in this Policy are not carried out to the satisfaction of the Shire of Moora.

Application Requirements

An application is required for Planning Scheme Consent prior to siting a sea container on a property, and the following details shall be submitted:

- a) A completed Application for Planning Consent and payment of the appropriate fee.
- b) 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, access ways, watercourses and vegetation on the property.
- c) The proposed size and use of the sea container.
- d) Evidence by photos 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.

Advice to Applicant

A sea container is regarded as a building by the Building Code of Australia and therefore a building licence is required prior to the placement of the sea container.

7.11 Home Occupation

Introduction

The Shire of Moora Town Planning Scheme No.4 provides for a small business to be carried out from a 'dwelling', provided that it does not adversely affect the 'amenity' of the locality. Such businesses are referred to as Home Occupations, Home Businesses and Home Offices. Town Planning Scheme No.4 defines these uses as follows:-

'Home Occupation' means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:-

- (a) does not employ any person not a member of the occupier's household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 20 square metres;
- (d) does not display a sign exceeding 0.2 square metres;
- (e) does not involve the retail sale, display or hire of goods of any nature;
- (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (g) does not involve the use of an essential service of greater capacity than normally required in the zone.

'Home Business' means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:-

- (a) does not employ more than 2 people not members of the occupier's household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 50 square metres;
- (d) does not involve the retail sale, display or hire of goods of any nature;
- (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone.

'Home Office' means 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.

The purpose of this Planning Policy is to set out the objectives and policy provisions which the 'Council' shall have due regard to in the assessment and determination of applications for planning approval for Home Occupations and Home Businesses.

In this regard, no person shall commence or carry out a Home Occupation or Home Business without first having applied for and obtained the planning approval of the Council, pursuant to the provisions of 4.5 of Town Planning Scheme No.4.

Policy Application

In Shire of Moora Town Planning Scheme No.4 the Zoning Table (Table No.1) indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme Area in the various zones.

The permissibility of the Home Business use in Town Planning Scheme No.4 can be summarised as follows:-

- (a) The use is not permitted in the Residential, Rural Small Holding, & General Agriculture zones unless the Council has exercised its discretion by granting planning approval;
- (b) The use is not permitted in the Residential Zone & the Rural Small Holding unless the Council has exercised its discretion by granting planning approval, following a process of community consultation in accordance with clause 7.3.3 of the Scheme;
- (c) The use is not permitted in all other zones.

The permissibility of the Home Occupation use in Town Planning Scheme No.4 can be summarised as follows:-

- (a) The use is not permitted in the Residential, Rural Townsite Rural Residential Rural Small Holding & General Agriculture, unless the Council has exercised its discretion by granting planning approval;
- (b) The use is permitted in Special Mix Residential provided that it complies with the relevant development standards and the requirements of the scheme.
- (c) The use is not permitted in all other zones

Town Planning Scheme No.4 requires that in assessing applications for planning approval, the Council shall take into account the objectives of the particular zone and any Policy pertaining to that zone and this Planning Policy.

The Scheme also requires the Council to consider specific issues including:

- (a) the method and location of the operation,
- (b) the potential for nuisance to the surrounding neighbourhood,
- (c) impacts on neighbours,
- (d) hours of operation,
- (e) traffic generation,
- (f) car parking requirements; and
- (g) the location of any associated storage areas.

Policy Objectives

The objectives of this Planning Policy are as follows:-

- (a) To promote the orderly and proper development of land by making suitable provisions to guide applicants who wish to operate a Home Occupation or a Home Business from a dwelling in a approved Zone;

- (b) To secure the amenity, health and convenience of the neighbourhood through appropriate development requirements; and
- (c) To comply with necessary Local, State and Commonwealth legislation that is applicable to the proposed development.

Policy Statement

Applications for a Home Occupation and Home Business shall be assessed according to the following requirements.

Town Planning Scheme No.4 (amendment 10)

The Council shall only permit the operation of either a Home Occupation or Home Business that complies with Town Planning Scheme No.4 and the objectives and requirements of this Policy.

Method of Operation

The Council shall only permit the operation of a Home Occupation or Home Business within a dwelling or within the boundaries of a lot where it is satisfied that the operation will not cause injury to or adversely affect the amenity of the neighbourhood.

The operation of more than one Home Occupation or Home Business or a combination of both a Home Occupation and Home Business will be carefully considered by the Council based upon the applicant demonstrating compliance with TPS4 and objectives of this policy.

In this regard, a Home Occupation or Home Business that involves the retail sale, display or hire of goods of any nature will not be permitted.

Furthermore, a Home Occupation that includes provision for the fuelling, repair or maintenance of motor vehicles will not be permitted.

A proposed business operation that involves the use of the dwelling solely for administration purposes (i.e. bookwork, telephone etc.) would be deemed a Home Office that does require a planning approval as it is defined under the MTPS4 as a Home Occupation.

A mobile business that conducts all activities at the client's address and where the dwelling is used solely for administration purposes would be deemed a Home Office, issues that need to be looked at; if maintenance of equipment associated with the mobile business is to be conducted within a dwelling or within the boundaries of a lot.

The retail display, sale or hire of goods is not permitted on-site directly to customers, unless the retail of goods are ordered by customers via telephone or internet sales that are dispatched via post.

When a business grows beyond the scale of the Home Occupation or Home Business approved by the Council, it is expected that operators will relocate their business to a business premises that is compliant with TPS4 requirements.

Customers and Clients

The Council shall only permit a Home Occupation and Home Business operating where it is satisfied that customers and clients only arrive and depart the premises between the hours of:-

- (a) 9:00am and 5:00pm week days and Saturdays;
- (b) not at all on Sundays and Public Holidays.

When determining an application, the Council may limit the number of hours and/or days of clients visiting the premises or operation of a Home Occupation and Home Business, where it is necessary to protect the amenity of the surrounding area.

All customer and client visits must be made with 15 minute appointment intervals, unless the Council is satisfied that there is adequate on-site car-parking and the Home Occupation or Home Business is unlikely to affect the amenity of the neighbourhood.

Deliveries

Regular deliveries of goods and equipment including deliveries carried out at daily intervals are generally not considered appropriate. Proposals involving deliveries will only be considered by the Council taking into account of the following factors:

- (a) The nature of the goods delivered;
- (b) Frequency of deliveries;
- (c) Type of delivery vehicle used;
- (d) Delivery Hours;
- (e) Likely inconvenience to existing traffic.

Scale of Operation

(a) Home Occupation

The Council shall only permit the operation of a Home Occupation within a dwelling or within the boundaries of a lot where it is satisfied that the operation:-

- does not employ any person not a member of the occupier's household;
- does not occupy an area greater than 20m²; and
- does not involve the use of an essential service of greater capacity than normally required in the zone.

(b) Home Business

The Council shall only permit the operation of a Home Business within a dwelling or within the boundaries of a lot where it is satisfied that the operation:-

- does not employ more than 2 people not members of the occupier's household;
- does not occupy an area greater than 50m²; and
- does not involve the use of an essential service of greater capacity than normally required in the zone.

Traffic Generation

Home Occupations and Home Businesses that generate vehicular traffic to a site have the potential to adversely affect the amenity of the neighbourhood.

The Council will only give consideration to traffic generating Home Occupations and Home Businesses when it can be demonstrated that visits to the site by clients can be controlled, i.e. by appointment only.

When considering an appointment based Home Occupation or Home Business, the Council will have due regard to the existing amenity of the neighbourhood. In this instance, the current capacity and nature of the street will be a consideration. If the traffic generated by a proposed Home Occupation or Home Business is likely to have an adverse impact upon the existing nature of the street or its amenity, the Council is unlikely to approve the proposal.

A Home Occupation that involves the presence, use or calling of a vehicle more than 2 tonnes tare weight will not be supported.

A Home Business that involves the presence, use or calling of a vehicle more than 3.5 tonnes tare weight will not be supported.

Parking

(a) Home Occupation

The Council shall only permit the operation of a Home Occupation within a dwelling or within the boundaries of a lot where it is satisfied that car parking is provided so as to adequately cater for the expected number of visitors attending the site at any one time, in addition to the bays associated with the dwelling on-site.

Where visitor car parking cannot be provided on-site, the Council may permit the use of on-street car parking for visitors and clients, where this has already been constructed as part of subdivision works.

(b) Home Business

The Council shall only permit the operation of a Home Business within a dwelling or within the boundaries of a lot where it is satisfied that car parking is provided so as to adequately cater for the expected number of visitors attending the site at any one time and any employees, in addition to the bays associated with the dwelling on-site and does not result in traffic difficulties as a result of the inadequacy of parking.

Advertising Signs

In accordance with the provisions of Town Planning Scheme No.4, a Home Occupation is permitted to display a sign not exceeding 0.2m² in area (generally 0.4m x 0.5m). The Council will apply the same 0.2m² maximum size requirement to Home Business signs.

A Home Occupation or Home Business sign shall only describe the name and type of business being carried out on the land and the contact name(s) and telephone numbers.

No more than one sign per lot shall be permitted and the sign shall be erected on the land on which the Home Occupation or Home Business is being carried out.

Pursuant to the provisions of Town Planning Scheme No.4 and the Council's Signs, Hoardings and Bill Posting Local-Law, a proposed advertising sign which does not exceed 0.2m² in area is exempt from the requirement to obtain a Planning Approval and a Sign Licence.

Food Requirements

The use of a dwelling for commercial food preparation is limited by the provisions of the Food Act 2008, Food Regulations 2009 and the Food Safety Standards. The Council's Health Department should be consulted in this regard.

Noise Management

A Home Occupation and Home Business must comply with the Environmental Protection (Noise) Regulations 1997 at all time. If a proposal is likely to generate off-site noise impacts to neighbours, the applicant may be required by the Shire to implement noise management measures or engage a consultant to prepare Noise Management Plan, demonstrating compliance with the Environmental Protection (Noise) Regulations 1997, and noise management measures recommended are to be implemented for the duration of the Home Occupation or Home Business.

Consultation

All applications for planning approval for the operation of Home Businesses in the Special Rural zone will be the subject of a process of community consultation in accordance with clause 7.3.3 of Town Planning Scheme No.4 and Planning Procedure No.1.3 - Community Consultation.

Unless otherwise determined by the Manager, Statutory Planning, all other applications for planning approval for the operation of Home Occupations and Home Businesses will be the subject of a process of community consultation in accordance with clause 6.3.3 of the Scheme and Planning Procedure No.1.3 - Community Consultation.

Application Procedure

Applications for planning approval for the operation of Home Occupations and Home Businesses shall be made on the form prescribed by the Council, and shall be signed by the owner(s), and accompanied by the following information:-

- (a) A written submission describing the proposal, which should include the following information and confirmation that the requirements of this Planning Policy can be achieved:-
 - (i) Confirmation that the Home Occupation or Home Business is to be conducted by an occupier of the dwelling;
 - (ii) The number of persons to be employed in the Home Occupation/Home Business and their relationship to the applicant;
 - (iii) Hours of operation;
 - (iv) Method of operation, including any equipment used for the Home Occupation/Home Business;
 - (v) Details of the storage of goods or equipment (if appropriate);
 - (vi) Details on whether clientele will be attending the residence and if so, the manner in which appointments will be managed and likely frequency of visits.
- (b) Such plans (to a scale of not less than 1:500) and other information that the Council may reasonably require to enable the application to be determined (Refer to clause 7.2 of Town Planning Scheme No.4). Plans to include:-
 - (i) The room/s within which the Home Occupation/Home Business will be conducted;
 - (ii) The location and layout of car parking areas intended to be provided;
 - (iii) The location and dimensions of any storage area associated with the Home Occupation/Home Business.
- (c) Details of any proposed signage to be erected, together with a separate application for a sign licence to the Council's Building Department.
- (d) The payment of an Administration Fee as detailed in the Council's Planning Scale of Fees for Planning Services.

Approval Period

Approvals issued by the Shire for Home Occupations or Home Businesses are valid for a period of two years. If the use is not substantially commenced within two years, a fresh application is required to be lodged with the Shire.

The Shire may grant approval for an initial period of twelve months, where it has concerns regarding the potential operation of the use on the residential amenity of the locality.

In such cases, the applicant will be required to seek a renewal of approval to continue to operate the Home Occupation or Home Business.

Post Approval Considerations

- (a) Should the scale of the Home Occupation/Home Business operation increase above that initially approved, a revised application for planning approval is required to be submitted. Any further assessment will be undertaken with reference to the Scheme provisions and the contents of this Planning Policy.

(b) Should the Council receive substantiated complaints from adjoining/ nearby residents regarding a Home Occupation/Home Business, or if the Council observes that conditions of planning approval are not being complied with, the Council will:-

- (i) by written notice served on the owner and/ or occupier of the land, require compliance with the conditions imposed on any approval granted; and/ or
- (ii) prosecute the owner or occupier of the land as the case may be pursuant to section 10 of the Planning and Development Act 2005.

Authority

This Planning Policy has been adopted by the Council under clause 8.9 of Town Planning Scheme No.4 and whilst it is not part of the Scheme and does not bind the Council in respect of any application for planning approval, the Council is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

Interpretations

For the purposes of this Planning Policy, the following terms shall have the same meaning as in Town Planning Scheme No.4 (amendment 10):-

Amenity means all those factors which combine to form the character of an area and include the present and likely future amenity.

Council means the Council of the Shire of Moora.

Dwelling means a building or portion of a building being used or intended, adapted or designed to be used for the purpose of human habitation on a permanent basis by:-

- (a) a single person;
- (b) a single family; or
- (c) no more than six persons who do not comprise a single family.

Delegation

All applications for planning approval for the operation of Home Businesses in the Special Rural Zone will be referred to the Council for determination.

All applications for planning approval for the operation of Home Occupations and Home Businesses which comply in all respects with the objectives and provisions of this Planning Policy will be determined under delegated authority, pursuant to clause 8.10 of Town Planning Scheme No.4 and the Delegated Authority Register.

All applications for planning approval for the operation of Home Occupations and Home Businesses which generate objections following community consultation or where such applications have been received as a result of a complaint will be determined on the following basis:-

- (a) A submission in objection to an application that does not include valid planning considerations associated with a proposal; and where the objection can be resolved through condition(s) of planning approval in the opinion of the Director Planning and Development, will be determined under delegated authority, pursuant to clause 8.9 of Town Planning Scheme No.4 and the Delegated Authority Register.
- (b) If in the opinion of the Manager Development Services an application for the operation of a Home Occupation or Home Business generates significant concern or could impact on the amenity of the locality in the opinion of the Manager Development Services, the application will be referred to the Council for determination.