



SHIRE OF PINGELLY

LOCAL PLANNING POLICY MANUAL

November 2023

Policy Manual

Local Planning Policies (LPP) are a supplement to the Shire of Pingelly Local Planning Scheme No. 3 (as amended). As such, they are to be used to guide applications for development approval.

LPPs are to be given due regard in the assessment of development approvals or other weight if imputed by the Planning and Development (Deemed Provisions) Regulations or other legislation including the Shire of Pingelly Local Planning Scheme No. 3 (as amended).

AMENDMENT LOG

Policy No.	Title	Action	Date updated

Contents

8.4	Temporary Accommodation	4
13.1	Commercial Tree Plantations	6
13.2	Outbuildings	14
13.3	Sea Containers	17
13.4	Relocated Second Hand Houses	20
13.5	Application for Planning Consent	22
13.6	Pingelly Town Centre Landscaping	24
13.7	Rural Residential Development	26
13.9	Home Occupations	28
13.12	Dog Kennels / Dog Keeping	30
13.13	Street Walls and Front Fences in Residential Areas	41
13.14	Stocking Rates and Keeping of Large Animals	45
13.15	Heritage List Places	53



1. PURPOSE

- 1.1 The purpose of this Policy is to outline the Shire's policy on temporary accommodation.

2. SCOPE

- 2.1 This Policy is applicable to the Shire of Pingelly and its operations.

3. DEFINITIONS

N/A

4. POLICY STATEMENT

- 4.1 A person who owns or has the legal right to occupy land zoned "Rural Residential" or "General Agriculture" under the Town Planning Scheme may be granted Temporary Accommodation Approval to reside in a caravan and / or a shed on such land for a period up to 12 months, to supervise the construction of a new dwelling on the land, for which a building permit has been issued by the Shire of Pingelly.
- 4.2 Under the *Caravan Parks and Camping Ground Regulations 1997*, a "caravan" is defined as a vehicle that is fitted or designed for habitation.
- 4.3 Under the *Building Code of Australia* a "shed" is classified as a Class 10a non-habitable building.
- 4.4 An application to occupy a caravan and / or a shed on a temporary basis must include the following details:
- 4.4.1 A building permit application for the construction of a dwelling on the land.
 - 4.4.2 An application for the installation of an approved effluent disposal system.
 - 4.4.3 Where it is intended to temporarily reside in a shed, a building permit for the construction of the shed on the land, including the layout of an ablution facility containing a toilet and bathroom.
 - 4.4.4 Where it is intended to temporarily reside in a caravan, a building permit for construction of an ablution facility on the land, including the layout of the toilet and bathroom.
 - 4.4.5 A signed agreement stating that habitation of the caravan and or shed will cease after the expiration of the approval period.
- 4.5 Approval to occupy a shed and / or a caravan on a temporary basis will only be granted for a maximum of twelve months and is subject to compliance with the following conditions:
- 4.5.1 The provision of adequate ablution and kitchen facilities within the shed.
 - 4.5.2 The installation of an approved effluent disposal system.
 - 4.5.3 An approved building permit for the dwelling and the shed.
 - 4.5.4 Provision of a potable water supply.

4.5.5 The installation of smoke alarms in accordance with the *Building Code of Australia*.

5. RELATED DOCUMENTATION / LEGISLATION

Caravan Parks and Camping Ground Regulations 1997
Building Code of Australia

13.1 Commercial Tree Plantations

1. PURPOSE

1.1 The purpose of this policy is to assist Council in determining applications for commercial tree plantations within the Scheme Area by setting out the minimum standards and requirements for applications to establish plantations under the *Shire of Pingelly Local Planning Scheme No 3*. Also to set out standard conditions that will be considered by the Shire of Pingelly in its assessment of plantation applications.

2. SCOPE

2.1 The Policy is applicable to the Shire of Pingelly and its operations.

3. DEFINITIONS

Commercial Tree Plantation means a continuous area of three hectares or more on private land, used for the purpose of planting commercial quantities and species of softwood/hardwood trees, with the intent of harvesting the wood grown for fibre or products but does not mean a continuous area planted to trees for the specific purposes of:

- Shelter belts or windbreaks
- Areas planted for the purpose of:
 - i. the prevention of soil erosion,
 - ii. maintaining water quality,
 - iii. landscape protection,
 - iv. improving water balance and the hydrology system, and not intended to be harvested.

4. POLICY STATEMENT

The aims of the Policy are:

- To encourage a balanced and integrated approach to Commercial Tree Plantations.
- To reduce potential adverse impacts from inappropriate siting and development of commercial tree plantations, with respect to existing agriculture, horticulture, aquaculture, viticulture, and natural resources with community consultation.
- To encourage the integration of commercial tree plantations in conjunction with traditional (e.g., Grazing) rural areas and the use of plantation timbers to improve water quality.
- To protect and enhance native vegetation, wetlands, and water courses, and prevent salinity.
- To encourage the preparation of sound environmental assessment and management plans for commercial tree plantations.

Council recognises that commercial plantations provide a viable diversification for farmers within suitable areas.

The Code of Practise for Timber Plantations in WA sets out goals and guidelines for specific areas, including management plants, plantation location, planning and design, plantation roads, weed and pest control, water protection, drainage, harvesting, fire prevention and control, research and development, safety and investment. The goals and guidelines will be the minimum acceptable standard.

Sustainable plantations depend upon careful and responsible management. It is essential that plantation practise is compatible with a range of environmental values and

responsible land management. The Code is intended to complement related Acts, regulations, management plans, other codes of practice, local government planning schemes and State and national statements that relate directly or indirectly to plantations.

Some of the standard conditions set out below in this policy have been extracted from the Code, therefore their compliance should be an acceptable practise for the plantation industry.

4.1 Applications – minimum Requirements

All plantation applications require Planning Approval under the requirements of the *Shire of Pingelly Local Planning Scheme No 3*. An Application for Planning Consent must be lodged with each application and the applicable fee paid.

Plantations should be developed according to environmental assessment and plantation management plans prepared specifically for the purpose.

A plantation Management Plan will contain sections for different aspects of plantation management, including a:

- Plantation establishment plan
- Plantation tending plan
- Fire management plan
- Harvesting plan

The Code of Practise suggests that a timber-harvesting plan be submitted at the application stage as part of the Plantation Management Plan. A detailed harvesting plan is also required to be submitted 2 years prior to the anticipated harvesting date.

Details of local production/use of the plantation timber should be included.

The detail required to be stipulated in these plans is contained in Attachment 1 to this policy statement, and applicants are encouraged to submit the Plantation Management Plan in its entirety.

4.2 Standard Conditions

The following conditions will be considered at the application assessment stage for all plantation applications:

- Compliance with the Shire of Pingelly's Fire Control Order.
- Planting to be in accordance with submitted plan. Council recognises that variations to the existing plan may be required. Variations to planting areas of less than 5% of the planting area need not be resubmitted to council for approval. Variations greater than 5% will require specific approval.
- In all cases an as planted plan is required to be provided at the completion of planting.
- That where evidence of declared weeds exist, a control program is to be conducted prior to planting. Spraying procedures for declared weeds are to be conducted in accordance with the *Code of Practise for Timber Plantations in WA* and other applicable statutes.
- It is encouraged that Plantations be integrated on farms in conjunction with approval and other rural uses, (i.e. shelterbelts), rather than whole of farm plantations. Where whole of farm plantations are proposed, it is encouraged that a minimum of 100ha is maintained as the homestead block including sheds and dwellings.

- If found to be suitable, Council will support the creation of homestead or agricultural lots, or alternatively Council will support the landholder or tree company retaining habitable dwellings within suitable buffer zones to allow for Council approved and other rural uses.
- To maintain water quality and to protect the ecological values of waterways and their foreshore areas, and to prevent erosion and sediment movement, a buffer zone will be required to be maintained between any waterway and a plantation. The following minimum buffer width guidelines may be required for watercourses on private land where the end use is not for public water supply:
 - Water courses – permanent water 50m
 - Water courses – seasonally flowing 30m
 - Water courses – flow in response to specific event 10m

The above buffers may be used as a minimum guide, and an analysis of slope, soil, drainage, and fringing vegetation may require great and/or variable buffer widths.

Measurements should be made from the edge of riparian vegetation or the edge of the 1 in 100 year floodway where the floodplain is wide.

This matter is to be addressed in the applicants Plantation Establishment Plan.

In accordance with relevant statutes, any clearing of vegetation will be referred to the Environmental Protection Authority and the Department of Agriculture & Food for comment and assessment.

The buffer zone should not contain cultivated land, firebreaks or vehicle access (other than at creek crossings) as a consequence of the plantation.

The replanting of these buffer zones may be required if clearing has taken place.

A waterway is described as those that are shown on a 1:50,000 cadastral plan.

4.3 Statutes

Commercial tree farming proposals must comply with the relevant statutes and requirements of State Government Agencies including:

- The department of Agriculture & Food (clearing of remnant vegetation)
- Waters & Rivers Commission (catchment management, protection of water resources – rivers and streams)
- Western Power
- Main Roads WA (access to main roads)
- Department of Environment and Conservation (proposals next to reserves e.g., Fire protection and control)
- DEP/EPA (environmental issues)

As part of the determination process for the commercial plantation forestry, the Shire of Pingelly reserves the right to refer any proposal to, or consult with any government agency it deems relevant, including those listed above, and may seek public comment on any proposal prior to making a decision.

4.4 Remnant Vegetation

Generally, to prevent erosion, Council does not support the clearing of any remnant vegetation for the establishment of commercial tree plantations. Clearing of remnant vegetation will be referred to the relevant government agencies for

assessment.

4.5 Water

All permanent dams and water points within the plantation are to be connected by the internal roads and trafficable firebreaks within the plantation. Where an abundance of such dams exist in a plantation compartment only one dam or water point per compartment will require connection to the internal road network. This condition will only be imposed if deemed necessary after inspection.

4.6 Streams

Where there is no native vegetation adjacent to a stream, plantations may be established and harvested provided that buffer areas as per condition 5 are complied with, where appropriate, and water quality values are not compromised.

Where it is necessary for a road to cross a stream or drainage line, it must be by means of a bridge, culvert or ford designed to meet the transport needs, minimise impacts on water quality and riparian vegetation, and designed to cater for unusual flood events without damage to the structure or to the immediate environment.

4.7 Signage

All internal roads and trafficable firebreaks within the plantation are to be adequately signposted for direction to water points and plantation exits.

4.8 Spraying

To protect sensitive industries and the general health of residents within the district, applicants will be required to develop a Spraying Protocol Plan and an operational plan, in accordance with attachment 1, addressing how spraying controls and spray drift will be managed.

4.9 Contribution to Road Repairs

The Shire of Pingelly may require the applicants to pay a contribution to cover the cost of road repairs due to excessive wear or damage to the local road network as a result of vehicles involved with the harvesting of commercial trees. The contribution will be based on road conditions prior to and after harvesting and recover the cost to repair excessive wear or damage to the local road network as a result of vehicles involved in the harvesting of commercial tree farms.

Consideration will also be given to the Timber Industry Road Evaluation Strategy (TIRES) to establish procedures for the maintenance of roads to be used for the haulage of timber products.

Applicants are required to identify gravel supplies that are located on their land within the Plantation Establishment Plan at the initial application stage.

It is recommended that plantation owners not plant an area of identified gravel supply and that access be provided to that unplanted area in the event that gravel is required to maintain and/or upgrade the haulage route in a safe condition, once harvesting commences.

In selecting a suitable area of gravel supply, it is recommended that the plantation owner consult with Shire of Pingelly Staff.

4.10 Infestation

Measures to prevent possible invasion of plantation timber into surrounding bushland must be undertaken. If there is substantial evidence that an infestation is the result of a neighbouring plantation then the plantation owner shall be required to contribute to its removal.

4.11 Conclusion

The above conditions will not be automatically imposed on all plantation applications. Rather they will be considered for imposition during the application assessment process including site inspection.

It should also be noted that under the *Shire of Pingelly Local Planning Scheme No 3*, “Tree Plantations” are not a use specifically mentioned in the Zoning Table, therefore Council may [Clause 4.2.2]:

“determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 9.4 in considering an Application for Planning Consent.”

Clause 9.4 requires, among other things, a 14-day advertising period.

Attachment 1 – Matters to be addressed in Plans

A plantation management plan is prepared to provide the relevant information in respect of the way in which plantations are developed and managed, and, to demonstrate the means by which the principles of environmental care and objectives of silviculture and protection are achieved.

The components of a plantation management plan will be prepared in advance of the operation and available before operations commence.

Maps and descriptions should detail the following information:

Land Information

- Area
- Locality plan and access roads
- Natural features:
 - Streams, rivers, lakes, ponds, swamps, drains, and proclaimed groundwater areas viable water reserves/aquifers
 - Principal soil types
 - Areas of native vegetation with high natural integrity
 - Areas of remnant vegetation with low natural integrity
 - Significant landscape, cultural and heritage values
- Improvements
 - Buildings
 - Roads, bridges, creek crossings
 - Fences, gates, powerlines, dams
- Area left for traditional rural use
- Gravel supplies.

These features should be included for a distance of 50 metres on adjoining properties.

Plantation Establishment Plan

- Areas of native vegetation, including paddock trees to be cleared (first rotation)
- Management of logging residue (second rotation)
- Control of vermin and declared weeds
- Areas to be planted, compartment sizes
- Species to be planted and source of seedlings
- Direction of planting lines in relation to contours, natural drainage, watercourses and proclaimed groundwater areas or viable water reserves/aquifers
- Description of soil preparation methods
- Description of weed control methods, including rate of herbicides application and buffer zones
- Planting techniques
- Access roads and firebreaks
- Compliance with existing relevant statutes.

Plantation Tending Plan

- Grazing strategy
- Pruning and thinning schedule
- Fertilising schedule

Harvesting Plan

- Proposed year/years of harvesting
- Agree to undertake a revision of harvesting plan 2 years prior to anticipated harvesting date and then annual harvesting plans
- Local production / use to create employment opportunities

Fire Management Plan

- Complying with Council's Fire Break Order
- Marking of tracks to water and exit points
- Fire suppression equipment available

Spraying Protocol Plan

- Development of a property plan that includes an awareness zone chart. The chart will identify and locate all sensitive or potentially sensitive areas in an awareness zone of 5km from the target area for aerial spraying, and within an awareness zone of 1km for ground spraying.
- The submission of a re spray report to Council, by the Chemical User/Plantation Owner, in accordance with attachment 2 prior to any spraying being conducted, which also details how spray drift will be managed/minimised.
- The submission of an operational report to Council in accordance with attachment 3 after the spraying program has been completed by the Chemical User/Plantation Owner.

Pre Spray Report

TASK	TICK	NOTES ON ACTION TAKEN
Chemical users name		
Land owner		
Location		
Area to be sprayed		
Nature of pest problem		
Are there any alternative methods to spraying		
Consult an up to date Awareness Zone Chart		
Sensitive areas within Awareness Zone		
Communication with neighbours		
Check user training credentials		

Detail how Spray drift will be Managed:

Operational Report

APPLICATION	TICK	NOTES ON ACTION TAKEN
Equipment in proper working order and calibrated?		
Spray Equipment to be used		
Nozzle Type (if applicable)		
Nozzle Number (if applicable)		
Droplet Size (if applicable)		
Settings (if applicable)		
Spray Pressure (if applicable)		
Product Label and MSDS read and understood?		
Check wind direction – away from sensitive areas?		
Wind Direction at spraying time		
Wind speed at commencement of spraying		
Temperature at commencement of spraying		
Relative Humidity at commencement of spraying		
Cloud Cover at commencement of spraying (1/8ths)		
Approximate stability Class (unstable, neutral, stable)		
Is there a ground surface temperature inversion?		
Are weather parameters within acceptable limits?		
Is the chemical user wearing correct PPE for Job?		
Date		
Time of Start Spraying		
Time of End Spraying		
Description of Chemical Type(s) used		
Product Application Rate (L/ha)		
Bulk Volume Rate (L/ha)		
Amount of Product used		
Treated area (ha)		
In crop or other buffer used?		
POST SPRAY EVALUATION	TICK	NOTES ON ACTION TAKEN
Were results satisfactory?		
Could there be any improvements?		
Copy of spray records kept by landowner and user?		

Name of Chemical User: _____ Date: _____

Signature: _____



1. PURPOSE

- 1.1 This policy provides direction and guidance on the area and height of outbuildings and the like that Council will permit within the Shire boundaries. Outbuildings and structures that comply with the following requirements may be approved by Council's Building Surveyor without having the need to be submitted to an Ordinary Meeting of Council.

2. SCOPE

- 2.1 This Policy is applicable to the Shire of Pingelly and its operations.

3. DEFINITIONS

Outbuilding is an enclosed non-habitable structure that is required to meet the standards of the Building Code of Australia and is detached from any dwelling.

Carport is a roofed structure designed to accommodate one or more motor vehicles unenclosed except to the extent that it abuts a dwelling or a property boundary on one side and being without a door.

Garage is any enclosed and roofed structure, other than a carport, designed to accommodate one or more motor vehicles.

Patio is a roofed shade structure either attached to a dwelling or free standing is required to be open on fifty percent of its sides.

Pergola is a light weight shade structure that does not have a solid roof. It may be attached to a dwelling or can be free standing.

Statutory Powers: This policy has been prepared in conjunction with the requirements of the *Residential Design Codes of Western Australia*, i.e. The performance criteria relative to outbuildings (Clause 5.4.3) states:

"Outbuildings that do not detract from the streetscape or the visual amenity of the residents or neighbouring properties."

4. POLICY STATEMENT

Policy Intention

- To provide some flexibility in the requirements for outbuildings and the like in residential areas.
- To ensure that the provisions of the current Residential Design Codes are appropriately addressed.
- To improve customer service standards through the timely processing of planning and building applications for outbuildings.

Buildings are to comply with any local planning policy made under the Scheme in respect of the design of carports and garages, including the colour, scale, materials and roof pitch of buildings. This policy provides design requirements for carports and garages, however it does not interfere with any other requirement of the Residential Design Codes relating to carports and garages.

This policy does not alter or change in any way the acceptable development criteria of the *Residential Design Codes* currently in force.

Within all “Residential” and “Rural Residential” zoned areas of the Shire and on Farming zoned lots with an area of 2ha or less except as otherwise stated, planning consent for all outbuildings is required. If planning consent is granted, building approval will be issued for outbuildings which are appurtenant to a dwelling, provided all boundary setbacks and building separation requirements have been complied with, the building is of single storey construction, located behind any residence on-site and provided the proposed development complies with the following:

4.1 In any residential zone with an R10 code or above in the Shire:

- a. Non-masonry construction, where the total non-masonry outbuilding area does not exceed 60m² and the total outbuilding area does not exceed 75m²;
- b. Masonry or other approved construction, where the total outbuilding area has walls constructed of the same materials and appearance as the house and does not exceed 75m² and no parapet wall is greater in length than 8m;
- c. Wall height of any outbuildings not to exceed 3m. This height limitation also applies to parapet walls. In the case of gable roof construction, the maximum building height is not to exceed 4.2m;
- d. Prior to considering a parapet wall construction over 8m in length, the applicant will present Council with written agreement to the same by any affected adjoining landowner;
- e. No planning consent or building licence approval will be granted or issued for any outbuildings, on any Residential zoned lot, which does not contain a residence;
- f. The applicant providing the Shire with a written undertaking that the outbuilding constructed, will only be used for the purpose permitted within the zone in which it is located, under the provisions of the Shire’s operative Local Planning Scheme;
- g. Any development application which does not comply with the above, shall be referred to Council for consideration.

4.2 In any residential zone with an R code below R10, the rural residential zone of the Shire and on farming zoned lots which have an area of 2ha or less

- a. Non-masonry zincalume construction, where the total zincalume outbuilding area does not exceed 75m² and the total outbuilding area does not exceed 200m², or
- b. Non-masonry colorbond construction, where the total colorbond outbuilding area does not exceed 150m² and the total outbuilding area does not exceed 200m²,
- c. Masonry or other approved construction, where the total outbuilding area has walls constructed of the same materials and appearance as the house and does not exceed 200m²,
- d. Wall height of any outbuilding not to exceed 4m. In the case of a gable roof construction, the maximum building height is not to exceed 5m;
- e. No planning consent or building licence approval will be granted or issued, for any outbuildings on a residential or rural residential zoned lot where a building licence has not been issued for a residence and / or where an outbuilding is not located at least 4m from any boundary of the lot;
- f. The applicant providing the Shire with a written undertaking that the outbuilding constructed, will only be used for purposes permitted within the zone in which it is located under the provisions of the Shire’s operative Local Planning Scheme;

- g. Any development application which does not comply with the above shall be referred to Council for consideration.

4.3 Distance from boundaries on any residential zoned lot with an R code of 10 or above:

- a. Garages, shed, pergolas and patios - brick construction
 - i. Attached to house - 1m from side boundaries. Eaves not closer than 750mm measured from the outer edge of the gutter.
 - ii. Detached from house - Must be 1.8m clear of house with either parapet wall on boundary or walls 1m from boundary with eaves 750mm clear of boundary.
- b. Garages, sheds, pergolas, and patios - steel framed construction - Detached from house only - Must be at the rear of the residence 1.8m clear of the residence, leach drains and septic tanks and 1.2m clear of side and rear boundaries.
- c. Carports - Columns of brick (350mm x 350mm) or steel may be erected on a boundary provided no more than 4 columns are used and roofing including guttering is at least 750mm clear of the boundary. Beams must be of steel within 750mm of a boundary and a dividing fence forming a side wall of the carport must not be higher than 1.8m. Timber framed carports must be sited 1.2m clear of boundaries.
- d. On corner lots - Where an outbuilding is constructed in brick or clad in colorbond, Council will permit a setback of 3.75m to the minor street. Where an outbuilding is clad in zincalume a setback of 7.5m to the minor street will apply.

4.4 Distance from boundaries in any residential zone with an R code below R10 and the rural residential zone of the Shire and on farming zoned lots which have an area of 2 hectares or less

- a. Detached outbuildings - To be at the rear or the residence on-site, at least 1.8m clear of the residence, leach drains and septic tanks. All boundary setbacks to be as laid down in the Shire of Pingelly's operative Local Planning Scheme.
- b. On corner lots - The setback to the minor street to be the same as the frontage setback laid down in the Shire of Pingelly's operative Local Planning Scheme.
- c. Garden sheds - Under this policy, Council will without the need for planning consent or building permit approval, permit the erection of one only garden shed per lot which has a maximum area of up to 10m². The garden shed is to be located on the lot in a position and in a manner agreed to in writing by the Shire's Building Surveyor and such shed is in addition to any other shed permitted under this "Policy".



1. PURPOSE

- 1.1 The purpose of this Policy is to outline the Shire of Pingelly's development standards in regards to the location and use of sea containers within the Shire and to support the provisions of the *Shire of Pingelly Town Planning Scheme No 3* specifically 5.10.2.

2. SCOPE

- 2.1 This Policy is applicable to the Shire of Pingelly and its operations.

3. DEFINITIONS

N/A

4. POLICY STATEMENT

It is Council's objective to regulate the use of sea containers within the Shire of Pingelly so as to ensure that they do not detract from the amenity of the area.

The Policy does not address the placement of transportable dwellings, relocated dwellings, railway carriages, or transportable offices, or the type of building commonly referred to as "Dongas".

For the purpose of this Policy, a sea container is a metal transportable structure designed for the storage and transport of goods from one location to another by road and sea, but can be used generally in 4 different ways:

- a) Road and Sea Transport: Used by transport and shipping companies to transport and store goods or are temporarily used for storage on private or public property.
- b) Temporary storage of owner's furniture or personal items whilst a house is being built.
- c) Temporary storage of building materials or tools on a building site.
- d) Conversion to a building for personal or commercial storage on a property.

- 4.1 Only one sea container up to 30m² in area will be permitted on properties within the town site boundaries (zoned Residential).

- 4.2 An application is required prior to siting a sea container on a property within the townsite or rural residential zoned properties and the following details shall be submitted:

- 4.2.1 A completed Application for Planning Consent and payment of the appropriate fee, if the sea container is to be located on a permanent basis. If approval is granted then a building license will need to be obtained.
- 4.2.2 A neatly drawn and 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.
- 4.2.3 The proposed size and use of the sea container and if approval is being sought for a temporary period (state time period) or on a permanent basis.
- 4.2.4 The CEO is delegated the authority to issue temporary permits without the need for such applications to go to Council.

4.2.5. Evidence by photos that the sea container is structurally sound and can be upgraded externally to a standard acceptable to Council if it is to be relocated on a permanent basis.

4.3 Sea containers are permitted in General Agriculture zoned properties subject to the issuing of a Building License. Sea containers are defined as “Outbuildings” i.e. an enclosed non-habitable structure that is required to meet the standards of the Building Code of Australia and is detached from any dwelling.

4.3.1 The Building Surveyor may approve the temporary use of a sea container for a period of 12 months to enable an owner to store furniture or other personal items whilst a dwelling is being erected. Such approval will only be considered if a building license has been issued for the dwelling.

Upon application approval may be extended for a further period subject to satisfactory building progress being made on the dwelling.

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

4.3.3 An application to permanently place a sea container on a property will not be supported unless the following criteria are met:

- i. planning approval and a building license will need to be obtained and the sea container will be assessed as though it was an “out building”.
- ii. the sea container must not be used for habitable purposes.
- iii. the sea container must be located and set back from boundaries as per the requirements of the Residential Design Codes and/or Town Planning Scheme 3. (also see (vi) below).
- iv. all sea containers within the town boundaries are required to be externally reclad with new colorbond sheeting so that the unit has the appearance of a new shed. (see below (b)).
- v. a maximum of one sea container per property shall be permitted.
- vi. a sea container must not be located forward of a dwelling in the town centre.

4.3.4 Conditions of approval shall be applicable as deemed necessary by the Building Surveyor. Without limiting the generality of the foregoing, approvals are to contain the following conditions:

- a. The development is to occur in accordance with the plans and specifications as submitted and approved and these shall not be altered or modified without the prior written approval of Council.
- b. The exterior of the sea container shall be upgraded to blend with the surrounding development or landscape in terms of colour and finish within three months of being placed on site to the satisfaction of Town Planner.
- c. The sea container is permitted to be used for storage purposes only and shall not be used for habitable purposes.
- d. In the case of a permanent siting then if the sea container is not upgraded to the satisfaction of the Building Surveyor within the three month period then the unit is to be removed forthwith unless a further extension of time has been given.

Advice to Applicant

1. Planning approval and a building license is required prior to the placement of the sea container permanently on site and consideration needs to be given to how the sea container will be bide down structurally.
2. Approval will not be considered for sea containers to be located in the area zoned as "Town Centre" on a permanent basis.
3. Only one sea container will be allowed on residential properties within the "town site" boundaries and with the maximum size permitted being 30m².
4. Consideration will be given to more than one sea container being located on lots zoned "Industry", "Mixed use" or "Development" within the town site boundary and lots zoned as "Rural Residential", but such proposals will need to be submitted to Council for planning approval.



1. PURPOSE

- 1.1 The purpose of this Policy is to outline the Shire's Policy on relocated second hand houses.

2. SCOPE

- 2.1 This Policy is applicable to the Shire of Pingelly and its operations.

3. DEFINITIONS

N/A

4. POLICY STATEMENT

- 4.1 In addition to plans and specifications, the application for planning approval and for a building licence, for the relocation of second hand houses shall include:
1. recent photographs of the building.
 2. an Engineers Certificate stating the building is suitable for relocation and that it can be made to comply with the *Building Code of Australia*.
- 4.2 The Building Surveyor may make arrangements for an inspection of the building prior to its removal and will issue a report in regard to any defects to be rectified as a condition of a building licence.
- 4.3 Where a second hand dwelling proposed to be relocated contains asbestos materials, such material is to be removed from the building prior to its transportation. All asbestos is to be disposed of in accordance with the *Health Asbestos Regulations 1992 and the Environmental Protection (Control of Waste) Regulations 2001*. Should it become necessary it is the applicant's responsibility to provide technical evidence that the house does not contain asbestos.
- 4.4 The building must comply with the *Building Code of Australia* and all other State and local government legislation applicable to Class 1A Structures (i.e. Dwellings).
- 4.5 Where possible, connection to the sewerage scheme is compulsory. Where connection to the sewerage scheme is not possible, a complete new septic installation must be installed to the requirements of the *Health Act 1911*.
- 4.6 Verandas will generally be required to be added to the front and rear of relocated houses. This will however depend on the size of the house in question and will be applied in accordance with Section 5.10.1 of the *Shire of Pingelly Local Planning Scheme No. 3*, which takes into account the design and location of the building and the amenity of the locality.
- 4.7 The applicant may be required to paint the building externally and all external defects rectified within 6 months of the building being positioned on its new site. This may be extended by written application stating reasons for extension. Extension may be for another 6 month period.

- 4.8 The dwelling shall not be occupied until the following have been completed to the satisfaction of the Chief Executive Officer and a letter certifying the house is suitable for occupancy has been issued:
- a. external appearance of the building;
 - b. connection to the sewerage system or installation of a septic system and issue of the necessary certifications;
 - c. all rubbish and building rubble removed from the site;
 - d. all planning conditions complied with;
 - e. all requirements of the building licence complied with.

The following deposits are required to be paid by the applicant prior to building licence issue:

- a. inspection deposit if required – this will be levied in accordance with the Shire of Pingelly's fees and charges based on mileage travelled and time spent by Staff (Non – Refundable);
- b. satisfactory completion deposit \$5,000 (Refundable).

(NOTE: The house must be fully completed in accordance with all approvals prior to the completion deposit being refunded. Part refunds of the deposit will not be considered at an intermediate stage of completion.

13.5 Application for Planning Consent

1. PURPOSE

- 1.1 The purpose of this Policy is to outline the process for planning consent.

2. SCOPE

- 2.1 This Policy is applicable to the Shire of Pingelly and its operations.

3. DEFINITIONS

N/A

4. POLICY STATEMENT

- 4.1. Applications for planning consent made in accordance with Part 9 of the Scheme shall be in the form of Schedule 6.
- 4.2. Unless the Shire of Pingelly waives any particular requirement every application for planning consent shall be accompanied by:
- a. a plan or plans to scale, showing:
 - i. street name, lot number(s), north point and the dimensions of the site,
 - ii. the location and proposed use of any existing buildings to be retained and the location and use of buildings proposed to be erected on the site,
 - iii. the existing and proposed means of access for pedestrians and vehicles to and from the site,
 - iv. the location, number, dimensions and layout of all car parking spaces intended to be provided,
 - v. the location and dimensions of any area proposed to be provided for the loading or the unloading of vehicles carrying goods or commodities to or from the site and the means of access to and from those areas, and
 - vi. the location, dimensions and design of any landscaped, open storage, or trade display area and particulars of the manner in which it is proposed to develop those areas;
 - b. details of development and uses of lots immediately surrounding the subject land; and
 - c. any other plan or information that may reasonably be required to enable the application to be determined.
- 4.3. The Chief Executive Officer is authorised to waive any particular requirement, or to require additional information as is deemed necessary in order for the application to be determined.
- 4.4. The notice of an application for planning consent advertised in accordance with Part 9 of the Scheme shall be in the form of Schedule 6 with such modifications as circumstances require.
- 4.5. The decision regarding an application for planning consent shall be notified in the form of Schedule 9.
- 4.6. The Chief Executive Officer is authorised to determine and approve planning consent where the proposed development:
- a. is permitted under the Scheme;

- b. is consistent with the provisions of the Scheme and all relevant Planning Policies;
- c. is to be constructed of all new materials.

4.7 The Chief Executive Officer shall refer any application not complying with the delegated authority to Council for determination.



1. PURPOSE

- 1.1 The purpose of this Policy is to outline the Pingelly Town Centre Townscape.

2. SCOPE

- 2.1 This Policy is applicable to the Shire of Pingelly and its operations.

3. DEFINITIONS

N/A

4. POLICY STATEMENT

- 4.1 When considering an application for planning consent within the Town Centre zone, consideration will be given for the need to conserve the turn of the century streetscape and ensure that all infill and new developments match the scale, form and physical character of the turn of the century buildings in the area.

- 4.2 Any reconstruction of original facades should only be to those elements which are considered to be essential to the streetscape, or where additions to the older buildings are contemplated.

4.3 Scale and Form

- a. Scale of new buildings should be based on existing building elements.
- b. Limit height of any new buildings to two stories.
- c. Verandas should be located on road edges and include the reinstatement of timber or metal posts.
- d. Shop windows / doors should be of similar heights to the turn of the century type.

4.4 Materials

- a. Walls / parapets to be brick, either painted or fairfax brickwork of appropriate colour. Modern coloured bricks are not appropriate.
- b. Roofs to buildings / verandas should be corrugated iron.
- c. Veranda posts and framing should be either timber or steel in proportion to the original verandas and include detailing and decoration where appropriate.
- d. Windows and doors to existing buildings should be retained in timber, as aluminium and other contemporary materials are not really appropriate.
- e. Windows and doors to new buildings could be either aluminium or a contemporary material as long as sections are similar in thickness to timber joinery.

4.5 Colours

Colour schemes which were fashionable at the turn of the century provide a large variation in colour selections. It is important to recreate the building tones and to highlight areas and elements which enforce and enhance the original building's character. Each building should have its own colour scheme which relates to its particular architectural style.

The colours of adjoining and newly constructed buildings should be in similar colours and toning as the historic buildings.

- a. Building colours should preferably follow themes used at the turn of the century.
- b. Original materials such as brickwork and stucco should be highlighted, not painted over.
- c. Original colours can be found by scraping the site.
- d. Painting a group of individual buildings in one colour scheme should be discouraged.

4.6 Signs / Sign Writing

- a. Old sign types should be encouraged. Where possible, appropriate turn of the century lettering should be used. The range offers numerous variations for individual businesses to express their advertisements.
- b. Signs painted over the whole facade should be prohibited. New signs should be positioned in appropriate places such as parapets, verandas, on panels above the shop windows, or as hanging signs under verandas.
- d. Components to be discouraged:
 - i. covering up historic facades;
 - ii. construction of blank facades;
 - iv. use of modern materials ie. acrylic sheets; and
 - v. construction of pseudo colonial verandas with turned posts and lacework.



1. PURPOSE

- 1.1 The purpose of this Policy is to outline the Shire's policy on rural residential development.

2. SCOPE

- 2.1 This Policy is applicable to the Shire of Pingelly and its operations.

3. DEFINITIONS

N/A

4. POLICY STATEMENT

Any rural residential development proposal, and subsequent rezoning and / or subdivision, must take account of the following:

- 4.1 Except in special circumstances, development will not be considered in locations where servicing and management requirements cannot be met at reasonable cost to the community.
- 4.2 Areas suitable for future urban use and having reasonable likelihood of being developed, are to be avoided.
- 4.3 Special attention must be given to the protection of the environment in site selection and design.
- 4.4 Fire hazard must be given particular consideration. Areas in which fire control measures cannot be practically met are to be avoided. Details of bush fire evaluation and / or mitigation measures which have been or will be undertaken, may be required, and must be to the satisfaction of FESA and the Shire of Pingelly. The *Guidelines for Planning for Better Bush Fire Protection* should be taken into account.
- 4.5 Lots may be created for specific rural activities (eg. rural industry) provided that residential development is restricted by town planning scheme provisions.
- 4.6 A subdivisional concept plan, including proposed staging, is to be provided at the rezoning stage to guide future subdivisions within the area of development.
- 4.7 Particular care must be taken in determining the availability of water supplies and in conserving available water resources.
- 4.8 Except in special circumstances, lots under five hectares in size are to be provided with reticulated water, and a hydrant installed.
- 4.9 In general, where reticulated water is not available, a 92kL rainwater tank or other potable water supply shall be provided for domestic use, upon application for a building licence. Where small holdings lots are designed for uses in addition to, or other than residential, an appropriate secondary water supply should be demonstrated to be available. The advice of the Hydrological Section of the

Geological Survey Division of the Mines Department, or other appropriate authority, should be obtained regarding water availability and applied in determining lot sizes and land use appropriate for the water supply limitations.

- 4.10 Provisions must be included to advise prospective purchasers of the facilities they will be required to provide (eg. water, waste disposal) and of special conditions, such as water supply or clearing controls, with which they will need to comply.
- 4.11 Where land use and servicing restrictions are severe, a memorial is to be placed on new titles advising prospective purchasers to contact the local authority for advice.
- 4.12 Areas for public open space should be identified where:
 - a. the land constitutes an important landscape feature or conservation area;
 - b. the land is an integral part of the development's purpose;
 - c. the proposed development will be primarily residential or the land is required to achieve a linear open space system; and
 - d. there is a need for incidental local open space.
- 4.13 As far as practicable, direct access from new subdivisions and development will not be permitted onto a main road or highway. Where such access is proposed, advice from the Main Roads Department must be sought.
- 4.14 At point of sale, all lots are to:
 - a. be completely fenced around the perimeter to a minimum standard of either:
 - i. 6 strand prefabricated fence (*Ringlock* type) with one plain and one barbed or two plain strands, using steel posts to a maximum of 10m apart, or
 - ii. 7 strand prefabricated fence (*Ringlock* type) with one plain or one barbed strand, using steel posts a maximum of 10m apart, or
 - iii. an equivalent fence approved by Council;
 - b. comply with the Shire of Pingelly Firebreak Order; and
 - c. be separated and clearly identified by owner, and by lot and / or street number in some permanent manner.
- 4.15 Roads are to be constructed to a standard satisfactory to the Shire at the developer's cost and vested in the Shire of Pingelly.
- 4.16 Street lighting is to be provided at developer's cost if required.
- 4.17 All lots are to be sold as freehold title.



1. PURPOSE

- 1.1 The purpose of this Policy is to outline the Shire's policy for home occupations.

2. SCOPE

- 2.1 This Policy is applicable to the Shire of Pingelly and its operations.

3. DEFINITIONS

N/A

4. POLICY STATEMENT

The "Home Occupation" use allows for home based businesses which do not lead to adverse impacts on local amenities. For example, primary land use in the residential zone is residential, and a home occupation should not lead to a diminution of the agreeable features that make the area a pleasant place to live.

- 4.1 This Policy is to be read in conjunction with Town Planning Scheme No. 3, specifically clause 5.1.5 (Home Occupation).
- 4.2 This Policy shall apply to all home occupations, subject to the individual conditions imposed or variations permitted.
- 4.3 All approvals to conduct a home occupation shall lapse on 30 June each year.
- 4.4 An initial application for approval to conduct a home occupation shall consist of an application for planning consent in accordance with Town Planning Scheme No. 3 clause 5.1.5;
- 4.5 On receipt of an initial application, the Shire shall advertise the details in accordance with Town Planning Scheme No. 3 clause 9.4, prior to consideration of the application.
- 4.6 In considering an initial application, regard is to be given to the following:
- desirability of the business proposed;
 - effect on existing businesses in appropriately zoned areas;
 - amenity of the surrounding area, including traffic and parking;
 - the comments, if any, received during the submission period; and
 - any other factor considered pertinent.
- 4.7 A renewal application shall be accompanied by:
- a declaration in the form of Schedule 9B; and
 - the renewal fee of \$20.
- 4.8 A renewal application:
- may be approved by the Chief Executive Officer, subject to:
 - there being no significant alteration to details, and
 - there being no variation to the conditions imposed on the initial application; and
 - shall be referred to Council in all other instances.

- 4.9 Council may approve with or without conditions, or reject an initial or renewal application. (Note: A right of appeal does exist under the Town Planning Scheme.)
- 4.10 The applicant shall be advised of approval or refusal in the Form of Schedule 1C - Decision on Application for Planning Consent.
- 4.11 Where an application is refused by Council, the fee paid is to be refunded to the applicant.
- 4.12 A home based business shall not:
- a. display a sign exceeding 0.6m² in area;
 - b. display a sign which is not of a suitable standard of presentation;
 - c. conduct business before 8:00am nor after 6:00pm daily; and
 - d. display or offer for sale, motor vehicles, machinery or like products (other than those manufactured or serviced on the premises).
- 4.13 Where the conditions of approval to conduct a home occupation are breached, the approval may be revoked.
- 4.14 Where approval is not renewed or is revoked, the business shall cease trading within fourteen days, or be liable to prosecution.



1. PURPOSE

- 1.1 The purpose of this Policy is to outline the Shire's policy on the keeping of dogs and dog kennels.

2. SCOPE

- 2.1 This Policy is applicable to the Shire of Pingelly and its operations.

3. DEFINITIONS

- 3.1 For the purposes of this policy, dog keeping and kennels are considered to be a commercial operation and excludes the maintenance of a kennel for private purposes.

- 3.2 Kennels may be "Breeding Kennels" or "Boarding Kennels".

Breeding Kennel

- 3.3 A "Breeding Kennel" is a formal establishment for the propagation of purebred dogs, whether or not the animals are actually housed in a separate shed, garage, a state of the art facility or the family dwelling.

"Breeding Kennels" are heavily regulated and must follow rules laid down by the breed club, the Kennel Council and relevant legislation.

Boarding Kennel

- 3.4 A "Boarding Kennel" is a place where dogs are temporarily housed for a fee. Many kennels offer grooming and training in addition to boarding. Day boarding is when a dog is housed during the day only and not overnight.

- 3.5 For the purposes of this policy, dog keeping or dog kennels includes:
- the keeping of a significant number of dogs (ie. more than two);
 - dog keeping in confined accommodation (ie. in a kennel, shelter or pound);
 - involving a boarding or racing or training establishment or dog breeding for commercial, show or private purposes.

4. POLICY STATEMENT

- Dog Kennels are not permitted in the Shire of Pingelly except in the "General Farming" zones where they are an "A" use in the *Shire of Pingelly Local Planning Scheme No. 3* (LPS).
- An "A" use is one that is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with Clause 9.4 of the LPS.
- Clause 9.4 outlines the process by which the proposal is to be advertised and the opportunities for public submissions to be made.
- The Shire of Pingelly shall not permit the establishment or maintenance of a kennel establishment in any area if in its opinion such a kennel would adversely affect the environment, be a nuisance to or in any way be detrimental or prejudicial to adjoining residents and land.

- Furthermore, the owner or occupier of any land within the Shire of Pingelly shall not, unless the premises have been granted exemption under Section 26 (3) of the *Dog Act 1976*, keep, or permit to keep more than two dogs over the age of three months and the young of those dogs under that age within a townsite or four dogs over the age of 3 months and the young of those dogs under that age, if the premises are situated outside the townsite, unless such premises are:
 - situated within the zone approved for the establishment of a kennel under the LPS; and
 - is a kennel establishment approved under the LPS.
 - The Shire of Pingelly considers that dogs licensed as dogs used for droving or tending to stock under the *Dog Regulations (1976)* (commonly referred to as 'working dogs') up to a maximum of 6 dogs as an exemption under Section 26 (3) of the *Dog Act (1976)* provided they are located on premises in the "General Farming" zone of LPS No. 3.
- Nothing in this policy precludes compliance with the relevant State Government Legislation eg. the *Dog Act 1976*, this includes the issuing of a licence for a kennel establishment under the *Shire of Pingelly Dogs Local Law* as well as obtaining planning approval.
- The applicant is reminded of his/her general environmental responsibilities, as required by the *Environment Protection Act 1986*, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.

4.1 Purpose

The purpose of the Policy is:

- 4.1.1 To provide guidance to applicants who wish to keep dogs or seek to establish kennels on their property.
- 4.1.2 To guide the Shire of Pingelly in determining the appropriateness and adequacy of proposed kennel development in the "General Farming" zone.
- 4.1.3 The policy has been adopted by Council as a Local Planning Policy in accordance with the provision of Part 2 of *Local Planning Scheme No. 3*.
- 4.1.4 Under sub clauses 2.3.2 and 10.2 of the Scheme, the Shire of Pingelly shall have due regard to the provisions of this policy when determining an application for planning approval in addition to the relevant provisions of the Scheme.

4.2 Planning Considerations

- 4.2.1 Dog keeping, which may include the use of dog kennels, can have minimal social and environmental impact if it is located in an appropriate area and sited, designed and managed property.
- 4.2.2 The main impacts are noise, visual impact, loss of productive agricultural land and compatibility with adjoining uses.
- 4.2.3 The following information is required by the Shire of Pingelly to undertake an adequate assessment:
 - number of kennels
 - survey of surrounding properties to establish separation distances from residential or other sensitive receivers

- air quality protection measures
- noise mitigation measures
- water demand and use
- water and soil protection measures including:
 - wastewater containment and disposal
 - chemical storage and work areas
 - stormwater pollution prevention
 - solid waste storage and disposal.
- Experience of applicants in dog management.

4.3 Management Measures

4.3.1 Noise

- The potential for noise may be increased where animals are kept in close proximity to other animals or to sites where other animals are kept (e.g. one dog barking may lead to other dogs barking in the same, or nearby, kennels). Therefore, the more dogs kept on the premises the greater the potential for noise impact and complaint. Strategies to reduce nuisance noise may need to be implemented, such as citronella collars or advice from a qualified noise consultant or both.
- Boarding kennels in particular may give rise to noise problems because of the large numbers of dogs, the range of different breeds and the stress experienced by the dogs in unfamiliar conditions.
- The number of dogs (including pups over the age of four months) kept on the site may therefore need to be limited to a specific number.
- A minimum separation distance of 500 metres from sensitive receptors (i.e. houses on neighbouring properties) is recommended unless it can be demonstrated that management measures can be put in place to ameliorate the noise impact.
- Noise disturbance should be minimised by:
 - locating and constructing kennels and other facilities to visually screen dogs from external stimuli such as other dogs, animals, traffic or passers-by.
 - Use of earth banks and/or vegetation and/or manually constructed sound barriers. Barriers should have no gaps.
 - Management regimes that minimise opportunities for noise generated external stimuli. Some kennels may need to be fully enclosed or acoustically buffered at a ratio of 1:15 for particularly noisy animals (electronic masking noise devices to reduce audible stimuli to the dogs).
 - Restriction of feeding to within hours of 7am – 6pm where practicable.
 - Exercise of dogs to be performed between the hours of 9am and 5pm.
- Appropriate construction materials for kennels which reduces the impact of noise. Use of sound absorption materials (eg. glass, fibre or wool) on the side of the barrier facing the noise source can help to reduce noise levels by reducing noise reflections.

- Ventilation needs to be considered in conjunction with any noise insulation work – air conditioning if installed should ensure that external units are located so as to avoid any impact on neighbours.
- Buffers appropriate to the size of the facility and based on the requirements for ongoing compliance with the above noise controls, be largely provided within the boundaries of the property.

4.3.2 Waste Management

- Attention to the cleanliness of the kennels and effective waste management will minimise the potential for odour nuisance. Kennels should be cleaned daily. All faecal matter, old bones and uneaten food must be collected from the kennels and yards at least twice a day and temporarily stored in lined and sealed containers prior to removal from the site so that odour does not cause a nuisance beyond the boundaries of the site. Such waste must be disposed of to a licensed waste depot, by an appropriate waste disposal service.
- All kennels must have an impervious floor draining to an appropriately sized septic tank and subsurface soakage system designed and constructed to meet the Shire of Pingelly's public health standards.
 - Materials should be selected for ease of maintenance and cleaning, durability and non-toxicity. Floors of animal housing areas of kennels must be made of an impervious materials to assist clearing and drainage. Wood, brick, dirt or grass floors are not acceptable.
 - The internal surfaces of the external walls of kennels must be constructed of impervious, solid, washable materials optimally curved at the wall/floor junctions to facilitate cleaning and disinfection.
 - Kennel floors must be sloped to enable wastes and water to run off. A collection drain must be provided to take away water after cleaning.
 - Owner to ensure land is free from excrement, food waste and all other matter likely to become or create a nuisance. Land must be free from excrement, food waste so that it cannot attract or breed pests.

4.3.3 Water Quality

- Pollutants from dog kennels have the potential to contaminate water resources unless the facilities are properly designed and managed. Pollutants may include dog faeces, veterinary products, food additives, disinfectants and other chemicals. The long-term impact of intensive dog keeping can be detrimental to the soil and may lead to groundwater pollution and odour issues if waste is not managed properly.
- Liquid wastes from kennels and yards should be drained to a septic tank and subsurface soakage type system designed and

constructed to meet public health standards. Compliance with these standards should avoid potential insanitary conditions and water pollution.

- Stormwater from roofs should be collected and kept separate from kennel runoff and effluent systems, and reused where practicable (eg. yard washdown). Rain falling outside the kennel area must be directed away from dog yard areas and the kennel effluent system.

4.3.4 Mortalities

- Mortalities must be dealt with on day they occur. They can be taken to a vet for disposal, buried on site in an approved mortality pit or taken to a waste depot licensed by the Environment Protection Authority (EPA) to take such wastes.
- A mortality pit must:
 - be greater than 50 metres away from any watercourse;
 - not exceed 1.2 metres in depth; and
 - be backfilled with a minimum of 600 millimetres of earth, slightly mounded and compacted to control odour, vermin and fly breeding.

Lime should be added at the time of deposition to assist decomposition.

4.3.5 Public Liability

- All boarding establishments must carry a minimum of \$10,000,000 Public Liability Cover.
- All animals entering boarding establishments must be identified and all reasonable and special requirements in particular relating to vaccination must be complied with.
- The proponent (or nominated manager) of a kennel establishment is responsible for the operation of the kennel in accordance with these guidelines.

4.4 Animal Husbandry

4.4.1 Nutrition

- All dogs must have a permanent supply of fresh, clean water and must be fed at least once per day.
- Food and water containers must be non spillable and of a design that can be easily cleaned and does not cause injury to the dogs.
- Pests including fleas, ticks, flies, mosquitoes and rodents must be effectively controlled. Chemicals used for pest control must be either prescribed by a registered veterinarian and/or registered by the Australian Pesticides and Veterinary Medicines Authority (APVMA) under the Agricultural and Veterinary Chemicals Code (Commonwealth) and used only in accordance with manufacturer's instructions.

4.4.2 Pen sizes

- All adult dogs must be housed one to a pen unless the owner(s) has given permission in writing for dogs to be housed together, the dogs are compatible and are normally housed together at home.

Guidelines for pen sizes are as follows:

Size of Dog	Height of dog at shoulder (cm)	Minimum floor area * (m ²)	Minimum width (cm)	Minimum height (cm)	Increased floor area for each additional dog (m ²)
Large	> 70	3.5	120	180	1.7
Medium	40-70	2.4	90	180	1.2
Small	< 40	1.5	90	180	1.0

* The minimum pen sizes are for one adult dog (older than 16 weeks).

- Dogs demonstrating aggressive tendencies can only be admitted if they are housed separately from other animals. Facilities must be available to house problem dogs separate from other dogs.
- Ideally new dogs should be placed in an introductory run next to main enclosures for assessment prior to being placed in group enclosures.

4.5 Enclosures

- 4.5.1 Fencing between enclosures (both internal & external) must prevent dogs from escaping from one enclosure to another and must be in such condition that they prevent injury.

Guidelines for enclosure sizes are:

Size of Dog	Minimum Width (m)	Minimum Height (m)	Minimum floor area (1 dog) (m ²)	Additional space per dog (m ²)	Maximum No. of dogs per enclosure	Maximum No. large dogs per enclosure
Enclosures	2	1.2	10	3.5	17	8
Rest areas	2	1.2	4	2	5	5

For example if a total of 17 dogs are kept in an enclosure, only 8 can be large dogs and the enclosure would need to be at least 66m² in size.

- 4.5.2 Suitable rest areas must be provided (as per above table) where more than 6 dogs are being boarded at any one time. Rest areas are not to be included as parts of the enclosure floor area but are in addition to minimum requirements for enclosure size. ie if 17 dogs are being housed a minimum enclosure of 66m² must be provided plus the rest area (as per above table).
- 4.5.3 An area suitable to isolate animals must be provided which is physically separated from other animal housing areas and caters for the animal's welfare. Animals may only be housed in such areas for short periods to allow them to be claimed by owner or transport arranged for animal to vet

4.6 Security

- 4.6.1 Kennels must be able to be securely locked to prevent unauthorised entry.
- 4.6.2 Each individual kennel, module or colony pen must be fitted with a secure closing device that cannot be opened by the dogs.
- 4.6.3 Any security methods used must allow for ready access to dogs and ready exit for staff and animals from the premises in the event of an emergency.
- 4.6.4 All boarding establishments must have an external perimeter fence surrounding the establishment to prevent the escape of dogs.

Boundary perimeter fencing must:

- be a minimum height of 1.8m and must be constructed of:
 - brick, concrete, timber, iron or similar solid material;
 - chain mesh manufactured from 3.15mm wire to form a uniform 50mm mesh or
 - 4mm weld mesh wire with a maximum mesh spacing of 50mm
 - be maintained in a manner which prevents a dog from being able to dig out;
 - have self-closing and self-locking gates or doors;
 - be designed to prevent a person from climbing into the enclosure.
- 4.6.5 The external walls of the facility may serve as the perimeter fence if it prevents a dog from escaping from its pen or cage.
 - 4.6.6 There must be a minimum of two gates between animal and escape.
 - 4.6.7 Design and materials used must ensure the security of the facility.
 - 4.6.8 Dogs when boarded should be safe from attack, stress or injury and their behavioural needs should be met.

4.7 Facilities

- 4.7.1 Each animal boarding establishment must provide an area for reception, records storage, and include washing and toilet facilities for staff.
- 4.7.2 Boarding facilities must be designed, constructed, serviced and maintained in a way that ensures the good health and well-being of the animals, whilst preventing escape or injury to humans.
- 4.7.3 Pens may be separated by either solid partitions, galvanised chain wire or weld mesh wire dividers. Pens must be completely enclosed having either a solid or wire roof or have an overhang of 700mm at an angle of 35 degrees to the horizontal.
- 4.7.4 All kennels must be provided with a weatherproof sleeping area containing raised beds.
- 4.7.5 Where dog kennels are constructed indoors, temperature, humidity and ventilation must be considered. Ventilation must be adequate to

keep animal housing areas free of dampness, noxious odours and draughts. Cage or pen areas must have an ample supply of fresh air.

- 4.7.6 Suitable facilities for bathing, drying and grooming animals must be available and must be hygienically maintained. These facilities may be provided by a grooming service provided that the boarding establishment has a business agreement with the service.
- 4.7.7 Housing must provide protection from the weather (wind, rain, sun and extremes of climate), vermin and harassment from other animals.
- 4.7.8 Facilities must have appropriate fire extinguishers or other fire protection.

4.8 Exercise

- 4.8.1 The proprietor (or nominated manager) must ensure that dogs housed in pens of the minimum recommended size for more than two weeks are exercised daily.
- 4.8.2 Dogs in enclosures larger than 20m² do not require additional exercise unless they are boarded for longer than four weeks. Care must be taken to ensure that dogs being exercised cannot escape and are not in danger of attack or other injury.
- 4.8.3 Exercise areas must be well maintained, not muddy or bare and dusty. Health and hygiene of both animals and humans must be taken into consideration.

Exercise can be provided by:

- allowing dogs access to an exercise area for at least 10 minutes twice daily; and/or
- walking dogs on a lead for at least 10 minutes twice daily.

Very active or old dogs may require more or less exercise than specified.

- 4.8.4 Dogs can also be exercised/socialised during daylight hours in the same manner as for day boarding establishments provided all requirements for day boarding are met including supervision levels and the owner has given written permission for this to occur.
- 4.8.5 Dogs must not be walked on roads but confined within the premises for safety reasons unless:
 - they are on a lead at all times;
 - they are under the supervision of a competent person who is 17 years of age or older;
 - no more than two dogs are being walked by the one person;
 - they are on a leash at all times including in areas designated as off-lead; and
 - the owner has given written approval for this to occur.

4.9 Supervision

- 4.9.1 Where enclosures are separated by physical barrier (ie different room) a staff member must be in visual and audible range of animals in each enclosure at all times.

4.9.2 Staff numbers and animals per enclosure at facility must at least meet the requirements below:

No. of dogs at facility	Minimum No. Staff	Maximum of dogs per enclosure/minimum staff number
1-17	1	6
18-30	2	12
30-40	3	17
For every 10 dogs over 40	Add 1 extra staff member	

4.9.3 For example if there is one staff member at the facility there can be no more than 17 dogs boarded and they must be separated into at least 3 separate enclosures with no more than 6 dogs per enclosure.

4.9.4 At least one staff member must be on call to come in and assist where necessary. It is recommended that if more than 10 dogs are booked in for a day an extra staff member is present particularly during main check in and check out times.

4.10 Information Requirements from Applicant

- 4.10.1 An application must be supported with the following information, to the satisfaction of the Shire of Pingelly, as appropriate:
- A fully dimensioned site context plan showing adjoining land and the closest residences.
 - A detailed site layout plan, including elevations, drawn to an appropriate scale showing the location of all proposed pens, runs and buildings on the site.
 - Full details of all landscaping, including the type and location of all plants and the type of ground surface treatment (ie. lawn, sand, concrete, gravel etc).
 - Details of the height, style and location of all fences.
 - Details of lighting.
 - Materials of construction of all kennels and buildings associated with the use including type and method of insulation.
 - A site stormwater management plan.
 - A management plan to include the following:
 - Number of dogs kept on the site and the proposed number of litters per year.
 - Details of exercising and training which will occur on the site.
 - Method of waste collection, storage and disposal.
 - Details as to whether boarding of dogs not belonging to the operator will take place, including the number and frequency of turnover.
 - Details of day to day operations of the facility to include such items as exercising times and feeding times and visiting procedure.
 - Response to the relevant Environmental Protection Authority guidelines.
 - A Noise Impact Assessment, undertaken by a qualified acoustic consultant, may be required for applications for the keeping or training of six or more dogs.

- 4.10.2 An application for planning approval must be accompanied by information in the form of Schedule 1 of the *Shire of Pingelly Dogs Local Law*, in order for a licence to be issued in accordance with the Local Law's requirements and must be lodged with the Shire of Pingelly together with –
- (a) plans and specifications of the kennel establishment, showing the specifications of the kennels, modules and yards and including a site plan as detailed above which shows the distances between the proposed development to property boundaries and the nearest residences;
 - (b) written evidence that either the applicant or another person who will have the charge of the dogs, will reside on the premises or, in the opinion of the Shire of Pingelly, sufficiently close to the premises so as to control the dogs and ensure their health and welfare;
 - (c) a written acknowledgement that the applicant has read and agrees to comply with any code of practice relating to the keeping of dogs which may be nominated from time to time by the Shire of Pingelly.

4.11 Determination of the Application

- 4.11.1 In determining an application for a planning approval, the Shire of Pingelly is to have regard to –
- (a) any written submissions received on the proposed use of the premises;
 - (b) any economic or social benefits which may be derived by any person in the district if the application for a planning approval is approved;
 - (c) the effect which the kennel establishment may have on the environment or amenity of the neighbourhood;
 - (d) whether the approved kennel establishment will create a nuisance for the owners and occupiers of adjoining premises; and
 - (e) whether or not the imposition of and compliance with appropriate conditions of an approval will mitigate any adverse effects of the approved kennel establishment identified in the preceding paragraphs.

4.12 Standard Conditions of Approval

- 4.12.1 This approval relates to the plans..... date stamped.....
- 4.12.2 The number of dogs (including pups over the age of four months) kept on the site at any time must not exceed X in total.
- 4.12.3 All kennels must have an impervious floor draining to an appropriately sized septic tank and subsurface soakage system designed and constructed to meet the Shire of Pingelly's public health standards.
- 4.12.4 Stormwater from kennel roofs must be collected for use on the property with overflow directed away from the kennel or yard wastewater treatment and disposal system in a manner that does not result in soil erosion.
- 4.12.5 Solid waste from the kennels or yards must be collected and contained in sealed bins, prior to removal off site, so that odour does not cause a nuisance beyond the boundaries of the site.

- 4.12.6 The facility must be inspected daily by the owner or operator for any mortalities. Any mortalities must be removed from the kennels on the day of occurrence and disposed via one of the following means:
- taken to a veterinary surgery for disposal;
 - buried on site in an approved mortality pit; or
 - disposed of at a waste depot licensed by the EPA to take such waste.
- 4.12.7 The kennels and yards must be cleaned at least daily to ensure that there is no accumulation of wastes and the generation of offensive odours is minimised.
- 4.12.8 This approval may be for a prescribed period and if in the option of the Shire of Pingelly is causing a nuisance or annoyance to adjoining land owners or occupiers, the Shire of Pingelly may refuse, withdraw or not renew the approval.
- 4.12.9 Standard requirements relating to the construction of kennels are contained in Schedule No. 2. of the *Shire of Pingelly Dogs Local Law* and will form part of a licence issued under the *Shire of Pingelly Dogs Local Law*.



1. PURPOSE

- 1.1 The purpose of this Policy is to provide clear direction as to circumstances under which the local government may approve street walls and fences in accordance with the Performance Criteria P4 of Clause 5.2.4 of the Residential Design Codes.

2. SCOPE

- 2.1 This Policy is applicable to the Shire of Pingelly and its operations.

3. DEFINITIONS

For the purpose of this Policy and as defined in the R-Codes:

- 3.1 “Frontage” means the width of a lot at the primary street setback line, provided that in the case of a battleaxe or other irregularly shaped lots, it shall be as determined by the decision-maker.
- 3.2 “Natural ground level” means the levels on a site which precede the proposed development, excluding any site works unless approved by the decision-maker or established as part of subdivision of the land preceding development.
- 3.3 “Primary street” unless otherwise designated by the local government, means the sole or principle public road that provides access to the major entry (front door) of the dwelling.
- 3.4 “Secondary street” in the case of a site that has access from more than one public road, a road that is not the primary street but which intersects with or adjoins that road.
- 3.5 “Setback” is the horizontal distance between a wall at any point and an adjacent lot boundary, measured at right angles (90 degrees) to the boundary.
- 3.6 “Street setback” means the horizontal distance between the street alignment and a building, measured at right angles (90 degrees) to the street alignment.
- 3.7 “Street setback area” is the area between the street alignment and the street setback line as set out in Tables 1 and 4 or as established in a particular case in accordance with the provisions of design element 5.2 or 6.2. (NB: Tables and elements are in the R-Codes.)
- 3.8 “Visually permeable” in reference to a wall, gate door or fence, that the vertical surface has:
- continuous vertical or horizontal gaps of at least 50mm or greater width occupying not less than one third of the total surface area;
 - continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or
 - a surface offering equal or lesser obstruction to view; as viewed directly from the street.

4. POLICY STATEMENT

4.1 Background

- 4.1.1 The erection of front fences and street walls Residential zones is regulated by the State Planning Policy 3.1 – Residential Design Codes (or R-Codes). In other zones, they are regulated by the provisions of the Shire of Pingelly Local Planning Scheme No. 3 (or LPS3).
- 4.1.2 Clause 5.2.4 of the R-Codes generally requires fences higher than 1.2m to be visually permeable aiming to permit surveillance and enhance streetscape. The exceptions to this principle are where a dwelling fronts onto a road carrying high traffic volumes (protection from noise and headlight glare), or where a wall is desirable to provide privacy to an outdoor living area.
- 4.1.3 Clause 5.2.5 of the R-Codes generally requires walls, fences and other structures to be truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences and other structures adjoin vehicle access points where a driveway meets a public street and where two streets intersect.
- 4.1.4 Clause 5.13.3 of LPS3 also requires fences or other forms of visual obstruction greater than 0.75m in height to be truncated.

4.2 Scope

- 4.2.1 Clause 3 of the Planning and Development (Local Planning Schemes) Regulations 2015 provides for the preparation of local planning policies to apply generally or to a particular class or classes of matters and throughout the Scheme area or in one or more parts of the Scheme area.
- 4.2.2 This policy will apply to the construction of street walls and fences on Residential zoned land throughout the Scheme area (i.e. the whole of the Shire of Pingelly).
- 4.2.3 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.
- 4.2.4 It is not intended that a policy be applied rigidly, but each application be examined on its merits, with the objectives and intent of the policy the key for assessment.
- 4.2.5 The Shire encourages applicants to produce innovative ways of achieving the stated objectives and acknowledges that these may sit outside the more traditional planning and architectural approaches. In these instances, the local government is open to considering (and encourages) well-presented cases having due regard to the outcome of any public consultation undertaken and the orderly and proper planning of the locality.
- 4.2.6 This Policy when adopted will supersede any previous policies regulating street walls and fences in the Shire of Pingelly in accordance with Clause 3(4) of the Planning and Development (Local Planning Schemes) Regulations 2015.

4.3 Exempt Development

The following development is exempt from this Policy and therefore does not require development approval:

- Street wall and fencing proposals that comply with the requirements of State Planning Policy 3.1 – Residential Design Codes.
- ‘Like for like’ repairs and maintenance to existing street walls and fencing.

4.4 Development Requirements

Residential zone – R10 Coding or higher

4.4.1 Objective

To establish an appropriate regulatory framework for the construction of street walls and fencing in Residential zones with a density coding of R10 or higher.

4.4.2 Residential Design Codes

The acceptable development criteria for street walls and fences on R-Coded land is set out in Clauses 5.2.4 as follows:

“C4 Front fences within the primary street setback area that are visually permeable above 1.2m of natural ground level, measured from the primary street side of the front fence.”

Clause 5.2.5 relating to sight lines also applies to the construction of street walls and fences as follows:

“C5 Walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences, other structures adjoin vehicle access points where a driveway meets a public street and where two streets intersect.”

Where a proposed development for street walls and fencing does not comply with the acceptable development criteria of the R-Codes, a development can be assessed against the performance criteria.

The Performance Criteria of Clause 5.2.4 for street walls and fencing states:

“P4 Front fences are low or restricted in height to permit surveillance (as per Clause 5.2.3) and enhance streetscape (as per clause 5.1.2), with appropriate consideration to the need:

- *for attenuation of traffic impacts where the street is designated as a primary or district distributor or integrator arterial; and*
- *for necessary privacy or noise screening for outdoor living areas where the street is designated as a primary or district distributor or integrator arterial.”*

Additionally, the Performance Criteria of Clause 5.2.5 must be considered:

“P5 Unobstructed sight lines provided at vehicle access points to ensure safety and visibility along vehicle access ways, streets, rights-of-way, communal streets, crossovers, and footpaths.”

4.4.3 General Criteria

If the proposed street wall or fence meets the following criteria, it is considered that the proposal meets the performance criteria of Clause 5.2.4 of the R-Codes and accordingly, does not require development consent:

- (a) Does not exceed 1.8 metres in height;
- (b) has contrasting forms of construction (eg. brick piers with contrasting infill or landscaping recesses) or be finished in an acceptable colour so that in the opinion of the local government the

- wall or fence enhances (or at the very least does not detract) from the streetscape;
- (c) has a length of no more than 50% of the total frontage of the lot and is located from one side only (ie. no 'middle' fencing);
 - (d) is located so that at least one habitable room window of the dwelling has a clear view of the street; and
 - (e) complies with the acceptable development criteria for truncation as specified in clause 5.2.5 of the R-Codes.

4.5 Setbacks

As per provisions of the State Planning Policy 3.1 – Residential Design Codes.
Residential zone – R5 Coding or less

4.5.1 Objective

To establish an appropriate regulatory framework for the construction of street walls and fencing in Residential zones with a density coding of R5 or less.

4.5.2 General Criteria

Given the location of this area on the periphery of the townsite, and the general sense of openness that is associated with 'larger' lot sizes, it is considered inappropriate that front walls and fences should be built higher than 1.2m.

Protection from noise and headlight glare is not applicable in these areas and the size of the lots ensures that there will always be alternatives for outdoor living areas not to be located in the front setback.

NOTE: Should there be any conflict between this Policy and the Shire of Pingelly Local Planning Scheme No. 3, the Local Planning Scheme shall prevail.



1. PURPOSE

- 1.1 The purpose of this Policy is to outline the Shire's policy on stocking rates and keeping of large animals.

2. SCOPE

- 2.1 This Policy is applicable to the Shire of Pingelly and its operations.

3. DEFINITIONS

Unless the context otherwise requires, words and expressions used in this Policy have the same meaning as they have in the Scheme.

The following are definitions that relate directly to the application of this policy:

- 3.1 "*Council*" means the Council of the Shire of Pingelly;
- 3.2 "*Large Animal*" means an adult horse, cow, camel or similar sized animal;
- 3.3 "*Livestock*" means any animal determined as livestock by the Stock (Identification and Movement) Act 1970 as amended and shall include all cattle, horses, pigs, sheep, goats, camels, alpaca, llama and other breeds as determined by this Act;
- 3.4 "*Lot*" has the same meaning as in the Planning and Development Act 2005, but does not include a strata or survey strata lot;
- 3.5 "*Previously Cleared Land*" means land lawfully cleared of natural vegetation;
- 3.6 "*Property*" has the same meaning as "Lot"
- 3.7 "*Scheme*" means Shire of Pingelly Town Planning Scheme No.3;
- 3.8 "*Shire*" means the Shire of Pingelly;
- 3.9 "*Stock*" has the same meaning as "Livestock".

4. POLICY STATEMENT

- 4.1 Objective
- To encourage sustainable community;
 - To accommodate animals commensurate with the carrying capacity of the land;
 - To protect the natural vegetation and water quality;
 - To lessen the likelihood of soil erosion and land degradation; and
 - To maintain the rural character of the Shire.
- 4.2 Background
- 4.2.1 The Shire of Pingelly is primarily an agricultural district, with the majority of its land used for rural, particularly pastoral, purposes.

- 4.2.2 While primarily rural, the Shire is also located within 1.5 hours from the Perth metropolitan area and could be undergoing a rapid influx of people, particularly those seeking a semi-urban lifestyle, where they can live with their animals. The keeping of stock can be a rewarding hobby or occupation for many small landowners and occupiers within the Shire. However, even small stock numbers, particularly horses, have the potential to cause environmental damage and can present a nuisance to adjoining neighbours, for this reason, the Council wishes to promote responsible management practices, which are environmentally sustainable and sympathetic to the needs and attitudes of the broader community.
- 4.2.3 Whatever the cause, guidelines on stocking rates and land management for the keeping of animals are desirable to prevent environmental degradation. There is no intention to interfere with normal agricultural practices within the Shires General Agriculture Zone. Stocking rates that are specified for small lots that can be increased in individual cases where management plans are prepared. It is possible to temporarily accommodate young and old animals, whose impacts are generally less, above and beyond specified stocking rates, within the specified policy.
- 4.2.4 This policy interprets the requirements of the Scheme and has been created to help small property holders, the Council, developers and land owners achieve the sustainable keeping of stock and other animals, in a manner that preserves the rural character of the Shire.

4.3 Interpretation

Statutory Context

- 4.3.1. Town Planning Scheme (TPS) No. 3 refers to land and management under clauses 4.2 of the Scheme.
- 4.3.2 The Shire makes this Local Planning Policy regarding Stocking Rates and Keeping of Large Animals (Policy) with the Pingelly Town Site under Part 2 of the Scheme.
- 4.3.3 If any provision of this policy is inconsistent with the Scheme then the Scheme prevails. This Policy is not part of the Scheme and shall not bind the Shire in any respect of an application for Planning Approval. The Shire shall, however, have due regard to the provisions of this Policy and the objectives that this Policy is designed to achieve before making its decision.
- 4.3.4 This policy applies to all zoned land with the Pingelly Town Site only. It applies to all animals but not poultry, pigeons, reptiles, crustaceans, fish or bees, some of which are covered by the Shire's Health Local Laws.

4.4 Policy

General Requirements

- 4.4.1 Within the Town Site of Pingelly Zone:
- a) planning consent is required for the keeping of any animal in Town of Pingelly Zone unless exempted (see below);
 - b) Council may refer any application for keeping of livestock to appropriate Government agencies for advice and in determining the application will have regard to that advice;

- c) applications for planning consent for livestock and other animals may be dealt with by the Chief Executive Officer under delegation issued by Council in accordance with Section 5.42 of the Local Government Act;
- d) as a condition of planning consent the Council may require the landowner or occupier to undertake a replanting program or remedial works to the Council's satisfaction;
- e) as a condition of planning consent the Council may require fencing to exclude the keeping of animals from watercourses, areas of natural vegetation, areas liable to flooding and/or land where soil erosion or other land degradation may occur;
- f) all animals shall be kept secure within the confines of the property by fences or other means;
- g) a stable or any other structure used for housing stock shall be located a minimum distance of 15 metres from any dwelling on a property, in accordance with the Shire's Health Local Laws;
- h) no grazing animals are permitted in areas of uncleared natural vegetation without approval in writing of the Council;
- i) where trees with a diameter greater than 50mm occur within horse yards, where goats graze or where they are likely to be subjected to ringbarking by any animal, they are to be fitted with guards to prevent damage;
- j) all animals shall be kept in such a way as not to cause nuisance;
- k) where in the opinion of the Council at its absolute discretion land or vegetation is considered degraded or animals are causing a nuisance, a landowner or occupier may be ordered to reduce the number of animals on the lot and undertake other remedial action as is considered appropriate; and
- l) notwithstanding the number of animals permitted by this policy, special circumstances such as poor soils, the occurrence of declared rare flora, excessive land slope or wetland conditions, may reduce or totally preclude the number of animals permitted.

4.4.2 Rural Residential and Residential Light Industry Zones

In the Rural Residential and Residential Industry Zones:

- a) Subject to the General Requirements of the Policy and the requirements of this clause, the keeping of animals is permitted
 - (i) in accordance with the Shire's Local Laws
 - (ii) with the planning consent of the Council, which may include advertising in accordance with Part 9 of the Scheme;
- b) Pigs are prohibited;
- c) Where large animals can be accommodated, planning consent is deemed to have been granted for one large animal for each hectare of cleared site area;
- d) Other animals can be accommodated in lieu of large animals at the rate of 5 dry sheep equivalents for each hectare of cleared site area, as shown in Schedule 2.
- e) Where a Property Management Plan is prepared in accordance with Schedule 1, and it can be demonstrated that the method of management proposed (e.g. irrigated pasture, supplemental feeding) is unlikely to result in degradation of land and vegetation, Council may grant approval for the stocking rates to be increased above the specified in points c) and d) above, provided that the minimum lot size on which a large animal may be kept is 10,000m² or 1Ha,

- f) Planning consent is not required for:
- g) dogs over the age of 3 months and the young of those dogs
- h) up to 3 cats over the age of 3 months.

Schedule 1: Format of PROPERTY MANAGEMENT PLAN FOR

Title Page

Contents Page

- 1.0 Introduction - purpose of plan, lot number and area, zoning, site location, district context (including similar uses nearby), (Map 1: Location Plan showing the position of the property in relation to the town site or estate, with lot boundaries, roads, major water courses);
- 2.0 Site Plan - physical features of property, such as soil type, vegetation, particularly the occurrence of un-cleared bush, water courses, existing land use, buildings and water supply, condition of property at time of purchase or prior to development (Map 2: Existing Property e.g. contours, vegetation (bush, pasture), site features, existing improvements, fire breaks, access roads);
- 3.0 The Proposal - location of any proposed house, sheds, stables/shelter, yards, arena, tree plantings (windbreaks and decorative), access ways, fences, number and type of animals, pasture, water and feed supply, chemical storage and use, waste collection and disposal, special equipment/lighting, any stages of development, duration of use if temporary (Map 3: Property Management Plan showing existing and proposed improvements, any buildings to be removed or land to be cleared and measures to protect the environment);
- 4.0 Environmental Risk - potential for damage to soils and water quality (ground and surface water), loss of natural vegetation, possibility of flies, noise, odour, dust, weeds, fire risk, disease risk;
- 5.0 Management Plan - ways of reducing hazards of bushfire, waste disposal, conserving soil, preventing erosion, preserving trees, preventing nutrients getting into water, control of sediments, dust, flies.
- 6.0 Summary - why proposal is acceptable, owner/operator's Responsibilities.
- Appendices - additional information as required e.g. letter of support from Department of Agriculture or specialist consultant.

Endorsement Page – CEO

Name: _____

Signature: _____

Dated: _____

Schedule 2: COMPARISON OF DRY SHEEP EQUIVALENTS (DSES) FOR VARIOUS GRAZING ANIMALS

Species	Average Annual DSE Rating	No of Animals permitted at 5 DSE per hectare on a cleared 1ha site without a management plan 9to be taken to nearest whole number for each property)
Alpaca	1	10
Camel	10	1
Cattle / Cow	10	1
Deer	2	5
Donkey	8	1.25
Emu	4	2.5
Goat	1.5	6.66
Horse	10	1
Horse or pony 4.4 hands and under	6	1.66
Horse, miniature	2	5
Kangaroo	0.5	20
Llama	2	5
Mule	8	1.25
Ostrich	4	2.5
Sheep	1	10
Sheep, Pregnant or Lactating	2	5

With a property management plan at a stocking rate of 10 dry sheep per hectare, the following could be accommodated on a previously cleared two hectare site:

2 large horses, or 3 ponies, or
 1 large horse and 1 cow, or 1 cow and 10 sheep, or
 1 large horse, 1 deer, 1 llama, 2 goats and 3 sheep or
 20 sheep etc.

Schedule 3:

TYPICAL PLANNING APPROVAL

(Appropriate conditions are to be based on the following list)

“Council grants planning approval to the owner of (lot number, road, locality) for (the proposal, e.g. keeping of 2 [two] horses), subject to the following conditions:

1. Development shall generally occur in accordance with the Property Management Plan submitted with the application for planning approval (Planning Application No.); or
2. The applicant to prepare a property management plan in accordance with Schedule 1 of Local Planning Policy 1 - Stocking Rates, addressing the following issues to the satisfaction of the Chief Executive Officer:
3. Stable design, including drainage controls of manure;
4. Manure handling and disposal to avoid odour and flies;
5. Manure management to prevent nutrient export from the site;
6. Fencing of appropriate design;
7. Pasture management to prevent soil erosion;
8. (Natural vegetation/wetlands/watercourses) shall be fenced to exclude livestock to the satisfaction of the Chief Executive Officer;
9. No livestock shall be permitted in areas of un-cleared natural vegetation without approval in writing of the Council;
10. All trees with a diameter greater than 50mm that occur where livestock are kept are to be fitted with approved guards to prevent damage;
11. Land shall be managed in a sustainable manner and where in the opinion of the Council at its absolute discretion land or vegetation is considered degraded or animals are causing a nuisance, the landowner or occupier may be ordered to reduce the number of animals on the lot and/or undertake other remedial action as is considered appropriate;
12. Perennial pasture shall be established before livestock are introduced to the site, to prevent soil damage and wind erosion;
13. The applicant shall undertake a vegetation replanting program of (describe location and amount), comprising native species, to the satisfaction of the Chief Executive Officer;
14. Fencing shall be of a minimum rural standard capable to retain the livestock on the property;
15. Manure shall be collected daily, in accordance with the Shire's Health Local Laws, 5.18 Manure Receptacle and disposed of (off-site or to the satisfaction of the Chief executive Officer);
16. Prior to the issue of a building licence there shall be approved for the development:
17. Waste Management Plan, describing the collection, storage and disposal of wastes;
18. Complacence with the Planning in Bush Fire Prone Areas as part of the Building Code of Australia;
19. If the development, the subject of this approval, is not substantially commenced within a period of two years from the date of the approval, the approval shall lapse and be of no further effect. Where an approval has lapsed, no further development shall be carried out without the further approval of Council having first been sought and obtained.
20. Breach of conditions may result in cancellation of this approval.

Notes:

1. This approval does not constitute a building licence;
2. The applicant should refer to the publication on Environmental Guidelines for Horse Facilities and Activities, published by the Water and Rivers Commission, 2002.
3. The applicant is encouraged to contact the Department of Water's Swan Avon Region office to discuss water management options.
4. Should an Applicant be aggrieved by a decision of Council, the State Administrative Tribunal can be requested to review the decision. Such a request should be lodged within twenty-eight (28) days of Council's decision.
5. *Should there be any conflict between this Policy and the Shire of Pingelly Local Planning Scheme No. 3, the Local Planning Scheme shall prevail.*



1. PURPOSE

- 1.1. To conserve and protect places of heritage significance.
- 1.2. To ensure that development does not adversely impact the significance of heritage places.
- 1.3. To ensure that heritage significance is given due regard in local planning decision making.
- 1.4. To provide certainty to landowners and community about the planning processes for identification and protection of places identified in the Heritage List.

2. SCOPE

- 2.1 This Policy applies to any works affecting a Local Heritage Place on the Shire of Pingelly Heritage List 2024.

3. STATUTORY BACKGROUND

- 3.1 This Policy is adopted under Part 2 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 which enables the Shire of Pingelly to prepare local planning policies for any matter related to the planning and development of the Scheme area

4. DEFINITIONS

Unless otherwise noted, terms used in this policy have common meanings and include those defined in the *Planning and Development Act 2005*, *Planning and Development (Local Planning Schemes) Regulations 2015*, and the *Heritage Act 2018*.

Fabric means all the physical material of the place.

Impact means the manner in which proposed works will, or are likely to, affect the cultural heritage significance of a place, as assessed against the matrix at Schedule 1 of this policy.

Local Heritage Place means a place that meets the definition of a heritage-protected place in clause 1A, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, with the exception of any place that is:

- entered in the *State Register of Heritage Places* under the *Heritage Act 2018* section 42;
- the subject of an order under the *Heritage Act 2018* Part 4; or
- the subject of a heritage agreement that has been certified under the *Heritage Act 2018* section 90, to which the Heritage Council of Western Australia is a party.

Significant fabric means fabric identified as contributing to the cultural heritage significance of the place.

5. POLICY STATEMENT

Exemptions from the Requirement for Development Approval

- 5.1. Development with only “positive”, or “no discernible impact” on the significant fabric

of a heritage place as assessed against the matrix at Schedule 1 of this policy are exempt from the requirement of a development approval.

In an instance of doubt regarding if development approval is required, the owner should seek written advice from the Shire of Pingelly. This request should include full details of the proposal and may involve a site visit. The written advice provided will state if a development approval is required or not and is binding on the Shire of Pingelly. An applicant may be required to provide additional information to assist in the determination of a development application. This may include a Heritage Impact Statement (HIS) at the absolute discretion of the Shire of Pingelly.

Material Accompanying A Development Application

5.2. The accompanying material required with applications for development approval relating to a local heritage place will be determined by the likely impact of works on cultural heritage significance.

5.3. If a Heritage Impact Statement is required, it will consider any substantial impact on the exterior fabric or form of a place in the Heritage List. It must address all parts of the Heritage Impact Statement interactive form.

Assessment of A Development Application

5.4. In considering any planning applications in relation to a local heritage place, the Shire of Pingelly will apply and give due regard to this policy and *State Planning Policy 3.5 - Historic Heritage Conservation (SPP3.5)*.

5.5. The impact of the proposal is guided by any part of the works being assessed as having a minor, moderate or major impact (as per Schedule 1) on one or more of the identified values or criteria that contribute to the cultural heritage significance of the place.

5.6. The below table outlines the levels of heritage significance for each place within the Local Heritage Survey for the purposes of the assessment of a development application:

LEVEL OF SIGNIFICANCE	DESCRIPTION	DESIRED OUTCOME
Exceptional significance HERITAGE LIST <u>Category 1 (LHS)</u>	Essential to the heritage of the locality Rare or outstanding example.	The place should be retained and conserved unless there is no feasible and prudent alternative to doing otherwise. Any alterations or extensions should reinforce the significance of the place and be in accordance with a Conservation Plan (if one exists).
Considerable significance HERITAGE LIST <u>Category 2 (LHS)</u>	Very important to the heritage of the locality. High degree of integrity/authenticity.	Conservation of the place is highly desirable. Any alterations or extensions should reinforce the significance of the place.

5.7. The assessment of a development application will include consideration of the heritage significance of the place and any actions which can be undertaken to mitigate any adverse impacts.

Development Applications for Demolition

5.8. A structural condition assessment is required in the case of proposed demolition if structural failure is cited as a justification for the demolition of a place in the Heritage List. The structural evidence must be provided by a registered structural engineer to substantiate that the structural integrity of the building has failed and

cannot be rectified without removal of a majority of its original fabric that would impact the significance of the place.

- 5.9. If the proposed demolition application of a place in the Heritage List, is approved, a condition of approval, may require the applicant to submit an archival record of the place, prior to the commencement of development.
- 5.10. The archival record is to be in accordance with the Heritage Council's standard for archival recording.

Development Applications for A State Registered Place

- 5.11. If a proposal affects a place that is entered in the Register of Heritage Places (Category 1), the Shire will refer the development application to the Heritage Council.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. *The Shire of Pingelly Local Heritage Survey 2024*
- 6.2. *The Shire of Pingelly Heritage List 2024*
- 6.3. *Heritage Act 2018*
- 6.4. *Planning and Development Act 2005*
- 6.5. *Planning and Development (Local Planning Schemes) Regulations 2015*
- 6.6. *State Planning Policy 3.5 Historic Heritage Conservation (WAPC, 2007)*
- 6.7. *The Burra Charter (Australia ICOMOS, 2013)*
- 6.8. *An information guide to conservation management plans (2013)*
- 6.9. *An information guide to conservation management strategy (2017)*
- 6.10. *Heritage Impact Statement interactive form (2020)*
- 6.11. *Guide to preparing an archival record (2019)*

Schedule 1 – Impact Matrix

Impact (Level of impact is to assessed separately for each criterion)	Values				Rarity	Representativeness	Condition	Integrity	Authenticity	Demolition
	Aesthetic including streetscape & setting	Historic	Scientific including archaeology	Social						
Positive	Enhances the aesthetic value.	Conserves the historic value and interprets the history of the place.	Protects and/or reveals scientific value through interpretation.	Enhances a sense of place through retention of use associations, meaning and/or interpretation.	Enhances by retaining or conserving element(s) that contribute(s) to rarity.	Enhances by retaining or conserving element(s) that contribute(s) to representativeness.	Maintains, preserves or restores significant fabric to a known earlier state.	Retains and enhances original fabric through good conservation practice.	Retains and enhances authenticity of the place through retention or reinstatement of original use, associations and meaning.	Demolition or removal only of element(s) identified in a heritage assessment as intrusive.
No Discernible Impact	Maintains or has no impact on the aesthetic value.	Does not affect the historic value.	Does not affect known or potential scientific / archaeological value.	Does not affect the social value of the place.	There is no loss or proposed change that affects rarity.	There is no loss or proposed change that affects representativeness.	Maintains, stabilises or preserves significant fabric in its current state without contributing to its deterioration.	Does not affect the condition of fabric that contributes to the place's significance.	Does not affect the authenticity of the place.	Demolition or removal of element(s) identified in a heritage assessment as being of little significance.
Minor (negative)	Does not detract from the aesthetic value. May include minor alterations to the appearance of the place.	Does not detract from the historic value and may include minor alterations to the place either internally or externally.	Does affect areas of little or some scientific value and is consistent with an appropriate Management Plan.	Results in loss of fabric or change of use of a place that has some past but lapsed association with the community.	Results in a change to an element that contributes to rarity but impact can be mitigated by interpretation.	Results in a change to an element that contributes to representativeness but impact can be mitigated by interpretation.	Could be detrimental to the condition of significant fabric but can be mitigated by providing advice and conditional support.	Does not substantially detract from the integrity of the place. May include minor alterations to the place to provide for a new or continued use.	Does not detract from the authenticity of the place. May include change of use for compatible re-use.	Partial demolition or relocation of element(s) identified in a heritage assessment as being of some significance.
Moderate (negative)	Extensively reconstructs fabric to reproduce an earlier state or materially alters the appearance of a place through adaptations, additions or construction of new fabric.	Extensively reconstructs fabric to reproduce an earlier state or materially alters significant fabric through adaptation, construction of new fabric or change of use.	Is not informed by a conservation or archaeological management plan and may affect potential scientific value.	Results in a significant loss of fabric or use of a place that has a strong and current association with the community.	Element that contributes to rarity is lost and impact cannot be mitigated.	Element that contributes to representativeness is lost and impact cannot be mitigated.	Is likely to lead to loss or deterioration of the structural integrity of the place, or the loss or deterioration of any element of the place that is integral to its cultural heritage significance.	Results in a significant loss of fabric or settlement pattern that contributes to the authenticity of the place.	Proposes a change of use that is not compatible with past uses and/or does not reflect the values of the place.	Demolition or removal of element(s) of some significance. Demolition, relocation of element(s) identified in a heritage assessment as being of considerable significance.
Major (negative)	New infill development on vacant lots (including those approved for total demolition), carparks, open space. New construction that retains a façade of historic fabric.	Significantly detracts from the historic value through adaptation or removal of significant element(s) or introduction of a new incompatible use.	Significantly affects or destroys known scientific values.	Results in a total loss of place, or loss of a use that has a strong and current association with the community.	Results in a substantial loss of an element or area identified as contributing to the rarity of the place.	Results in a substantial loss of an element or area identified as contributing to the representativeness of the place.	Will result in deterioration in the condition of significant fabric and/or that fails to address an evident need for urgent conservation works.	Results in a total loss of fabric and/or results in only the retention of a façade or shell of the significant fabric.	Proposes a change of use that is unsympathetic to the values of the place and detracts from the significance of the place.	Total demolition or removal or relocation of a building to an alternative site or dismantling and reconstruction of historic fabric. Partial demolition of elements of exceptional significance.