



SHIRE OF WYNDHAM | EAST KIMBERLEY

LOCAL PLANNING POLICY MANUAL

UPDATED DECEMBER 2015

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Shire of Wyndham East Kimberley
Council Policy
LPP1

POLICY NO:	LPP 1
DIVISION:	Development Services
SUBJECT:	Lakeside Residential Development Guidelines Policy
ENABLING LEGISLATION:	Town Planning Scheme No 7 - Kununurra & Environs

OBJECTIVE:

These guidelines apply to the Lakeside Park Estate and effectively form the basis of additional development control to achieve a sustainable, high amenity residential area for the benefit of local residents.

The policy addresses design aspects and issues such as:

- ☐ Building Form, Character & Materials
- ☐ Climate Sensitive Design
- ☐ Fencing
- ☐ Density and Setbacks
- ☐ Garages & External Storage Areas
- ☐ Solar Collectors and Clothes Lines.

These Guidelines have been prepared to provide:

- ☐ Visually attractive and appropriate development
- ☐ Integrated design
- ☐ Promotion of safety, variety and a sense of place
- ☐ Provide exemplary streetscapes and high quality design and aesthetics
- ☐ Promote sustainability through efficient construction, energy and water conservation

POLICY:

1.0 Introduction

These guidelines are “in addition” to all other statutory requirements pertaining to building development, design and construction. For any instances where these design guidelines are found to conflict with the statutory requirements of other authorities i.e. requirements of the Local Authority in accordance with Town Planning Scheme No 7, Building Code of Australia, Residential Design Codes etc, the statutory requirements are to take precedence. These design guidelines apply to the current and future stages of residential development within the Lakeside Park Estate.

2.0 Building Form, Character, Materials and Colours for all Housing

2.1 Minimum size of dwelling (excluding carport, garaging and verandahs) shall be:

- ❖ 140 square metres for lots with an area equal to or greater than 700 square metres.
- ❖ 100 square metres for lots with an area less than 700 square metres.
- ❖ 80 square metres for each group dwelling.

2.2 All dwellings shall have clearly defined entrances to the street.

2.3 Houses situated on corner lots shall address both street frontages through architectural design features.

2.4 Zincolume is not permitted to be used for external cladding due to its reflective nature and potential glare issues with neighbouring properties.

2.5 The use of light colours for external roof and wall claddings and finishes is encouraged.

3.0 Garaging & External Storage Areas

3.1 Garages (including doors) and carports shall be consistent in design (theme), materials and colours to the dwelling to reduce visual impact and add interest to the streetscape.

3.2 Outbuildings shall be constructed of the same materials as the main dwelling where they exceed 25 square metres in area.

3.3 No commercial vehicles are to be parked on the property or the street verge for any more than forty eight (48) hours, unless approval has been obtained by the Council.

3.4 Driveways and crossovers are encouraged to be completed in the same construction period as for the dwelling.

4.0 Fencing

4.1 All side and rear boundary fencing shall be no greater than 1.8 metres in height.

4.2 Side fences forward of the front building line of the house shall be no higher than 1.2 metre and be constructed of the same materials/matching in colour with the predominant side and rear boundary fences.

4.3 Fences on secondary streets (corner lots) boundaries shall be largely open in design and visually permeable above a height of 1.2 metre.

4.4 The installation of a front boundary fence is to accord with the Residential Design Codes which supports a solid front fence to 1.2 metres with fences between 1.2 to 1.8 metres in height being visually permeable. An exception to this is where a solid fence, or wall, up to 1.8 metres in height is required to shield constant headlight glare from oncoming traffic or is required for privacy of an outdoor living area. Should a solid front boundary fence be erected it shall not exceed 50% of the frontage of the lot unless otherwise approved by the local government.

5.0 Clothes Lines and Drying Areas

5.1 Clothes lines shall be screened from public areas.

5.2 Wherever possible, solar collectors should be:

- ❖ Concealed from the street or other public areas
- ❖ Colour coded to the colour of the roof
- ❖ Installed on the plane of the roof at the rear and ideally the storage tanks located within the roof space. Stands on rooftops are discouraged.

6.0 Climate Sensible Design

6.1 Where possible new houses should include:

- ❖ Installation of a solar hot water system.
- ❖ Water sensitive fixtures such as AAA rated dual flush toilet systems.
- ❖ Passive solar design, including appropriate room location and zoning for day lighting and ventilation.
- ❖ Extensive eaves overhang to support thermal comfort and efficiency.
- ❖ Verandahs to the front of houses to provide articulation and energy efficiency.
- ❖ The highest rated insulation under roof cladding, and within wall and ceiling cavities.
- ❖ Additional roof ventilation.
- ❖ Effective use of pergolas and vegetation for shade, particularly to east, west and south facing windows.

ADOPTED: 18 August 2009

REVIEWED:

AMENDED:



**Shire of Wyndham East Kimberley
Council Policy
LPP2**

POLICY NO:	LPP 2
DIVISION:	Development Services
SUBJECT:	Compliance and Enforcement Policy
ENABLING LEGISLATION:	Local Government Act 1995;

1. OBJECTIVE

To provide a framework and consistent approach for Council Officers to implement compliance standards and instigate enforcement action, as described in various Acts and Regulations (Legislation) the Shire administers, proportionate to the seriousness of an alleged offence or issue of non-compliance.

2. POLICY

1.0 Introduction

As with many Local Governments in Western Australia the Shire of Wyndham East Kimberley is largely responsible for the administration and enforcement of an array of State Government Legislation. Whilst the list is extensive this Policy specifically applies to the legislative framework and provisions prescribed under, but not necessarily limited to:

- *Building Regulations, 1989*
- *Building Code of Australia,*
- *Caravan Parks and Camping Ground Act, 1995*
- *Caravan Parks and Camping Ground Regulations, 1997*
- *Environmental Protection Act, 1986*
- *Food Act, 2008*
- *Health (Food Hygiene) Regulations, 1993*
- *Health Act, 1911*
- *Land Administration Act, 1997*
- *Litter Act, 1979*
- *Local Government (Miscellaneous Provisions) Act, 1960*
- *Planning and Development Act, 2005*
- *Strata Titles Act, 1985*
- *Shire of Wyndham – East Kimberley Town Planning Scheme No.6*
- *Shire of Wyndham – East Kimberley Town Planning Scheme No.7*
- *Shire of Wyndham – East Kimberley adopted Local Planning Policies*
- *Shire of Wyndham – East Kimberley adopted Local laws*

In consideration of this legislation and in order for the Council to achieve an appropriate standard of amenity in step with the social fabric and community expectations for both Kununurra and Wyndham it is necessary for the Shire to apply a consistent approach to addressing issues of non-compliance associated with development. In this regard the following general principals and enforcement procedures provides a clear guide for Shire Officers to administer an equitable communication process and approach to addressing issues of non-compliance.

2.0 General Principles

- 2.1 For a concern from a member of the public to be acted upon notice must be in written form incorporating relevant details, including name, address, contact details and nature of concern. Anonymous or verbal notification will not be accepted and acted on unless otherwise determined by the Chief Executive Officer.
- 2.2 All concerns will be treated confidentially, where possible and appropriate.
- 2.3 All concerns will be considered on merit and in context of a non personal interest. A matter will not be progressed should, in the opinion of the Chief Executive Officer, the concern be perceived as vexatious or not in good faith.
- 2.4 Councillors and Shire Officers who become aware of potential issues of non-compliance may submit details to the CEO or the relevant Executive Manager in the form of a written and signed file note.
- 2.5 All matters of alleged non-compliance must be recorded by the responsible officer/s in written format and filed in the Shires record management system.
- 2.6 Notwithstanding the requirements of the Legislation all notifications regarding an alleged issue of non-compliance must give the recipient a minimum of thirty (30) calendar days in which to comply, unless in the opinion of the Officer there is a known or perceived risk to the public where it is incumbent on the Officer to do everything in their power to alleviate the risk.
- 2.7 In the event of an application being progressed at the time of an alleged offence the processing/assessment of the application shall be 'suspended' until the issue of non-compliance has been resolved to the satisfaction of the Chief Executive Officer or Council.
- 2.8 Notwithstanding any legislative requirement, Officers that hold delegated authority are authorised under this policy to issue letters of warning under procedures 3.1 and 3.2 in consultation with the Executive Manager for Town Planning and Economic Development. Further delegation is afforded to the Executive Manager for Town Planning and

Economic Development to administer procedures 3.1 to 3.3, and the Chief Executive Officer to administer procedures 3.1 – 3.4.

- 2.9 Whilst there is a general duty imposed on the Shire to enforce legislation for which it is responsible, that general duty is not absolute. In each case it will be necessary to determine whether legal costs and other liabilities are justified for the good governance of the Shire and whether or not engagement, enforced and self regulation would be a suitable alternative means of achieving the required level of compliance within the relevant legislation.

3.0 Enforcement Procedure

- 3.1 Upon receipt of a complaint or when attention is drawn to an alleged issue of non-compliance the relevant officer shall investigate the matter through written notice to the occupier/owner of the property seeking confirmation of the status of the activity or serving a notice to comply with a response to be received within thirty (30) days.
- 3.2 At the expiration of the first notice, if necessary, a second letter of non-compliance shall be sent by registered mail with receipt of notification being obtained from Australia Post. This notice shall be for a period of thirty (30) days where by a response is to be received and/or necessary compliance has been achieved. At this point the matter shall be listed for the Council's information.
- 3.3 Should a response to the second notice prove unsatisfactory a memo is to be submitted to the relevant Executive Manager outlining all the details of the complaint, the section of the legislation that has been breached, the compliance actions already taken (copies of letters sent) and the recommended action within the legislation. The Executive Manager for Town Planning and Economic Development is to review all the evidence and if deemed necessary authorise the issue of a third notice to comply within a further thirty (30) days. This notice shall flag that failure to comply may result in legal proceedings to be instigated in accordance with the relevant legislation. An update of the progress of the matter will again be listed for the Council's information.
- 3.4 At the conclusion of the third notice the matter of alleged non-compliance will be presented to the Chief Executive Officer where, based on the nature and circumstances and extent of co-operation from occupier/owner, and in consultation with the Shire President and Deputy Shire President, a determination to commence legal proceedings may be instigated pursuant to the relevant legislation. Conversely, the matter is to be referred to the Council for consideration and an appropriate course of action to be taken.

ADOPTED: 18 August 2009

REVIEWED:

AMENDED:



Shire of Wyndham East Kimberley
Council Policy
LPP3

POLICY NO:	LPP 3
DIVISION:	Development Services
SUBJECT:	Weaber Plain LIA Design Guidelines
ENABLING LEGISLATION:	Town Planning Scheme No 7 - Kununurra & Environs

OBJECTIVE:

These guidelines apply to the Weaber Plain Light Industrial Area Design Guidelines and effectively form the basis for the design of buildings and quality landscaping to ensure an appropriate standard of development is achieved.

These Guidelines have been prepared to provide:

- ☐ Best practice standards for industrial development is applied given the close proximity of the Mirima National Park;
- ☐ Industrial Development is neither unsightly or poorly planned;
- ☐ Development is of a high standard in the interests of protecting the investment of developers and owners;
- ☐ All development is based of climate responsive siting. Energy and water efficient design and fit out.



POLICY:

1.0 Introduction

These guidelines are “in addition” to all other statutory requirements pertaining to building development, design and construction. For any instances where these design guidelines are found to conflict with the statutory requirements of other authorities i.e. requirements of the Local Authority in accordance with Town Planning Scheme No 7 or Building Code of Australia, the statutory requirements are to take precedence. These design guidelines apply to the current and future stages of development within the Weaber Plain Light Industrial Area.

2.0 Development Standards

- 2.1 The front elevation of all new buildings shall be designed and/or complimented with landscaping to present an attractive façade to the street to the satisfaction of the local authority.
- 2.2 The entrance points to buildings must provide protection for pedestrians by way of a fixed awning, verandah, canopy or colonnade.
- 2.3 The development of a caretakers dwelling (subject to Shire approval) shall be consistent in materials choice to all industrial buildings on a lot and take the form of a residential building located to the rear portion of the property.
- 2.4 All building shall accord with the following minimum boundary setback distances, unless otherwise specified in the Building Code of Australia (BCA):
 - Minimum front (street) boundary distance - 9 metres
 - Minimum side boundary distance - 3 metres
 - Minimum rear boundary distance - 3 metres
- 2.5 Lighting for all new development shall be based on high efficiency systems (ie T5 Triphospor Fluorescent lighting).
- 2.6 Where offices are incorporated into the development windows shall be installed on at least two sides to allow breeze paths and remove heat build up. Furthermore, all windows must be provided with an adequate form of shade protection (ie fixed awning or canopy, verandah, mature vegetation) to avoid direct sunlight entering the office building.
- 2.7 All office buildings shall be insulated to the standards of the BCA climate zone 1.
- 2.8 The use of roof colours with a solar absorbency rating greater than 0.55 (most dark colours) is not supported.
- 2.9 All impervious areas including vehicle crossovers and internal car parking, service, manoeuvring and lay down areas must be constructed paved and suitably drained standard to the local government specifications.
- 2.10 All service, storage and bin areas are not to be located within the front boundary setback distance.
- 2.11 A minimum 3 metre (wide) landscaping strip shall be provided across the frontage of the property.

3.0 Suggested Design Solutions

- 3.1 The use of light coloured materials with a solar absorbency of less than 0.35 is encouraged. This includes colourbond colours including Classic

Cream, Surf-mist, Paperbark, Evening Haze, Shale Grey, Sandbank and Dune.

- 3.2 If installing air-conditioning an inverter split system is recommended to an energy rating of 5 stars.
- 3.3 Where practical mechanical ventilation should be incorporated into the building design.
- 3.4 For advice on appropriate selection of native plants advice should be sought from the Shire's Environmental Officer.

ADOPTED: 18 August 2009

REVIEWED:

AMENDED:

Shire of Wyndham – East Kimberley



Local Planning Policy 4 Events Application Package

August 2009

FEES AND CHARGES

A planning application fee in accordance with the Shire's current Schedule of Fees for a 'Change of Use' applies to an application for an event. Health fees also apply for consideration of an application in compliance with the Health (Public Building) Regulations 1992 and other related legislation.
Additional fees may apply should a building licence or other particular health licences be required.

DISCLAIMER

This package details the requirements of the Shire of Wyndham – East Kimberley only. Additional information and/or approvals may be required from other agencies and Government organisations. It is the sole responsibility of the Applicant, not the Shire, to ensure all relevant information and approvals are obtained in relation to each particular event.

OFFICE USE ONLY – NOTE APPLICATION CAN NOT BE PROCESSED UNTIL FEES ARE PAID IN FULL

Date Received	
Fees Paid -Planning	
Fees Paid - Health	
Receipt No	
DA Number	Local Planning Policy Manual

Document No	
File	
Officer	
Licence Issued	
Cross Reference	14 of 77

TOWN PLANNING SCHEME No.6

AND TOWN PLANNING SCHEME No.7

APPLICATION FOR PLANNING CONSENT

AND

HEALTH (PUBLIC BUILDING) REGULATIONS 1992

APPLICATION FOR HEALTH APPROVAL

Events Application Form

This form is to be completed and submitted together with the other information outlined in this package. Please signify with N/A if a particular question or field does not apply to your event. You will be notified in writing when your event application has been processed. Applications must be submitted at least 8 weeks prior to your event.

Landowner's Details

Name:

Address:

..... Postcode:.....

Phone: (wk) (fax) (mobile)

Contact Person:

Signature/s: Date:

..... Date:

Organiser's Details

Name of event:

.....

Applicant/organisation:

Contact person (if different from above):

Postal address:

Telephone (hm): (wk): (mb):

Email address:

Event Details

Date:

Actual set up date:

Actual event start date:

Actual event finish date:

Actual completion of clean up date:

Proposed venue details: (eg. name of reserve, building or public open space)

Shire venues or facilities can be reserved through the Kununurra leisure centre

.....
.....
.....

Event description: (eg. Sporting, commercial, entertainment and in addition please state whether the event is a one-off or proposed as an annual event)

.....
.....
.....

Entertainment: Brief details (number of stalls/products/entertainment-bands, amplified music/animals/activities/farm machinery/rides)

.....
.....

Primary purpose of event: (eg. fundraiser for community group)

.....

Will alcohol be available/consumed on site? (tick) *For Sale* ☐ *BYO* ☐ *No Alcohol* ☐

Refer to Information Note No.7 of this package for guidance.

Will food be available? (tick) *Yes* ☐ *No* ☐

All food stalls require approval from Shire's Health Department.

Application form attached (appendix 1)

Details of any tents, marquees, stages etc. to be used for the event:

.....

Details of any road closures or use of roads for the event: (Note: separate approvals required through police services)

.....

Will the event have implications for local residents, (eg. Noise, traffic management, parking) and if so how is it proposed to manage these implications?

Noise

.....

Traffic Management

.....

.

.....

Parking

.....

.....

How will crowds be managed during entry to and exit from the event? Consider procedures to control excessive queuing or crushing (gate control, pathways, exits)? Include considerations for persons with disabilities.

.....

.....

Will security be needed/provided? If so provide details

.....

.....

Have you notified the following key stakeholders/emergency services personnel of the event?

- ☐ Police
- ☐ Ambulance
- ☐ First Aid
- ☐ FESA
- ☐ Hospital
- ☐ SES

Expected Attendance

Maximum number of people expected at any given time:

Anticipated total number for entire event:

Target audience: (eg. youth, adult, family etc.)

Have you ever conducted this event before and if so, when/where was it held?

.....

.....

.....

Have you determined whether a risk assessment needs to be done? (tick) Yes ☐ No ☐

Do you require guidance with the preparation of a risk assessment? (tick) Yes ☐ No ☐

Event Facilities

Power supply details:

All electrical equipment, switches and meters are to be protected from the public and a certificate of electrical compliance (Form 5, appendix 2) must be completed and lodged with the Shire prior to commencement of the event.

Water supply details:

Number of toilets available: Male: Closets:

Urinals (number or length):.....

Hand Wash Basins:

Female: Closets:

Hand Wash Basins:

Is there disabled access to toilet facilities?

Detail waste removal plans? (Number of bins, size of bins, site clean-up and surrounds)

.....

.....

.....
**YOU MAY WISH TO ATTACH ANY OTHER RELEVANT INFORMATION TO ASSIST
WITH THE APPROVAL PROCESS**

SITE PLAN

A detailed layout of the event is to be included with your application. Please ensure the following is indicated on the map (if applicable). It is suggested that a copy of the finalised site plan be issued to police, fire services, state emergency service, and other relevant emergency services, First Aid and security personnel, and participants should the event be considered significant with a target audience of more than 500 persons .

Stage

Seating

Vehicle access points (include street names)

Food stalls

First aid post(s)

Location of marquees, tents etc.

Electricity cables

Emergency exits

Sale or consumption of alcohol areas

Parking areas

Fenced off areas

Location and number of additional toilet facilities

Site signage

Lighting

Any other facilities relevant to your event

North

This image shows a full page of blank graph paper. The grid consists of thin, light gray horizontal and vertical lines that intersect to form small squares across the entire surface. There are no margins, text, or other markings on the paper.

ACKNOWLEDGEMENT

I, _____ as the event organiser applying for approval to host an event in the Shire of Wyndham – East Kimberley acknowledge that the information and completed actions in my application are true and correct. I accept full responsibility of the facility and/or reserve during the specified event period and will ensure compliance with the Shire of Wyndham - East Kimberley's conditions of approval.

I will indemnify the Shire of Wyndham - East Kimberley and all relevant landowners against any action, suit or proceeding caused by my failure to observe all statutory and other requirements or as a result of my negligence or wilful actions. I will ensure that appropriate liability and other insurances are in place for the activities to be conducted, with evidence in this regard to be presented to the Shire of Wyndham East - Kimberley prior to commencement of the event.

I understand and acknowledge the Event Application Package has been compiled according to a number of statutory requirements, and any forthcoming Planning Consent (including conditions of approval) are lawfully binding and can be enforced pursuant to the Shire of Wyndham - East Kimberley Town Planning Schemes No.6 and No.7, the *Planning and Development Act, 2005* and the Health (Public Building) Regulations 1992. Furthermore I understand there could be other requirements outside of this package and that, as the event organiser, I am responsible to meet.

Signature: _____ **Date:** _____

Print Name: _____

Important Notes:

- *You may not proceed with your event without written planning consent being issued by the Shire and all other statutory requirements have been satisfied. This may take between 3 to 4 weeks depending on the scale and size of your event.*
- *All conditions will be outlined in a formal notice of Planning Consent. It is your responsibility as the applicant/event organiser to adhere to the conditions of approval.*
- *Applications and approvals for an event are not transferable. Therefore the organiser cannot transfer Shire approval for an event to an alternative venue, date or time, without further consent being granted by the Shire.*
- *You must ensure the event adequately caters for the needs of people with disabilities.*
- *You may be required at the request of the Shire to attend a 'de-brief' of the event to discuss any associated issues and/or possible improvements to the next future events.*

INFORMATION AND GUIDE FOR APPLICANTS

1. LOCATION OF EVENT

If you intend on holding your event on property owned or managed by the Shire of Wyndham - East Kimberley or any other government agency you are required to obtain that organisations consent prior to lodging an application. This includes the signing of the application for under 'Landowners Details' by the appropriate authorised person.

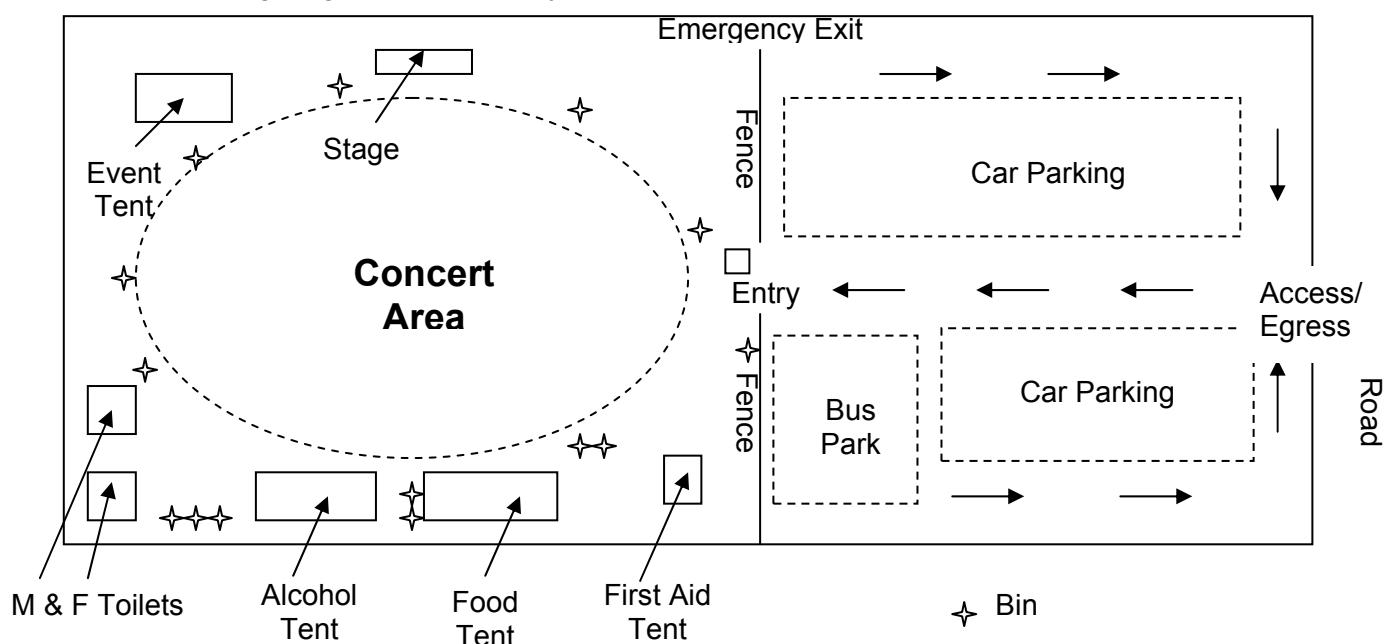
If event is to be held on privately owned land, you will be required to have land owner/s sign the application form.

2. SITE PLAN AND EVENT LAYOUT

A site plan with the layout of the event is to be provided with your application, which shall include location of:

- vehicular access
- onsite car parking and bus drop off areas
- barrier fencing
- stage and sound equipment (if applicable)
- stalls of any kind (food, craft, etc)
- competitor and spectator areas/seating
- liquor licensed area/s (if applicable)
- electrical supply
- first aid facilities/ambulance (if applicable)
- fire fighting vehicle (if applicable)
- structures and buildings (pavilions, sheds, tents, marquees, etc)
- toilet facilities (existing and additional)
- location of bins/waste facilities
- walkways
- external lighting (if applicable)
- emergency access and routes
- over night camping areas (if applicable)
- independent power supply/generators (if applicable)

The following diagram provides a typical example of the site plan required.



3. EVENT TIME FRAME AND EXPECTED ATTENDANCE

The event organiser is to provide the Shire of Wyndham - East Kimberley with dates and time/s the ground/reserve is to be used, including set up and clean up.

The Shire of Wyndham - East Kimberley is to be provided with the estimated number of patrons attending the event, which will be used to calculate toilet, waste and First Aid requirements.

Additionally, a Risk Management Plan may also be required should the event attract a large number of people. Further information on this matter can be obtained from http://www.riskcover.wa.gov.au/riskmanagement/riskcover_riskmanagement_faq.shtml.

4. ACCESS TO VENUE FOR SHIRE STAFF

Shire staff members are to be afforded access to the whole venue prior to and for the duration of the event. Authority cards can be made up for staff members that require access for compliance purposes only.

5. PUBLIC LIABILITY INSURANCE

The Shire of Wyndham - East Kimberley requires public liability insurance be provided for all events to a minimum value of \$5,000,000. This insurance is the responsibility of the event organiser with evidence of such cover to be submitted as part of the application.

6. LEGISLATIVE REQUIREMENTS

Application for the event must be lodged on the Form 1 – Application for Planning Consent and Health Approval contained in this package.

Under the Health (Public Building) Regulations 1992, outdoor events are considered public buildings. The following are requirements under the above regulations:

- toilet facilities relevant to the expected attendance
- disabled access (for both the event grounds in general and toilet facilities)
- evacuation plan and emergency lighting
- general lighting for evening and night events
- all electrical equipment, switches, meters are to be protected from the public and a certificate of electrical compliance (Form 5, appendix 2), must be completed and lodged with the Shire prior to commencement of the event.
- exit signs are to be provided
- fire equipment and adequate communications are to be supplied

Event organisers are to provide sufficient waste disposal facilities relevant to the expected attendance.

Any stalls or premises preparing and/or selling food is to comply with the Health (Food Hygiene) Regulations 1993. Applications to sell food at the event should be lodged with the Shire's Health Department at least 2 weeks prior to the event.

Under the Environmental Protection (Noise) Regulations 1997, noise levels are to comply with the levels set out in those regulations. If the Shire of Wyndham - East Kimberley deems it necessary to have an Environmental Health Officer present to monitor the noise levels of the event, the event organiser may be required to pay for these services. Any officer present to ensure compliance with the above noise regulations is not under the control of the organiser.

7. ALCOHOL AND LIQUOR LICENSING

Event organisers are required to apply for a liquor licence through the Department of Racing, Gaming and Liquor, if alcohol is to be sold at the event. If the liquor licence is approved, details of the licence are to be provided to the Shire of Wyndham East Kimberley at least 2 weeks prior to the event. A copy of the Liquor Licence is to be submitted to the Shire prior to the event and also displayed in the licenced area in full view of patrons.

8. PROVISION OF FIRST AID

The event organiser should provide First Aid facilities relevant to the size of the event.

9. EMERGENCY SERVICES

Event organisers must notify the Police and Fire & Emergency Services of the event and the event time frame. A contact number for the event organiser should be given to these organisations in case of emergency.

Access must also be available to emergency vehicles as required.

10. NOTIFICATION OF ROAD CLOSURES

The event organiser is to notify and seek approval from the Shires Engineering Department (and Main Roads if necessary) for any road closures for the event, prior to lodging an application with the Police. Please note partial road closures or suspension of the Traffic Act requires approval and these forms/approvals need to be sourced from Police, at least 6 weeks prior to the event to allow for separate processing.

Additionally, adequate time must be allocated to consultation with affected parties that may include local residents and business owners.

11. WATER & POWER

It is the responsibility of the event organiser to ensure a potable water supply (to public health drinking standards) is made available for patrons at the event. Event organisers may need to organise independent power supplies for Shire grounds.

12. FIREWORKS

Approval is required from the Department of Mines, the Police and the Shire of Wyndham - East Kimberley for the discharge fireworks at an event. Applications in this regard can be obtained from the Department of Mines.

If approved, the State Fire & Emergency Services are to be notified and appropriate fire fighting equipment is to be provided at the event.

13. PARKING

The event organiser is to ensure sufficient parking and manoeuvring area is available for the expected number of competitors and patrons at the event. This shall include provision for bus drop off and parking, if applicable. All parking areas shall be clearly defined and may require onsite parking attendants depending on the nature and patronage of the event.

14. FENCING

If the event is to be fenced off, or have areas within the event to be fenced (eg. licensed or competitor areas), the fencing is to be inspected by the Shires Building Department prior to the event.

15. CONSULTATION WITH OTHER GROUND USERS

Event organisers should ensure that all other ground users are contacted and informed of the event to ensure there is no conflict of use and/or parking. For applications to conduct events in public areas the Shire in issuing approval may not grant exclusive use of the ground or reserve.

16. CONSULTATION WITH COMMUNITY

All neighbouring landowners should be consulted to avoid any from of conflict. In this regard the Shire may seek comment from all or part of the community through the application process, which may incur an additional cost and reflect in the decision of the local government.

17. APPLICATION FEES

A planning application fee in accordance with the Shire's current Schedule of Fees for a 'Change of Use' applies to an application for an event. Health fees also apply for consideration of an application in compliance with the Health (Public Building) Regulations 1992 and other related legislation.

Additional fees may apply should a building licence or other particular health licences be required

18. RIGHT OF APPEAL

The applicant/owner has a right of appeal against the Council's decision, be it a refusal or any condition of approval, in accordance with the provisions of the *Planning and Development Act, 2005*. In this regard contact should be made with the State Administrative Tribunal on 9219 3111 or via website www.sat.justice.wa.gov.au to obtain the relevant time limitations, appeal process, appeal forms and respective fees.

ADOPTED: 18/8/09

REVIEWED:

AMENDED:



Food Act 2008

Temporary Food Stall Notification

Applicant Details

OFFICE USE ONLY	
Date Received	
Document No	
File	PH.12.1
Officer	
Fee \$	
Receipt No	
General Ledger Account	1070414

Name of Stall:	
Postal Address:	
Contact Person:	
Phone:	Mobile:
Fax:	E-mail:

Address where food will be prepared

Address:
Property Owner:

Address where food will be sold

Address:
Property Owner:

Is the stall run as;

- ☐ part of a business that is currently registered as food business within the Shire - **NO FEE**
- ☐ part of a business which is registered as a food business in another Local Government in WA – **NO FEE**
- ☐ part of a business which is not registered as a food business anywhere in the WA - **REGISTRATION FEE**
- ☐ a charitable organisation - **NO FEE**

Details of charitable organisation and what fundraising will go towards

Is the stall part of a larger event i.e. markets, concert, festival?

- ☐ Yes Name of Event: _____
- Event Date(s) and time: _____
- ☐ No Signature of property owner: _____
- Date and Time of food stall: _____

Food Stall Construction

- ☐ Open Stall ☐ Tent ☐ Mobile Van (rego: _____)

Food Safety

1. Food sold will be:
☐ Wrapped/Pre-packaged ☐ Unwrapped ☐ Hot ☐ Cold
2. Food sold:
☐ is temperature stable/low risk ☐ requires temperature control/high risk
3. Describe the range and type of food you will offer _____

4. How will food be transported to the site to avoid contamination and maintain correct temperature?

5. How will unwrapped food be protected from contamination? _____

6. How will food requiring temperature control be kept
a) below 5°C _____
b) above 60°C _____
7. How will you manage the following?
Hand washing: _____

Washing utensils: _____

Waste and Rubbish: _____

Waste Water: _____

Declaration:

I hereby undertake to comply with the Food Standards Code and accept responsibility as proprietor of the stall.

All food handlers understand requirements for temporary food premises and will comply with food safety procedures illustrated in this application.

Signature of applicant: _____ **Date:** _____

To the Shire of Wyndham East Kimberley Date:

I hereby certify that the electric light and / or power installation, alteration, addition at the undermentioned premise/event has been carried out in accordance with the Health (Public Building) Regulations 1992.

Name of Event:

.....

Address where electrical work was undertaken:

.....

Details of installation

.....

.....

.....

.....

Is there any work for which you are not responsible?

.....

.....

Signature of licensed electrical contractor or electrical worker authorised to sign on behalf of the electrical contractor/in-house installer.

Signature:

Contractors / In-house Electrical Installers Details

Name:..... Registration No.:

Business Name:Phone No.:

Address:.....



Shire of Wyndham East Kimberley
Council Policy
LPP5

POLICY NO:	LPP5
DIVISION:	Development Services
SUBJECT:	Sea (Shipping) Containers
ENABLING LEGISLATION:	Town Planning Scheme No 7 - Kununurra & Environs

OBJECTIVE:

This policy is intended to:

- Ensure an acceptable quality of development is achieved that does not detrimentally affect the amenity and streetscape of a locality.
- Establish clear guidelines for the assessment of proposals to place sea (shipping) containers or other similar re-locatable storage units on land within the Shire.

POLICY:

1.0 Introduction

Sea containers are a class of development that can have an adverse effect on the visual amenity of an area. Therefore, as a general rule, the Shire of Wyndham – East Kimberley carries a presumption against the use of sea containers being highly visible in urban areas other than for storage of materials and equipment associated with a construction site, limited to a period of six (6) months.

To meet acceptable amenity standards in a particular locality it is necessary that conditions be imposed on any approval granted for the use of a sea container.

2.0 Policy Statements

- 2.1 For the purpose of this policy a sea container shall also include a re-locatable 'box type' storage container or unit. A sea container modified for the purpose of human habitation is not addressed in this Policy and further may be subject to detailed consideration by the local government based on merit.
- 2.2 The placement of a sea container on land in all zones, other than an industrial, agricultural or rural zone, shall:

- a) be the subject of an application for planning consent, as a sea container is considered incidental 'development' under the Shire of Wyndham – East Kimberley Town Planning Scheme/s;
- b) be placed in the rear yard of a property and painted in a colour that compliments the existing residential development on the lot or is adequately screened through the application of landscape screening or other measures acceptable to the local government;
- c) be limited to a maximum of six (6) months only where the structure is being in full or partial view of the street and used for the temporary storage of materials, plant, machinery and equipment associated with a construction site, and building licence has been issued and remains current;
- d) not exceed the maximum dimensions of 6.0m in length, 2.4m in width, and 2.6m in height.

2.3 The local government will only support the use of sea containers in the Wyndham and Kununurra Airport precincts where they are located within an existing shed or hanger building, other than as described in Statement 2.2 b) of this Policy.

2.4 In order for a planning approval to be issued, an application must detail (at a minimum) the sea container will:

- a) not result in a detrimental impact on the amenity of the land or any adjoining land or development;
- b) not impinge on any boundary setbacks, as required by the Town Planning Scheme or be located in front of the building line or be visually prominent from any public road other than during a period of construction;
- c) not compromise any associated approved development or use by:
 - impinging on any car parking bays required to satisfy the minimum car parking requirement for the associated approved development or use;
 - being located within an existing service yard or bin storage area;
 - obstructing any existing access or visual truncation provided to an access-way (pedestrian or traffic);
- d) be in good repair with no highly visible rust marks;
- e) be uniform in colour to complement the building site to which it is ancillary or surrounding natural landscape features;
- f) be appropriately screened where considered necessary by the local government in order to meet 2.3 a) above, and the objectives of this policy.

2.5 The placement of a sea container on land in an industrial, agricultural or rural zone is exempt from planning consent. However, sea containers in these zones are to be located behind the prescribed front

boundary setback for the property, and where practicable, be placed to the side or rear of an existing building.

- 2.6 A sea container intended to be used for permanent storage greater than six (6) months will require an application for a building licence to be lodged and approved by the local government. In particular the application is to provide engineered footing and tie down details.
- 2.7 The placement of a sea container in non-conformity with this policy will result in enforcement action be taken by the local government, that could involve removal and impoundment of the sea container at the cost to the land owner.

ADOPTED: 18 August 2009

REVIEWED:

AMENDED:



Shire of Wyndham East Kimberley
Council Policy Manual
LPP6

POLICY NO:	LPP 6
DIVISION:	Development Services
SUBJECT:	Caretaker's Dwellings in Light Industrial Areas
ENABLING LEGISLATION:	Town Planning Scheme No.6 - Wyndham Town Planning Scheme No 7 - Kununurra & Environs

OBJECTIVES:

- To reiterate, clarify and to some degree relax the development standards applied to the establishment of a Caretaker's Dwelling in industrial zones as prescribed under Clauses 5.13.1(b), 5.13.2 a) – f) and 5.16.5 of Town Planning Scheme No.7 and apply consistent standards through Town Planning Scheme No.6.
- To ensure that residential living through the use of caretaker's dwellings does not impose constraints on lawful use of land for industrial purposes nor compromise the integrity of industrial areas.
- To acknowledge that caretaker's dwellings at times are needed for financial and security purposes, whilst equally recognising that the physical environment in industrial areas is potentially unsafe and unattractive for residents.
- To provide for caretaker's dwellings in industrial areas subject to appropriate planning controls.

POLICY:

1.0 Introduction

A Caretaker's Dwelling is listed as a permitted use in the Shire's Town Planning Scheme No.6 and Town Planning Scheme No.7 providing an industrial use has first been approved and established on the same property.

However, it is widely accepted that caretaker's dwelling, deemed a sensitive land use under the Environmental Protection Authority guidelines, can potentially conflict with some industrial uses, particularly general industry uses. In light of this, consideration needs to be given to a range of standards and provisions that provide for a caretaker's dwelling whilst ensuring the industrial purpose and integrity of the zoning is adequately maintained.

2.0 Definitions

“Caretaker’s Dwelling” means a habitable building used by a person having the care of buildings, plant, equipment and grounds associated with an industrial business or use that is conducted on the same site.

3.0 Policy Statements

- 3.1 This policy is only applicable to the establishment of a caretaker’s dwelling in the Industrial’ zone in TPS No.6 and the ‘Light Industry’ zone for TPS No.7.
- 3.2 A caretaker’s dwelling is to be incidental to the predominant industrial use of the site.
- 3.3 Only one (1) caretaker’s dwelling may be supported on any one lot.
- 3.4 A caretaker’s dwelling will not be supported by the local government without a legitimate industrial use/business also being applied for and approved at the same time.
- 3.5 Failure to proceed with a legitimate industrial use/business within a two (2) period may result in the Local Government instigating enforcement action to remove the caretaker’s use.
- 3.6 A caretaker’s dwelling shall not take the form of a caravan or basic ‘flat roof’ transportable accommodation unit, although a park home structure may be acceptable based on condition and overall presentation of the building at the discretion of the Local Government.
- 3.7 A caretaker’s dwelling is to fully accord with the requirements of the Building Code of Australia (BCA) for a Class 1 or 4 building.
- 3.8 A caretaker’s dwelling shall, as per the Town Planning Scheme provisions:
 - a) not exceed three bedrooms and a total floor area of 100m² measured from the external face of the outer walls. Open verandahs may be permitted but must not be enclosed by any means unless the total floor area remains within the 100m² in floor area;
 - b) be adequately screened from view from the street, and where possible, be located behind existing buildings on the lot.
- 3.9 The applicant for a caretaker’s dwelling is to submit with an application for planning consent a Statutory Declaration that clearly acknowledges the potential for high levels of nuisance (ie noise, dust, traffic, and hours of operation) that can emanate from an industrial activity that

may have an adverse effect on the residential habitation of a caretaker's dwelling.

- 3.10 This applicant is to place a notification on the Certificate of Title for the subject property that affords notice to any prospective purchaser and heir or successor of the Title in regards to Statement 2.9, above.
- 3.11 The Local Government will not support a survey strata subdivision that involves a caretaker's dwelling unless a viable industrial business is established on the same strata lot – refer to Figure 1.

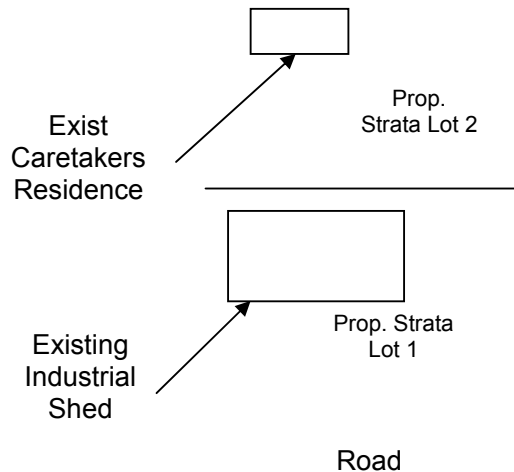


Figure 1 – Proposed Survey Strata Subdivision – **not supported**

- 3.12 Notwithstanding Statement 3.10 above, the Local Government will only support one caretaker's dwelling on the 'parent' lot where approval for a built strata subdivision is sought.

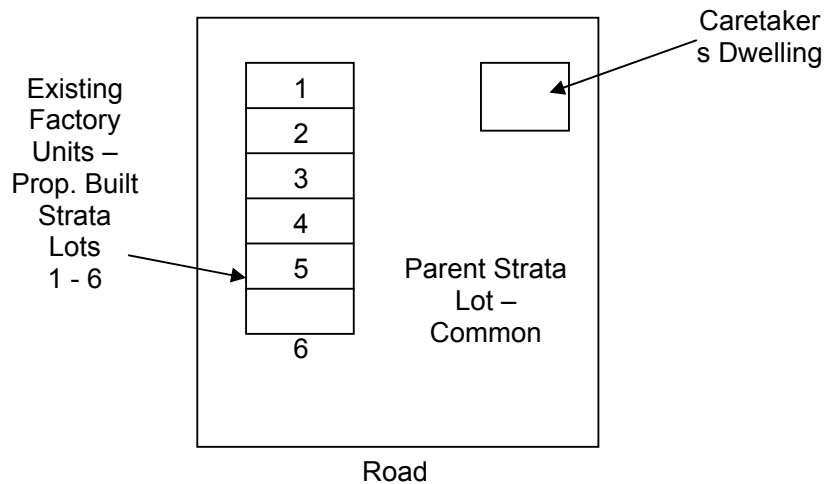


Figure 2 – Proposed Built Strata Subdivision – **only one caretaker's dwelling**

REFERENCE:

The Shire of Wyndham – East Kimberley Town Planning Scheme No.6 and No.7, and the *Planning & Development Act (2005)*.

ADOPTED: 15 December 2009

AMENDED:

REVIEWED:



Shire of Wyndham East Kimberley
Council Policy Manual
LPP7

POLICY NO:	LPP7
DIVISION:	Development Services
SUBJECT:	Relocated and Transportable Buildings
REPORTING OFFICER:	Executive Manager of Development
ENABLING LEGISLATION:	Town Planning Scheme No 7 - Kununurra & Environs Town Planning Scheme No.6 - Wyndham

OBJECTIVE:

This policy is intended to:

- Ensure an acceptable quality of development is achieved that does not detrimentally affect the amenity and streetscape of a locality.
- Establish clear guidelines for the assessment of proposals to transport or relocate new and 'second-hand' buildings to land within the Shire.

POLICY:

1.0 Introduction

This Policy seeks to provide a level of clarity as to the requirements for relocation of previously used buildings and the transportation of purpose built new or near new pre-fabricated buildings.

In many circumstances relocated buildings are 20 – 40 years of age and are often clad with asbestos, which when transported can present a significant health risk. Additionally, the structural integrity of the building needs to be considered, particularly with the use of 'second hand' materials, and design and placement of the building requires due consideration to its presentation and harmony with surrounding environs.

To the contrary transportable buildings are usually designed and pre-fabricated for transportation with a specific purpose, and therefore do not require the same level consideration and assessment.

2.0 Definitions

2.1 **“Relocated Building”** (previously used) *means a building that was originally designed, constructed for purpose and is capable of being relocated and re-used on another site for the same purpose.*

2.2 **“Transportable Building”** (new or near new) *means a new prefabricated building that is designed & constructed for transport to a site on a design for purpose basis.*

3.0 Policy Statements

3.1 An application for transportable building shall be accompanied by a relevant building licence application inclusive of site plan, floor plan, elevations, working drawings and specification, engineering certification, and energy efficiency assessment.

3.2 The application for a Relocated Building (previously used) shall be accompanied by:

- a) A floor plan of the re-located building drawn to scale of no less than 1:100;
- b) A series of photographs of each elevation of the relocated building prior to it being dismantled showing its standard of presentation;
- c) A site plan of the property where the building is being relocated too showing the proposed location of the relocated building (and effluent disposal system if applicable) in relation to boundary setbacks, natural features, and existing buildings;
- d) A detail report on the structural integrity of the relocated building prepared by a certified Building Surveyor or practicing structural engineer;
- e) An energy efficient assessment should the intended use of the building be for residential habitation;
- f) A written submission from the proponent detailing the proposed works to be undertaken to the relocated building to improve its visual presentation and ensure it complies with the relevant building and health standards as required under the *Building Code of Australia* and the *Health Act 1911*.

3.3 The Local Government may not support the placement of a transportable or relocated building on a particular property should there be concern regarding design and aesthetic presentation of the building that could have an adverse affect on the quality of housing stock in a specific area or locality.

- 3.4 A relocated or transportable building shall not be sited on a property within the Shire without planning consent and a building licence being first obtained from the Local Government.
- 3.5 Any dwelling containing or suspected of containing asbestos must be considered by Shire's Environmental Health Department prior to relocation. If asbestos is determined as present, it shall be removed prior to the building it being transported in the Shire. Any removal of asbestos must comply with WorkSafe WA Asbestos Handling Guidelines.
- 3.6 The Local Government at its discretion may impose conditions requiring the relocated building to be re-roofed, re-clad and/or re-painted within a specified time frame to ensure the building presentation is of an acceptable standard to the Council.
- 3.7 The Local Government at its discretion may impose a bond or bank guarantee to a minimum value of \$7,500 to ensure that any condition on the approval is observed and met to the satisfaction of the Local Government.

ADOPTED: 15 December 2009

AMENDED:

REVIEWED:



Shire of Wyndham East Kimberley

Council Policy Manual

LPP11

POLICY NO:	LPP 11
DIVISION:	Development Services
SUBJECT:	Transient Accommodation
REPORTING OFFICER:	Executive Manager Development Services
ENABLING LEGISLATION:	Town Planning Scheme No 7 – Kununurra & Environs Interim Development Order No.10

POLICY:

1.0 CONTEXT

Transient Accommodation is common within the Shire of Wyndham East Kimberley (SWEK) due to the seasonal and part time nature of employment associated with the agricultural sector and at a lesser scale, industrial, tourism and commercial enterprises.

There are various types of transient workforces including operational/seasonal and semi-permanent that can demand different forms, scales and locations for Transient Accommodation to serve the needs of individual employers.

This Policy attempts to provide additional clarity around the nature of Transient Accommodation and its permissibility and application within the SWEK district.

Further, it must be noted that Transient Accommodation does not generally apply to the mining and construction sectors where temporary accommodation camps are required for a fixed period applicable to a defined term of a project or activity. – refer to the Shire Local Planning Policy (LPP) 12 – Temporary Workers Accommodation.

2.0 INTERPRETATION AND PERMISSIBILITY

2.1 Definitions

Transient Accommodation is presently defined within the Shire Town Planning Scheme No.7 as:

Transient Accommodation - means any habitable building permanently affixed to the ground by footings as required by Council and includes any caravan, transportable dwelling or any structure used for habitation for the purposes of accommodation for a period not exceeding 6 months

For the purpose of this policy Transient Accommodation is further interpreted in three definitions as follows:

Rural Transient Accommodation 1 – applies to respective rural zones covered by Town Planning Scheme No.7 where the land parcel is equal to or less than 12 hectares in area and the total number persons to be housed in the accommodation does not exceed seven (7) persons directly employed in a related rural use on the subject property.

Rural Transient Accommodation 2 - applies to respective rural zones covered by Town Planning Scheme No.7 where the land parcel is greater than 12 hectares in area and the total number persons to be housed in the accommodation does not exceed thirty (30) persons directly employed in a related rural use on the subject property.

Townsite Transient Accommodation – applies to the Kununurra townsite only where Transient Accommodation development is permissible under Town Planning Scheme No.7 and the total number of persons allowed to be housed in the accommodation does not exceed seven (7) persons on a lot containing another land use, of which the Transient Accommodation may or may not be ancillary too.

Notwithstanding the above definitions that are considered acceptable in terms of scale and density of development, the Council may considered applications which fall just outside of these interpretations with reference to the general intent and objectives of this Policy.

2.2 Scope

For the purposes of this Policy Transient Accommodation incorporates all buildings and structures, facilities and infrastructure/utilities required to accommodate a transient workforce.

2.3 Approval Requirements

The need for approval of Transient Accommodation is detailed within the Shire Planning Scheme or other statutory requirement, such as an Interim Development Order (IDO).

Where the proposed Transient Accommodation is not located within the Shire Planning Scheme area, and an application for planning approval is required through another statutory requirement, the Shire will assess the application pursuant to this Policy, the requirements of the Shire Planning Scheme relevant to the application for Transient Accommodation, and any other relevant requirements.

2.4 Permissibility

The land use permissibility of Transient Accommodation is detailed within the Shires Town Planning Schemes. Permissibility must be referenced through the Town Planning Scheme documents in the first instance.

3.0 GENERAL POLICY POSITION OF COUNCIL

3.1 Purpose

The Council of the Shire of Wyndham East Kimberley does not support the development of Transient Accommodation in circumstances where permanent accommodation arrangements are readily and practically available within existing townsites and in reasonable proximity to the workplace.

The Council does, however, acknowledge that Transient Accommodation may be required in certain circumstances due to:

- The remoteness of a workplace from existing townsites;
- The limited seasonal or temporary nature of the employment generating activity; and
- A severe shortage of land and housing supply.

The Council considers Transient Accommodation as a 'semi-permanent' facility for seasonal or part time workers as opposed to providing permanent accommodation for full-time employees or other persons, and therefore should not be construed as a permanent long-term solution for transient workers or as a permanent housing alternative. In this context, the Council will consider applications for Transient Accommodation on individual merit, having regard to the Shire Town Planning Scheme, this Policy, other relevant Policies and any other relevant requirements.

The Council also acknowledges the general nature of changing circumstances, in terms of employment sectors generating a need for transient workforces and the resultant type, scale and locations of accommodation sought, and therefore may apply discretion and flexibility in allowing this form of development.

3.2 Amenity

The Shire accepts that lower levels of amenity than those which could be typically expected within permanent accommodation. However, all applications should as a minimum accord with the standards as prescribed in this Policy, Environmental and Health legislation and the Building Code of Australia.

3.3 Industrial Areas

The Council does not support the unrestrained proliferation of Transient Accommodation within townsites, especially within areas when industrial land uses are permitted, due to the potential for land use conflict and amenity concerns. Industries can generate a range of emissions and pollutants

including noise, dust, vibration, gas, odour fumes and light spill, which may not be compatible with Transient Accommodation. The Council will therefore give due regard to the type and scale of surrounding industrial use and associated impacts before determining a development application.

Furthermore, the location of sensitive land uses, such as Transient Accommodation in proximity to industrial uses may compromise the ability of the industry and the broader industrial area to operate effectively, and may prevent certain industrial uses from developing or expanding. This will also be taken into consideration when determining an application for Transient Accommodation in a general or light industrial area.

3.5 Rezoning

The Council supports the establishment of small-scale townsite Transient Accommodation development in accordance with the Town Planning Scheme permissibility and provisions where acceptable levels of on-site amenity are proposed, and the amenity of the surrounding area is not compromised.

For medium-scale townsite Transient Accommodation the Council may require the land to be rezoned, subject to the applicant providing the necessary information and addressing the following aspects, at a minimum, to justify the proposal:

- Proximity to established townsite services, facilities and infrastructure, current and future/proposed surrounding zonings, reservations and land uses, lot sizes and proportions, amenity for transient workers and the surrounding areas;
- A development concept plan for the entire site, addressing the requirements of this Policy, the Shire Planning Scheme and any other relevant requirements.

4.0 OBJECTIVES

The objectives of the Policy are to:

- Uphold the general policy position of Council, as set out above;
- Facilitate Transient Accommodation developments in appropriate locations;
- Minimise land-use conflict;
- Provide a reasonable level of amenity, and ensure the health and safety of transient workers residing with Transient Accommodation;
- Provide a functional living environment for transient workers residing within Transient Accommodation;
- Ensure the amenity and desired character of the site and surrounding area is maintained and protected;
- Provide guidance on the use of Transient Accommodation as seasonal temporary short-term accommodation for transient workers;

- Recognise that Transient Accommodation proposals will take varying forms depending upon site specific and case-by-case circumstances;
- Ensure compatibility with the predominant land use;
- Apply reasonable and relevant policy provisions to maintain a standard for Transient Accommodation; and
- Provide a level of clarity, guidance, certainty and consistency to applicants, the Shire and the community.

These objectives will be given due regard in the assessment of all applications for Transient Accommodation.

5.0 SPECIFIC POLICY PROVISIONS

The following specific policy provisions will be applied in the assessment of applications for Transient Accommodation dealt with by this Policy in addition to the Shire Town Planning Scheme/s and other requirements.

5.1 Location

5.1.1 In the case of Rural Transient Accommodation all buildings must:

- be setback from front, side and rear boundaries in accordance with the requirements for each zone in the Shire Town Planning Scheme, and where possible should be clustered in close proximity to existing residential dwellings and/or other buildings;
- not be sited on existing productive rural land. The Shire may refer an application to the Department of Agriculture and Food and other relevant agencies for comment prior to making a determination, where there are concerns regarding the impact of the proposed development on the use of land for agriculture; and
- must be appropriately set back from existing productive rural land to avoid land use conflicts such as spray drift, dust, odour and noise.

5.1.2 In the case of Townsite Transient Accommodation:

- The Transient Accommodation must be located to the rear of the lot behind primary land use to allow for appropriate screening from view from public places. In addition, or alternatively, the Shire may consider the provision of appropriate screening, through vegetation or other means, where the Transient Accommodation is visible from the street;
- Buildings for Transient Accommodation must be setback from front, side and rear boundaries in accordance with the requirements of each zone in the Shire Town Planning Scheme;
- Where the Shire considers that there may be a significant land use conflict between the Transient Accommodation and any existing use on the site or adjoining and nearby sites planning consent will not be granted.

5.1.3 Adequate separation must be provided between Transient Workforce Accommodation buildings to ensure privacy and amenity to occupants and to satisfy any relevant Building Code of Australia or Health Regulation requirements.

5.1.4 In accordance with State Planning Policy, Transient Accommodation:

- Must not be sited in a mining buffer area; and
- Will generally not be approved on land zoned for general industrial development, on lots containing, or with the potential to contain, general industrial uses and/or in close proximity to general industrial uses, unless there are extraordinary circumstances which can be provided and agreed to by the Shire as to why the Transient Accommodation is required.

5.1.5 Transient Accommodation must not be located in proximity to land containing, or with the potential to contain, agriculture, industry, mining and other land uses to the extent that:

- These land uses may adversely affect the amenity, health and safety of the transient workers; and
- The accommodation may adversely, detrimentally or prejudicially affect the use, or the continued use, of the land for its productive agriculture, industry, mining or other purpose.

5.1.6 In determining the compliance of an application with provisions 5.1.4 and 5.1.5 above, the Shire may refer the application to the Department of Health, Department of Environment and Conservation and Department of Industry and Resources, or their equivalent, for comment and recommendations.

5.2 Need

The applicant shall detail the need for the Transient Accommodation including an explanation as to why the transient workers cannot be accommodated through alternative arrangements within townsites.

5.3 Environment

The design and location of Transient Accommodation must not have an adverse impact on environmentally sensitive areas. Where there are concerns regarding the impact of a proposal on an environmentally sensitive area/s, the Shire may seek comment from the Department of Environment and Conservation and/or Environmental Protection Authority, or equivalent, prior to determining the application.

5.4 Amenity

In determining an application for Transient Accommodation, the Council will:

- 5.4.1 Take into consideration the level of amenity for the transient workers and may apply any condition of approval which has the effect of increasing the level of amenity proposed or ensuring that a reasonable level of amenity is maintained.
- 5.4.2 Have regard to current and proposed surrounding land zonings, reservations and land uses and the likely affect of the proposal on the level of amenity and desired character of these surrounding areas. The Council may impose any condition of approval which has the effect of maintaining the level of amenity or preserving the desired character of surrounding areas.

5.5 Fencing and Screening

- 5.5.1 Townsite Transient Accommodation sites shall have solid fencing on the side and rear boundaries and permeable fencing to the front boundary of the lot.
- 5.5.2 Transient Accommodation must be appropriately screened by vegetation or other means, to the satisfaction of the Council, from:
- Public roads frequented by tourists;
 - Adjoining lots zoned for purposes other than rural, including rural-residential land or its equivalent;
 - Particular tourist, scenic, visual, natural or other attractions; and
 - In the case of rural accommodation, adjoining lots zoned for purposes other than rural, including rural-residential land or its equivalent.

5.6 Landscaping

- 5.6.1 The Council may require a landscaping plan for the development site detailing hard and vegetated landscaping should the Transient Accommodation be highly visible from a major road or have adverse effect on a neighbouring residence.
- 5.6.2 Natural vegetation should be retained in any development scenario wherever possible.

5.7 Open Space

- 5.7.1 At least 50% of the site for Transient Accommodation should be retained as open space. For the purposes of this Policy provision, open space will be calculated as per the definition contained within the Residential Design Codes of Western Australia.

5.8 Buildings

- 5.8.1 Transportable buildings for Transient Accommodation must be permanently affixed to the site by footings.

5.8.2 All buildings and structures are to have a form and appearance, including materials and colours, which do not detract from the amenity and desired character of the area.

5.9 Essential Facilities

5.9.1 Transient Accommodation developments should be provided with the following essential facilities as a minimum:

- Ablution facilities including showers, toilets, laundry and associated facilities;
- A covered and/or sheltered entry area and desirably an outdoor activity area;
- An uncovered outdoor activity area, of which part may be shaded; and
- Kitchen/cooking facilities or a commercial kitchen and eating areas.

These facilities may be provided conjoining sleeping areas, provided they are for the exclusive use of those residents. These facilities may alternatively be provided within close proximity to sleeping areas and must be readily accessible by foot.

5.10 Storage

5.10.1 Adequate and secure storage space must be provided for the belongings of transient workers.

5.10.2 Adequate space must be provided for the storage of equipment and other materials required for the management, maintenance and upkeep of the Transient Accommodation development.

5.11 Lighting

5.11.1 Adequate lighting must be provided to allow for pedestrian and vehicular safety and security throughout the development. For Townsite Transient Workforce Accommodation, lighting shall be designed so as not to adversely impact neighbours.

5.12 Access and Transport

5.12.1 Internal pedestrian access is to be provided to and between all transient accommodation buildings and facilities by way of adequately paved pathways to the satisfaction of the Council;

5.12.2 One car parking space shall be provided for every two (2) transient workers (or part thereof) which can be accommodated within the development, where the transient workers have or are provided with access to private vehicles. The car parking spaces must be for the exclusive use of transient workers;

5.12.3 An application for Transient Accommodation shall detail;

- Any car parking arrangements for transient workers;
- Means of transport provided for transient workers to access employment;
- The ability for larger vehicles to access and leave the site in forward gear.

5.12.4 Internal roads and access ways must be designed and constructed to the satisfaction of the Council.

5.13 Occupants

5.13.1 Occupants of the Transient Accommodation must be employed in the employment generating project associated with the Transient Accommodation.

5.14 Statutory Declarations

5.14.1 To ensure compliance with the Shire Planning Scheme and this Policy, the Shire may, as a condition of planning approval, require a statutory declaration from the applicant acknowledging that the Transient Accommodation will only be occupied in accordance with the stated definitions in this Policy.

5.16 Subdivision

5.16.1 The approval of Transient Accommodation by the Shire should not be construed to indicate support from the Shire for an application for subdivision of the land upon which the approval has been granted.

6.0 APPROVALS AND CONDITIONS

Notwithstanding any of the above policy provisions, the Shire may impose any condition of approval as it deems necessary to ensure compliance with the objectives of this policy, compliance with the Shire Planning Scheme, and compliance with any other relevant requirement.

ADOPTED: 17 November 2009



Shire of Wyndham East Kimberley
Council Policy Manual
LPP12

POLICY NO:	LPP 12
DIVISION:	Development Services
SUBJECT:	Temporary Workers Accommodation (Camp)
REPORTING OFFICER:	Executive Manager Development Services
ENABLING LEGISLATION:	Town Planning Scheme No 7 – Kununurra & Environs Town Planning Scheme No 6 – Wyndham Interim Development Order No.10

1.0 CONTEXT

Temporary Workers Accommodation is occasionally required in the Shire of Wyndham East Kimberley in response to the need for remote and/or short term workers accommodation, mainly for larger scale construction and mining projects.

Temporary Workers Accommodation does not apply to typical transient workforce requirements where seasonal accommodation camps are required for up to 30 workers directly employed in the local agricultural, industrial and tourism sectors – refer to the Shire Local Planning Policy (LPP) 11 – Transient Workforce Accommodation.

2.0 INTERPRETATION AND PERMISSIBILITY

2.1 Definitions

For the purposes of this policy a ‘Temporary Workers Accommodation’ is defined as:

“Development which remains in place on a temporary basis that provides accommodation for construction-related workers and their dependents, or mine site workers usually on a ‘drive in/drive out’ and ‘fly in/fly out’ basis, and consists of buildings and other structures which by virtue of their design, layout, density and/or location, is not specifically provided for within the Town Planning Scheme/s and can only be approved pursuant to the ‘use-not-listed’ provisions contained within the Scheme.”

2.2 Scope

For the purposes of this Policy Temporary Workers Accommodation incorporates all buildings and structures, facilities and infrastructure/utilities required to accommodate a temporary workforce.

2.3 Permissibility and Determination

A Temporary Workers Accommodation is deemed a 'Use Not Listed' under Clause 3.2.5 of the Shire Town Planning Scheme No.6 and Clause 3.1.6 of the Shire Town Planning Scheme No.7 and any other planning instrument of the Shire that sets out to guide land use development outside of the designated Planning Scheme areas.

Accordingly, determination of an application for a Temporary Workers Accommodation facility will be conducted pursuant to the respective clauses of the Town Planning Schemes mentioned above, and all relevant provisions detailed in this Local Planning Policy.

3.0 GENERAL POLICY POSITION OF COUNCIL

3.1 Objectives

The general objectives of this policy are:

- 3.1.1 To ensure that applications for the development of Temporary Workers Accommodation are assessed in a consistent, fair, thorough and timely manner;
- 3.1.2 To provide guidance to staff, Councillors, other government agencies, landowners, developers, consultants and the general public regarding the assessment of applications for Temporary Workers Accommodation; and
- 3.1.3 To provide, where necessary, for the development of Temporary Workers Accommodation in a way that maximises social benefits whilst minimising social costs.

3.2 Location

- 3.2.1 The particular location of a Temporary Workers Accommodation/Camp is at the discretion of the Shire and will depend on the capability, suitability and appropriateness of the proposal. The Shire does not support Temporary Workers Accommodation located:
 - 3.2.1.1 In a position or area that would adversely affect residential, rural residential or rural smallholdings development and lifestyles or that would detract from any particular scenic or visual attraction;
 - 3.2.1.2 Adjacent to recognised tourist routes unless screened or designed for a permanent redundant use;

- 3.2.1.3 Within any sensitive areas such as mining, industrial, waste treatment or landfill site buffers
- 3.2.1.4 On land zoned for general industrial development, on lots containing, or with the potential to contain, general industrial uses and/or in close proximity to general industrial uses, unless there are extraordinary circumstances which can be provided and agreed to by the Shire, as to why the Temporary Workers Accommodation is required.
- 3.2.2 An adequate separation must be provided between Temporary Workers Accommodation buildings to ensure privacy and amenity to occupants and to satisfy any relevant Building Code of Australia or Health Regulation requirements.
- 3.2.3 Temporary Workers Accommodation must not be located in proximity to land where there may be a perceived level of conflict, specifically when:
 - 3.2.3.1 These land uses (ie agriculture, industry, mining) may adversely affect the amenity, health and safety of workers; and
 - 3.2.3.2 The accommodation facility may adversely, detrimentally or prejudicially affect the use, or the continued use, of the land for its productive agriculture, industry, mining or other purpose.

3.3 Need

The applicant shall detail the need for a Temporary Workers Accommodation facility. The Shire in turn will examine the explanation provided by the applicant and have due regard to the need or otherwise for the Temporary Workers Accommodation in determining the application.

3.4 Environment

The design and location of Temporary Workers Accommodation must not have an adverse impact on environmentally sensitive areas. Where there are concerns regarding the impact of a proposal on an environmentally sensitive area(s), the Shire may seek comment from the Environmental Protection Authority and/or the Department of Environment and Conservation, or equivalent, prior to determining the application.

3.5 Amenity

The Shire accepts that lower levels of amenity than those which could be typically expected within permanent residential accommodation. However, all applications should as a minimum accord with the standards as prescribed in this Policy, Environmental and Health legislation and the Building Code of Australia.

3.6 Density

The overall density of development for Temporary Workers Accommodation should not exceed 100 workers per hectare.

3.7 Specific Application Detail

The following information shall be provided with a development application for planning consent:

- 3.7.1 A minimum of 4 sets of accurately scaled and dimensioned locality plans, site plans, floor plans, elevations (generally north, south, east and west elevations showing all buildings proposed for the site, rather than elevations of individual buildings, or as otherwise agreed by Council);
- 3.7.2 An analysis of the physical characteristics of the site (on sloping sites topographic mapping may be required);
- 3.7.3 Details regarding the maximum number of persons to be housed at the site, including the expected number male and female workers;
- 3.7.4 Details of how development is to be staged, if applicable;
- 3.7.5 Information regarding how essential services are to be provided to the site;
- 3.7.6 Details of proposed/intended accommodation purchaser/s (i.e. whose workforce is the accommodation intended to house);
- 3.7.7 An indication from the proposed/intended accommodation purchaser/s of the suitability of the proposal for their accommodation needs (i.e. in terms of size, location, layout, facilities and detailed design does it meet their requirements for accommodating their workforce);
- 3.7.8 Details of any prior consultation with local communities and government agencies;
- 3.7.9 Details of any ongoing community benefit that will result from development of the accommodation facility;
- 3.7.10 In urban or near-urban situations, details of landscaping, fencing, internal access roads and building materials and finishes;
- 3.7.11 An Accommodation Facility Management Plan; and
- 3.7.12 A Decommissioning Plan that outlines the removal of buildings and structures, disconnection of utilities and rehabilitation of the site to a neat and tidy condition.

3.8 Minimum Requirements

3.8.1 Applications should demonstrate the Temporary Workers Accommodation facility:

- 3.8.1.1 Is strategically located no further than 50 - 60 kilometres to the primary construction or mining site, and is within reasonable commuting distance to a range of services including social, recreational, commercial, retail and medical, if not provided on site;
- 3.8.1.2 Has direct access to an established road that meets the specifications of the Shire;
- 3.8.1.3 Is not located in an area of perceived environmental, social or visual sensitivity;
- 3.8.1.4 Where practical, offers some level of 'value added' benefit for re-use of the infrastructure, either in part or in whole, beyond the life of the temporary accommodation camp use;
- 3.8.1.5 Achieves compliance with the *Western Australian Construction Camp Regulations, 2004* and other relevant legislation as required by Council;
- 3.8.1.6 Is appropriately designed to suit the climatic conditions of the East Kimberley region;
- 3.8.1.7 Will effectively and appropriately be serviced by connection to utilities, including nature or type of power supply, potable drinking water source, effluent disposal system and telecommunications;
- 3.8.1.8 Will effectively and appropriately be managed through the preparation and implementation of an Accommodation Management Plan to be submitted with the application for planning consent. The Management Plan is to address:
 - noise, dust, odour, light-spill and litter to be maintained to an acceptable amenity level in accordance with the minimum standards prescribed in environmental and health regulations;
 - potential conflict with owners and/or occupiers of land within the vicinity of the site that may be affected by the operation of the accommodation facility;
 - the method of transportation of workers to the site where construction is taking place; and
 - the consumption of alcohol in the accommodation facility (if applicable).

3.8.2 As a minimum applications for Temporary Workers Accommodation should:

- 3.8.2.1 Include a landscaping plan for the development site detailing hard and vegetated landscaping. Where possible, remnant vegetation should be retained to form a natural buffer around the accommodation site. Landscaping should also focus on achieving shade and privacy/visual screening for practical effect;
- 3.8.2.2 Show at least 50% of the accommodation site as open space;
- 3.8.2.3 Illustrate that all transportable buildings can be permanently affixed to the site by footings in accordance Building Code of Australia requirements;
- 3.8.2.4 Detail that all buildings and structures will have adequate form and appearance, including materials and colours in soft earth browns, creams or greens, which do not substantially detract from the amenity and desired character of the area. The use of reflective cladding materials on walls will not be permitted. Where the use of second hand buildings is proposed the application must be accompanied by the following information;
 - Photographs clearly showing the condition from four separate elevations of the used buildings;
 - An inspection report from a certified structural engineer or approved building surveyor.
- 3.8.2.5 Illustrate that the development includes:
 - Ablution facilities to be provided in each accommodation room including shower, toilet and wash basin connected to an approved effluent disposal system;
 - Communal laundry and associated facilities connected to an approved effluent disposal system;
 - A covered and/or sheltered entry for each building and an outdoor activity area;
 - An uncovered outdoor activity area, of which part may be shaded.
 - Kitchen/cooking facilities or a commercial kitchen and eating areas.
 - Adequate and secure storage space for workers, equipment and other materials associated with management, maintenance and upkeep of the accommodation development.
 - Adequate lighting for pedestrian and vehicular safety and security throughout the development.

- Internal pedestrian access to and between all buildings and facilities by way of adequately paved pathways with appropriate directional signage.
- Internal roads and vehicular service access ways.
- Designated car parking area/s with one car parking space for every 2 workers (or part thereof) accommodated within the development site.
- Designated bus parking and collection/drop off area/s located within the development site with suitable turn around area.
- Internal stormwater drainage system to be connected to the Council drainage network.
- Provision of a potable water supply capable of providing a minimum of 80 litres per person per day.
- Provision of waste collection with a common collection area and bins to be provided for each accommodation 'block' and in all common areas.
- Uniform boundary fencing around the accommodation site to a minimum plain post and wire standard.
- Emergency service and first aid facilities for Temporary Workers Camps located outside of a 50 kilometre radius from an established fire brigade and hospital.
- Signage at the entrance of the Temporary Workers Accommodation that clearly details:
 - Site Manager/Operator
 - Specific rules of the Accommodation Camp
 - Map of the Accommodation Camp area
 - Emergency Contact Details
- The provision of public telephones at strategic locations through out the Accommodation site, unless alternative communication arrangements can be demonstrated.

3.8.2.6 Where the accommodation facility is required for a mining project, or similar, in a remote location for an extensive period of time, the Shire may consider the establishment of a more permanent settlement, with a design and layout to reflect the nature of long term use.

3.9 Decommission

Applications shall be accompanied by a Decommissioning Plan committed to by the applicant by means of a legal agreement that addresses the following issues:

- 3.9.2 When the accommodation facility shall be decommissioned;
- 3.9.3 Works that shall remain in place following decommissioning;
- 3.9.4 The clean-up and rehabilitation of the site; and

3.9.5 The transfer of assets to public ownership or other where this has been committed too.

3.10 Keeping of Pets

The Shire does not support the keeping of pets within the Temporary Workers Accommodation site and therefore may require a written agreement be provided by the site manager/operator to this effect.

3.11 Application Process

The following process shall be undertaken to assess an application for a Temporary Workers Accommodation facility:

Step 1 – Preliminaries

The proposal should generally be discussed with Shire planning staff prior to an application being submitted and in some instances preliminary, written advice will be provided. Applicants should ensure, in consultation with Shire staff, that their application contains all the required information.

Step 2 – Initial consideration by Council

Shire staff will present a report to Council detailing the application and addressing all aspects of the policy and any other relevant considerations, including details of a site inspection.

Note, this step may be circumvented through a grant of delegation by the Council to the Chief Executive Officer.

Step 3 – Referral & advertising

The application will be advertised for public comment and referred to relevant stakeholders for a minimum of 21 days in accordance with the Town Planning Scheme requirements. During this period advertisements will be placed in local newspaper/s, letters will be forwarded to adjoining and nearby landowners within a 300 metre radius, a sign/s will be erected on site and plans/documents detailing the application will be made available for inspection at the Shire offices.

Note, in assessing a proposal for Temporary Workers Accommodation the Council may refer the application to other government agencies for comment and recommendations, such as the Department of Fire and Emergency Services (FESA), Department of Health, Department of Environment and Conservation, Department of Indigenous Affairs, and Department of Industry and Resources, or their equivalent, and any other agency the Shire deems as relevant.

Step 4 – Final consideration by Council

The application will be considered in light of any submissions received during the comment period. Shire staff will present a report to Council presenting relevant facts and discussion sufficient to enable Council to make an informed decision on the application for a Temporary Workers Camp.

ADOPTED: 17 November 2009



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POLICY NO:	LPP 15
DIVISION:	Development Services
SUBJECT:	Signage
REPORTING OFFICER:	Executive Manager Development Services
ENABLING LEGISLATION:	Town Planning Scheme No 7 – Kununurra & Environs Town Planning Scheme No 6 – Wyndham

Objectives:

- To control signs in order to safeguard the visual amenity of the Shire
- To ensure safety on state lands and local thoroughfares
- To set out standards which apply to development applications for a range of different signs

Policy:

1. Introduction

Previously, signage in the Shire had been regulated by the Signs and Hoardings and Bill Posting local law, which was repealed in 2003. Ever since, there has been a lack of effective policy guidance in determining development applications for signage. In the absence of such a policy the potential exists for the visual amenity and traffic safety within the Shire to be compromised.

In an endeavour to address this issue and provide a proper guidance in planning decision making it is intended that this policy prescribe the location, height, bulk, scale and appearance of signs, hoardings and bill postings.

2. Legislative and Strategic Context

The policy is made in accordance with Clause 12.6.1 of Town Planning Scheme No. 7 and Clause 3.3.1 of Town Planning Scheme No. 6. The policy does not bind the Council with respect to any applications for planning approval but the Council shall have due regards to the policy. This policy should be read in conjunction with the relevant part controlling advertising in the Town Planning Schemes. If there is any inconsistency between this policy and the Scheme, the Scheme prevails.

3. Definitions

Sign - includes a notice, flag, mark, structure or device on which may be shown words, numbers, expressions or symbols and an **“Advertisement”** has the same meaning as sign.



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Bill Posting – means the attaching, sticking, painting, or stencilling of any bill, poster, placard or advertisement on any building, wall, hoarding or structure whether erected upon private property or upon a public place.

Development sign - an advertisement displayed on a lot advertising units or lots for sale that have been approved by either Western Australian Planning Commission or the Shire.

Display Home sign – means an advertisement sign which is displayed on a lot advertising a building company and inviting members of the public to inspect their dwelling on display.

Entry Statement – is an optional element of landscape work that marks and defines the entry to a property, including individual developments, resorts, residential estate or precincts.

Freestanding sign – a sign not permanently attached to a structure or fixed to the ground and includes “A frame” or “sandwich boards” signs consisting of 2 sign boards attached to each other by hinges or other means.

Horizontal sign – an advertisement attached to a building with its largest dimension horizontal.

Illuminated sign – an advertisement that is so arranged as to be capable of being lighted either from within or without the advertisement by artificial light provided, or mainly provided, for that purpose.

Institutional sign – means a sign erected or placed on land or a building used for or in connection with a surgery, clinic, hospital, rest home, home for the aged, or other institutions or places of a similar nature.

Pennons – long narrow flag, triangular or swallow-tailed flag.

Projection sign – an advertisement that is made by projection of artificial light on a structure.

Property transaction sign – an advertisement indicating that the premise on which it is displayed is for sale or for lease or to be auctioned.

Pylon sign – an advertisement supported by one or more piers and which is not attached to a building and includes a detached sign framework supported on one or more piers to which sign infill may be added.

Roof sign – an advertisement displayed on the roof of a building.

Rural producer's sign – an advertisement displayed on land used for horticultural purposes and which advertises products produced or manufactured upon the land and includes the property owner's or occupier's name.



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Semaphore sign – means a sign attached or affixed to a structure or building which sign is affixed and supported at, or by, one of its ends only.

Tower sign – an advertisement displayed on a mast, tower, chimneystack or similar structure.

Verandah sign – an advertisement above, on or under a verandah, cantilever awning, cantilever verandah and balcony whether over a public thoroughfare or private land.

Vertical sign – an advertisement attached to a building with its largest dimension on the vertical.

Wall panel – means a panel used for displaying a posted or painted message and affixed to or adjoining the wall of business premises or erected on the forecourt of any business premises.

4. Matters to be considered in assessing and determining applications

4.1 Location of Signs

A sign shall not be displayed:

- (1) Where it would detract from the aesthetic environment of a park or other land used by the public for recreation;
- (2) In the case of an internally illuminated sign, where its display would cause glare or dazzle that would have an adverse effect on the amenity of the immediate surrounds;
- (3) In the case of an externally illuminated sign, where the light would not be directed solely onto the device and its structural surround and the light source be so shielded that glare would not occur or extend beyond the sign and cause the driver of any vehicle to be distracted;
- (4) Where it would be likely to interfere with, or cause risk or danger to traffic on a thoroughfare by virtue of the fact that it may obscure the vision of a person driving a vehicle.
- (5) In the case of an illuminated sign, where it may be confused with or mistaken for the stop or tail light of a vehicle;
- (6) Where it significantly obstructs or obscures the view of a river, the sea or any other natural feature of beauty;
- (7) Where it would detrimentally affect the general amenity of the area;



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- (8) Where it is not associated with the approved use of the property on which it is displayed;
- (9) On or adjacent to a footpath which results in the pedestrian access being less than 1.5m in width;
- (10) On a dividing strip, roundabout or traffic island.
- (11) On any local road reserve without the consent from the Shire.

4.2 Sign Safety and Maintenance

4.2.1 Fixing of Signs

Every sign or advertising device shall be securely fixed to the structure by which it is supported, to the satisfaction of Shire Building Surveyor, and the structure and the method of securing shall be maintained in good order and repair to the satisfaction of the Building Surveyor.

4.2.2 Readily Combustible Material

Except in the case of posters securely affixed to a signboard or other structure, readily combustible materials including but not limited to paper, cardboard or cloth shall not form part of or be attached to any sign or hoarding.

4.2.3 Maintenance of Signs

Every sign or hoarding, whether licensed or required to be licensed or not, shall be kept clean and free from unsightly matter and shall be maintained by the licensee (if any) or owner in good order and repair to the satisfaction of the Building Surveyor.

4.2.4 Liability

The applicant shall be solely responsible for any damage or accident caused by the sign. Signs placed on Council Reserves shall be covered by public liability insurance to the amount of \$10 million.

4.3 Sign Standards:

4.3.1 Banners, Flags & Pennons

No more than 5 (in total) banners, flags or pennons signs shall be erected in relation to the one building or business and must not obstruct in any way the use of any thoroughfare.



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4.3.2 Bill Posting

A person shall not bill post within the District of the Shire of Wyndham East Kimberley.

4.3.3 Blimps or Balloons

The use of blimps or balloons for advertising and signage purposes is subject to the special approval of the Council for a maximum of 30 days in any 12 month period.

4.3.4 Clocks

A clock shall:

- (1) If suspended under a verandah or in an arcade, have its centre coinciding with the centre line of the footway there under shall comply as to size to the following table

Height of bottom of clock above footway maximum diameter of width of clock face	Depth of clock including lettering
2.7 metres and under 4 metres	500 millimetres
4.0 metres and under 6 metres	750 millimetres
6.0 metres and under 12 metres	1.0 metres
12.0 metres and over	1.50 metres

- (2) Be fixed either parallel or at right angles to the wall to which it is attached;
- (3) Afford a minimum headway of 2.70 metres;
- (4) If fitted with chimes, not be permitted to strike between 10 pm and 7 am without the approval in writing of the local government

4.3.5 Development Signs

- (1) A development sign is to be removed from the site within 2 years from the date of approval or when 80% of the lots by number in the subdivision (or stage of subdivision) have been sold, whichever is the sooner.
- (2) No more than 2 development signs should be erected in relation to one subdivision.
- (3) Development signs shall:



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- (a) Only be erected where the area of residential land being subdivided exceeds 1 hectare;
- (b) Not exceed 22m² in area;
- (c) Not have any part more than 6m above the level of the ground immediately below it; and
- (d) Be displayed at the entrance to the subdivision and not remote from the lots being sold unless special approval is granted by the Council.

4.3.6 Display Home Signs

- (1) Display home signs:
 - (a) May be provided in a ratio not exceeding 2m² per home in a display centre, with no individual sign exceeding 4m², the overall height of the sign shall not exceed 4m;
 - (b) Shall not be illuminated after 9 pm;
 - (c) Shall be removed for the site at the time the building no longer serves as a display home

4.3.7 Entry Statement

- (1) Entry statements shall have due regards to the surrounding built and natural environment and be of heritage value and architectural aesthetics, subject to Shire's consent;
- (2) The design and materials used in the construction should be practical and durable and minimise opportunities for graffiti and vandalism;
- (3) The location and form of the Entry Statement must not unduly impede or restrict pedestrian, cyclist or public and private vehicular movement to or from the site.

4.3.8 Freestanding Signs

- (1) There shall be no more than one freestanding sign that relates to a specific activity or business placed on private property or on reserve land.
- (2) Freestanding signs should:
 - (a) Not exceed 1m in height;
 - (b) Not exceed an area of 1m² on any side;
 - (c) Not be placed in any position other than immediately adjacent to the building or business or property to which the sign relates;
 - (d) Be removed each day at the close of the business to which it relates and not be placed on site again until the business next opens for trading ; and



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- (e) Be covered under the public liability insurance of the business to which it relates, if located on a thoroughfare, with proof of insurance cover to be presented to the local government.

4.3.9 Hoardings

- (1) A hoarding shall not:
 - (a) Be erected on land that is zoned for residential purposes by a Town Planning Scheme for the time being in force;
 - (b) Except with the special approval of the Council be erected within 15 metres of a street or other public place and in any case not closer than its own height to a street or public place; and
 - (c) Be of greater area than 22 square metres.

4.3.10 Horizontal Signs

- (1) A horizontal sign shall:
 - (a) Not exceed 3m in height or 4m in length;
 - (b) Not exceed 5m² in area;
 - (c) Not project more than 1.5m from the wall to which it is attached;
 - (d) Not project more than 1m above the top of the wall to which it is attached;
 - (e) Afford a minimum headway of 2.75m where the sign projects more than 12mm into a pedestrian thoroughfare;
 - (f) Not be within 450mm of the edge of a carriageway; and
 - (g) Not be closer than 600mm from either end of the wall to which it is attached.

4.3.11 Illuminated Signs

- (1) No more than one illuminated sign shall be erected in relation to the one building or business.
- (2) An illuminated sign shall:
 - (a) Not exceed 3m in height or 4m in length;
 - (b) Not exceed 8m² in area;
 - (c) Not have any part more than 6m above the level of the ground immediately below it;
 - (d) Have any boxing or casing in which it is enclosed, constructed of incombustible material;
 - (e) Where comprising glass (other than fluorescent tubing) have the glass so protected as to prevent its falling into a public place in the event of a breakage;
 - (f) Be maintained to operate as an illuminated sign;
 - (g) Not have a light of such intensity as to cause annoyance to the public or be a traffic hazard;



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- (h) Not emit a flashing light; and
- (i) Be treated appropriately to minimise damage from vandalism and/or graffiti.

4.3.12 Institutional Signs

An institutional sign shall not exceed 2m².

4.3.13 Property Transaction Signs

- (1) A property transaction sign advertising an auction shall not be erected more than 28 days before the proposed auction date and shall be removed no later than 14 days after the auction.
- (2) A property transaction sign for a dwelling shall:
 - (a) Not exceed 2m in height or 2m in length;
 - (b) Not exceed 2m² in area; and
 - (c) Not have any part more than 3m above the level of the ground immediately below it.
- (3) A property transaction sign for multiple dwellings, shops etc. shall:
 - (a) Not exceed 4m in height or 4m in length;
 - (b) Not exceed 5m² in area; and
 - (c) Not have any part more than 5m above the level of the ground immediately below it.
- (4) A property transaction sign for large properties not cover by 4.3.13(2) and 4.3.13 (3) above, shall:
 - (a) Not exceed 6m in height or 6m in length;
 - (b) Not exceed 10m² in area; and
 - (c) Not have any part more than 6m above the level of the ground immediately below it.

4.3.14 Pylon Signs

- (1) Where pylon signs are to be erected on a lot with multiple tenants/businesses the local government may require all the pylon signs be incorporated into one sign that allows for each tenant/business to have one sign within it.
- (2) A pylon sign shall:
 - (a) Not exceed 3.5m in width or 6m in height; and
 - (b) Not exceed 9m² in area.
 - (c) Be constructed to prevent access under the sign or have a minimum clearance of 2.6 metres



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4.3.15 Roof Signs

- (1) A roof sign shall not extend laterally beyond the external wall of the structure or building on which it is erected or displayed.
- (2) No more than one roof sign is to be erected in relation to the one building.
- (3) A roof sign shall comply with the following:

Height of main building above ground level where sign is to be fixed	Maximum height of sign
5m and under	1.25m
Above 5m to 6m	1.5m
Above 6m to 12m	2.0m
Above 12m to 18m	2.5m
Above 18m to 24m	3.0m
Above 24m	3.5m

4.3.16 Rural Producer's Sign

- (1) A rural producer's sign shall:
 - (a) Not advertise anything other than the sale of produce grown on the land on which the sign is erected;
 - (b) Not exceed 2m² in area; and
 - (c) Not exceed a height of 3m above the level of the ground immediately below it.

4.3.17 Semaphore Signs

- (1) A semaphore sign shall:
 - (a) Afford a minimum headway of 2.7m;
 - (b) Be affixed at right angles to the wall to which it is affixed or attached;
 - (c) Not project more than 1m horizontally from the point of attachment nor be of greater heights at any point than 1m; and
 - (d) Not be erected under or over any verandah.
- (2) Not be limited to one sign fixed over or adjacent to any one entrance to a building.

4.3.18 Signs on Vehicles

No vehicle with a sign upon or inside, adapted and exhibited primarily to facilitate advertising is to park for any lengthy period of time (as determined



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by the Shire) on any thoroughfare, with the exception of being parked at the owners residence or with the consent of the Shire.

4.3.19 Signs on Fences

Signs on fences shall not be permitted, except for free standing signs adjacent to fence line.

4.3.20 Verandah Signs

- (1) A verandah sign fixed to the outer or facia of the verandah shall not project beyond the outer frame or surround of the facia nor exceed 600mm in width.
- (2) A verandah sign under a verandah shall:
 - (a) Be fixed at right-angles to the front wall of the building to which it is to be affixed except on a corner of a building at a thoroughfare intersection where the sign may be placed at an angle with the wall so as to be visible from both thoroughfares;
 - (b) Afford a minimum headway of 2.75m; and
 - (c) Not exceed 1.5m in length or 400mm in width.
 - (d) Not be constructed of glass or any material which upon impact or breaking produces particles or shapes which may be hazardous to the public.
 - (e) Not weigh more than 50kg unless certified by a practising structural engineer that the structure to which the sign is to be attached is capable in all respects of withstanding the total load to be imposed by the sign under all conditions.

4.3.21 Vertical Sign

- (1) A vertical sign shall:
 - (a) Not exceed 4m in height or 3m in length;
 - (b) Not exceed 5m² in area;
 - (c) Not project more than 1m from the wall to which it is attached;
 - (d) Not project more than 1m above the top of the wall to which it is attached.
 - (e) Afford a minimum headway of 2.70m where the sign projects more than 12mm into a thoroughfare;
 - (f) Not be within 450mm of the edge of a carriageway; and
 - (g) Not be within 600mm of either end of the wall to which it is attached.
 - (h) Not be within 4m of another vertical sign on the same building.

4.3.22 Wall Panel

- (1) A wall panel shall:



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- (a) not exceed 6m x 3m; and
- (b) be fixed to the face of a wall of a building; and
- (c) not project beyond the boundaries of the lot.

4.3.23 Acceptable Deviation

The Council may exercise its discretion to approve a deviation from the specific standards subject to the applicant demonstrating that the likely effect of the location, height, bulk, scale, orientation and appearance of the advertisement will not:

- (a) Conflict with or detrimentally affect the amenity of the locality;
- (b) Interfere with traffic safety.

4.4 Responsibilities:

The policy is subject to an annual Council review. As per Council's Delegation Policy, Chief Executive Officer or Executive Manager Development Services shall sign the relevant application/s as the authorising agent.

4.5 Exempt Signs

Exempt signs are stipulated in Town Planning Schemes No. 6 and No. 7 and are only exempt from planning approval (a building licence may still be required).

REFERENCE:

The Shire of Wyndham East Kimberley Town Planning Scheme No. 6 and No. 7

Planning and Development Act 2005

ADOPTED: 18 May 2010
REVIEWED:
AMENDED:



Local Planning Policy 28 – Home Based Businesses (including Cottage Industry)

OBJECTIVE:

- To provide clarification as to the different types and scale of home based businesses (or commonly referred to as “home occupations” or “cottage industries”).
- To ensure that these types of uses do not compromise the amenity of the area.
- To ensure that the activity remains an ancillary use to the main dwelling or the principle land use on the property.

POLICY:

1. Definitions

For the purposes of this policy the following definitions shall apply:

Cottage Industry - means a trade or light industry (including but not limited to producing arts and crafts goods, food business, card making and sewing for commercial gain) which do not fall within the definition of a home occupation or hobby and which:

- a). does not cause injury to or adversely affect the amenity of the neighbourhood;
- b). where operated in a residential zone, does not employ any person other than a member of the occupier’s household;
- c). is conducted in an outbuilding which is compatible with the principle use to which land in the zone in which it is located may be put;
- d). does not occupy an area greater than 50m²; and
- e). does not display a sign exceeding 0.2m²

Hobby – means an activity or interest that is undertaken for pleasure or relaxation, often in one’s spare time, and where the goods and products produced:

- a). is of a low key nature that will not cause nuisance or amenity issues (ie noise, dust, odour, or electrical interference);
- b). is kept; gifted or donated or sold on a non-commercial basis (not subject to taxation declaration).

- c). does not involve retail trade other than at a weekend market, fund raising or charitable event.

Home Business - means a business, service or profession (including but not limited to Beautician, Chiropractor, Massage) carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:

- a). does not employ more than 2 people not members of the occupier's household;
- b). will not cause injury to or adversely affect the amenity of the neighbourhood;
- c). does not occupy an area greater than 20m²;
- d). does not involve the retail sale, display or hire of goods of any nature;
- e). in relation to vehicles and parking:
 - does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
 - does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight.
- f). does not involve the use of an essential service of greater capacity than normally required in the zone.

Home Occupation - means an occupation (including but not limited to Property Valuer, Lawyer, Accountant, Tax Agent) carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:

- a). does not employ any person not a member of the occupier's household;
- b). will not cause injury to or adversely affect the amenity of the neighbourhood;
- c). does not occupy an area greater than 20m²;
- d). does not display a sign exceeding 0.2m²;
- e). does not involve the retail sale, display or hire of goods of any nature;
- f). in relation to vehicles and parking:
 - does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volumes in the neighbourhood;
 - does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight; and

- does not include provision for the fuelling, repair or maintenance of motor vehicles.

g). does not involve the use of an essential service of greater capacity than normally required in the zone.

Home Office - means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not:

- a). entail clients or customers travelling to and from the dwelling;
- b). involve any advertising signs on the premises; or
- c). require any external change to the appearance of the dwelling.

2. General

2.1 Planning approvals for all types of home based businesses shall be limited to a maximum period of 12 months, after which the further renewal of the approval by the local government is required annually. **This is the responsibility of the applicant as the local government will not automatically re-issue approvals.**

2.2 Planning approval is not required for a “Home Office” or “Hobby” provided the activity is fully compliant with the definition as per Part 1, but may be subject to other approvals or licensing depending on the nature of the activity.

2.3 Planning approvals are issued only to the specific occupier of the particular parcel of land and is not transferable to any other person or to any other land parcel. Should there be a change of the occupier on the land in respect of which the planning approval was issued the approval shall no longer be valid.

2.4 Operating hours for home based businesses should be determined on the type of business being undertaken and having regard to the objectives of this policy.

As a general guide only, operating hours for businesses in residential areas should conform to what are considered normal business hours (generally 7.30am to 5.30pm, Monday to Friday and 8.30am to 1.00pm on Saturday).

2.5 Where an activity involves the visitation of clients or customers these appointments should be limited to 10 per day in accordance with hours as per Clause 2.4.

2.6 With the exception of a home office or hobby, activities should not be located on a site which has been intensely developed for group dwellings.

2.7 All materials and/or equipment used in relation to the activity must be stored within the dwelling, outbuilding and/or rear yard of the property, or behind property fences or appropriately maintained screening vegetation.

- 2.8 Activities must be ancillary to the principal use of the land as a residence, and are not to be construed as an alternative use.
- 2.9 For activities involving the preparation of food for commercial purposes, the domestic premises may need to be upgraded in accordance with the relevant health regulations.
- 2.10 Activities involving the following services will not be supported as a “Home Occupation” or “Cottage Industry”:
- Spray painting of any kind;
 - Vehicle wrecking/body repairs; and
 - The use of machinery causing excessive noise or processes causing unacceptable aromas, dust levels, rhythmic vibrations, lighting conditions, or electrical interference.
- 2.11 A “Cottage Industry” involving the retail sale, display or hire of goods of any nature will only be supported in non-residential areas.
- 2.12 The land use permissibility of home based businesses (including cottage industries) shall be in accordance with the respective Town Planning Scheme designations.

3. Application Requirements

- 3.1 Applications shall include the following information:
- Details of the proposed activity inclusive of any equipment used, proposed hours of operation, employees (if any) and their relationship to the occupier of the dwelling, frequency of clients or customers to the site and any other information considered relevant to the proposal; and
 - A site plan, and where applicable a floor plan, showing the dwelling and curtilage of the dwelling depicting where the activity is to take place, including areas for storage and/or administration and car parking provision where necessary.
- 3.2 Annual renewal of approvals is granted provided there have been no written complaints received during the 12 months period preceding the request for renewal, and there has been no change in the circumstances under which the previous approval was granted.

4. Consultation

Unless otherwise provided for in the Town Planning Scheme/s, an application for a home based business involving a variation to the standards as prescribed in the relevant definition, will require consultation with effected landowners and/or occupiers and neighbour consent should preferably be given.

5. Responsibilities:

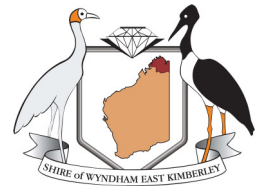
The policy is subject to an annual Council review. The authority is delegated to the Chief Executive Officer and Director Development Services.

GOVERNANCE REFERENCES

Statutory Compliance	<i>Planning and Development Act 2005</i>
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POLICY ADMINISTRATION

Directorate		Officer Title		Contact:	
<i>Community Development</i>		<i>Planning Officer</i>		Ext:	
Date Effective	OCT 2010	CEO Approved			
Date Adopted	OCT 2010	Last Reviewed		OCT 2010	
Risk Rating	Medium	Review Cycle	Tri-Annual	Next Due	OCT 2010



Trading in public places policy

OBJECTIVE:

Statement of intent

The objective of this policy is to manage the activities of traders on land managed by the Shire. This is to ensure that appropriate types of traders are permitted in suitable locations and the management of permits is fair and equitable.

POLICY:

Scope & Limitations

Under the *Thoroughfares and Public Places Local Law 2005* traders are able to apply for a permit to trade within the Shire. This policy has been developed to ensure that applications for trading permits are assessed against set guidelines and standard conditions are placed upon all approvals. Traders permits are only issued when the proposed location is on land that is managed by the Shire.

People wishing to trade on private property will need separate planning approval from the Shire.

Background

Guidelines for assessing and approving traders permits are required to ensure that trading takes place in a manner that does not affect the amenity and primary purpose of public places.

This policy aims to encourage a high standard of service delivery to our local community and visitors whilst supporting local economic development and commercial viability.

Guiding Statement

1. APPLICATION REQUIREMENTS

Applications must be in writing and be accompanied by:

- Details of goods/merchandise and or services to be offered.
- Details of vehicle or stall intended to be used for trading including a photograph of the vehicle (such vehicle may be subject to assessment in order to determine its suitability for the purpose proposed).
- Specific details of area(s) or route (including site plans).
- Times, days and dates sought.
- Evidence of public liability insurance.

2. STANDARD LIMITATIONS AND CONDITIONS

Location

- Traders are only permitted to operate in locations approved by the Shire.
- No trading is permitted within 200m of schools, between the hours of 8am and 3pm including adjoining streets (except during school holidays).
- The permit holder is limited to supply products and services approved by the Shire.
- Approvals will generally not be given on sites within 300 metres of permanent businesses that sell or offer the same or similar product or service.

Timeframes

- Trading may take place between 8am – 6pm in town areas including residential areas.
- Trading may take place between 6am-6pm at Celebrity Tree Park and Swim Beach.
- Traders operating from a mobile van shall not stop at any one location longer than 15 minutes and are to move on when all customers at a particular location have been satisfied.

Operations

- Where food is proposed to be sold, the vehicle, stall or place of trading must notify/register with the Shire in accordance with the Food Act 2008.
- The permit holder must ensure that the area is kept clean and tidy at all times. It is the licensee's responsibility to remove all litter associated with their operations.
- Food vehicles are not permitted to set up or provide external tables or chairs for customers.
- The permit holder must maintain a minimum of \$10 million Public Liability insurance.
- Traders must provide their own power and water.
- All advertising must be affixed to the vehicle or stall.
- Trading must not impede traffic flow or cause a traffic hazard or pose a danger to the safety of the general public.

3. TRADING ON PUBLIC LAND

Council does not generally allow trading on reserves in excess of 15 minutes except for during approved events. An application to trade on public land managed by Council may be considered should all the standard limitations and conditions be satisfied and subject to the following:

- The land must be readily and safely accessible to customers.
- Adequate parking is available.

- The activity will not interfere with the overall public enjoyment of the area, the facilitation of approved businesses or authorised events, including to occupy public parking.
- The Shire will approve a specific location for trading.
- Approval periods for stall holders generally restricted to a maximum of 3 days per week with no more than 3 consecutive days of operation at one time.
- Traders are not permitted to operate for more than 4 hours in any one location each day.
- Trading will be strictly limited to the sale of food and drink.
- The following assessment criteria will guide selection:
 - Offering a range of food products.
 - Ability to provide own power and water supply.
 - Appropriate waste management plan.

Outcomes

The guidelines for trading in public places managed by the Shire have been developed to ensure that the use of Shire land is appropriate and regulated.

GOVERNANCE REFERENCES

Statutory Compliance	<i>Thoroughfares and Public Places Local Law 2005</i> <i>Food Act 2008</i>
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POLICY ADMINISTRATION

Directorate		Officer Title		Contact:	
<i>Community Development</i>		<i>Planning Officer</i>		Ext: 177	
Date Effective	25/02/2014	CEO Approved			
Date Adopted	25/02/2014	Last Reviewed		25/02/2014	
Risk Rating	Medium	Review Cycle	Bi-Annual	Next Due	25/02/2016