

# SHIRE OF VICTORIA PLAINS

## Local Planning Scheme No. 5

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Updated to include AMD 3 GG 01/04/2022

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Department of **Planning,  
Lands and Heritage**

Prepared by the  
Department of Planning, Lands and Heritage

Original Town Planning Scheme Gazettal  
15 March 2012

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## Shire of Victoria Plains LPS 5 – Text Amendments

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
	15/03/12		NM	Scheme Gazettal.
1	22/09/17	27/09/17	GM	<p>Deleted the following clauses from the Scheme text, as these clauses have been superseded by the deemed provisions set out in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2:</p> <ul style="list-style-type: none"> <li>• Parts 2, 7, 8, 9, 10 and 11 in their entirety;</li> <li>• Clause 5.9 and 5.10 in their entirety;</li> <li>• Schedules 6, 7, 8 and 9 in their entirety.</li> </ul> <p>Inserted reference to the deemed provisions in the Preamble.            Inserted new sub-clauses (b) and (c) into Part 1.4.            Inserted new Schedule A – Supplemental Provisions.            Amended the following clauses by removing the cross reference to the clause deleted by the amendment and replacing them with cross reference to the deemed provisions set out in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2:</p> <ul style="list-style-type: none"> <li>• Clause 3.4.1: Part 7</li> <li>• Clause 3.4.2(a): clause 67</li> <li>• Clause 4.3.2 'A': clause 64</li> <li>• Clause 4.3.3 Note 3: clause 67</li> <li>• Clause 4.4.2(b): clause 64</li> <li>• Clause 4.8(c): clause 80(1)</li> <li>• Clause 4.9.2: clause 64</li> <li>• Clause 5.4.2: clause 64</li> <li>• Clause 5.5.2(a): clause 64</li> <li>• Clause 5.5.3(a): clause 67</li> </ul> <p>Deleted reference to the following terms and replaced them with the corresponding term throughout the scheme:</p> <ul style="list-style-type: none"> <li>• 'planning approval' with 'development approval';</li> <li>• Local Government Authority with Local Government;</li> <li>• 'council' with 'local government';</li> <li>• 'outline development plan' with 'structure plan';</li> <li>• 'Town Planning Scheme' with 'Local Planning Scheme';</li> <li>• 'Town Planning Regulations 1967' with 'Planning and Development (Local Planning Schemes) Regulations 2015';</li> <li>• Planning and Development Act with <i>Planning and Development Act 2005</i>.</li> </ul> <p>Amended Table 1 – Zoning Table by amending use classes to more accurately reflect land use terms in Part 6 of the model provisions as follows –</p> <ul style="list-style-type: none"> <li>• 'Short-stay accommodation' with 'Tourist development'</li> <li>• 'Restaurant' to 'Restaurant / café'</li> <li>• 'Showroom' to 'Bulky goods showroom'</li> <li>• 'Fuel depot' to 'Transport depot'</li> <li>• 'Industry – Rural' with 'Industry – primary production'</li> <li>• 'Warehouse' to 'Warehouse / storage'</li> <li>• 'Agroforestry' with 'Tree farm'</li> <li>• 'Rural pursuit' to 'Rural pursuit / hobby farm'</li> <li>• Delete 'Storage'</li> <li>• Re-ordered use classes to retain alphabetical sequence in the sub-sections.</li> </ul> <p>Modified Schedule 1 – Dictionary of Defined Words and Expressions to establish consistency with land use terms in Part 6 of Schedule 1 of the Regulations and to retain definitions from the <i>Town Planning Regulations 1967</i> where these terms are not reflected in the 2015 Regulations as follows:</p> <ul style="list-style-type: none"> <li>• Modified the introductory paragraph to read 'The general definitions and land use terms in Part 6 of the Model provisions for local planning schemes as current including any amendments apply';</li> <li>• Deleted the 'Holiday accommodation', 'Rural Home Business', 'Short Stay Accommodation', 'Industry – hazardous' and 'Workers accommodation definitions';</li> </ul>

				<ul style="list-style-type: none"> <li>Added definitions for 'Industry-cottage', 'Industry – general', 'Industry-service', 'Industry – mining' as reflected in the repealed Town Planning Regulations 1967;</li> <li>Added definitions for 'lunch bar'</li> <li>Re-ordered definitions to retain alphabetical sequence.</li> </ul> <p>Clause 3.2 – replaced “moveable buildings” with “second-hand dwellings”.</p> <p>Clause 5.3(b) deleted as it is inconsistent with the deemed provisions.</p> <p>Clause 5.7 – replaced reference to Part 4 with Part 2 and 3.</p> <p>Clause 5.8.6 – corrected spelling of 'verandahs'.</p> <p>Schedule 3 – Restricted Uses – amended RU1 by replacing 'showroom' with 'bulky goods showroom' and 'industry – rural' with 'industry – primary production'.</p> <p>Schedule 5 – Exempted Advertisements – replaced 'showrooms' with 'bulky goods showrooms' and 'warehouse' with 'warehouse/storage'.</p> <p>Included '2005' after each reference to the Planning and Development Act.</p> <p>Renumbered the scheme provisions and schedules sequentially and updated any cross referencing to the new clause numbers and deemed provisions as required.</p>
2	8/10/2021	25/11/2021	HB	<p>Align all parts of the Scheme text with the model provisions of Schedule 1 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>; and</p> <p>Amend clause 7 by adding the words "including any supplemental deemed provisions outlined in Schedule A of the scheme text" after subclause 1(a) and by deleting subclause 1(c).</p> <p>Rename clause 32 and 33 to 'General Development Standards and Requirements' and 'Site-Specific Development Standards and Requirements' respectively.</p> <p>Amend the meaning of additional site and development requirements in model clause 34 to 'requirements set out in this Scheme, except does not apply to land use permissibility under the zoning table or development to which the R-Codes apply'.</p> <p>Exclude model clauses 27 to 30 and 35 and delete existing clause 4.4.</p> <p>Amend Part 2 of the Scheme Text by including the following proposed new Local Scheme Reserves and associated model objective for each:</p> <ul style="list-style-type: none"> <li>• Primary Distributor Roads;</li> <li>• Local Roads;</li> <li>• Local Distributor Roads;</li> <li>• Railways;</li> <li>• Environmental Conservation (to replace Conservation);</li> <li>• Public Open Space (to replace Parks and Reserves)</li> </ul> <p>Replace the zone objectives in Part 3 with equivalent model zone objectives for all zones except the 'Industry' and 'Service Industry' zone and replace the words any relevant' to 'all relevant' in model clause 18(2).</p> <p>Amend the Scheme Maps by showing the location of all primary, regional and local distributor roads and railway reserves in the municipality as per the Main Roads WA Western Australian Road Hierarchy mapping and include suitable reference to them as Local Scheme Reserves in the Scheme Map Legend to reflect the new reserve names to be included in Part 2 of the Scheme Text and show location of existing restricted use site and Rural Residential No.1 site.</p> <p>Amend Schedule A of the Scheme Text entitled 'Supplemental Provisions' by</p> <p>Reformat the schedule into the model table format;</p> <p>Delete existing clause 61(1)(o);</p> <p>Replace all references to heritage places, land and development with "heritage - protected place";</p> <p>Add 'abutting a distributor road' or 'abutting an unconstructed road or a lot which does not have frontage to a constructed road' to the list of matters under existing clause 61(1)(1); and</p> <p>Add model table under 61(1) (b):</p>

				<p>Amend the Zoning Table in Part 3 of the Scheme Text.</p> <p>Delete 'plantation', 'essential service utility' and 'industry – primary production' in the zoning table.</p> <p>Update the following land descriptions throughout the scheme and add to scheme maps:-</p> <p>Restricted use 1 to 'Lot 23 on diagram 29456 (No. 44) Smith Street, Bolgart'.</p> <p>iSpecial Use 1 to 'Lot 11 on Plan 24201 Great Northern Highway, Yarawindah'.</p> <p>Rural Residential No. 1 to 'Lot 21 (No. 3779) on Diagram 93267 Bindi Bindi – Toodyay Road, Bolgart'.</p> <p>Delete the existing content of clauses 4.7 and 4.8 except for the Development Table and add "Premise" after the words "Child Care", add "Bulky Goods" before the word "Showroom" and replace "Industrial" with "Industry" in the table.</p> <p>Adding the following text to Part 4 of the Scheme:</p> <ol style="list-style-type: none"> <li>31. Amenity of Non-Residential Development</li> <li>32. Street Setback Areas</li> <li>33. Waste Disposal and Untidy Sites</li> <li>34. Landscaping</li> <li>35. Environmental Protection</li> <li>36. Vehicle Access and Road Construction</li> <li>37. Development on Distributor Roads</li> <li>38. Parking</li> <li>39. Servicing Requirements</li> <li>40. Wastewater Disposal</li> <li>41. Drainage</li> <li>42. Water Supply</li> <li>43. Rural Residential Zone</li> <li>44. Rural Zone</li> <li>45. Caretakers Dwellings</li> <li>46. Second-Hand and Repurposed Dwellings</li> <li>47. Sea Containers/Shipping containers</li> <li>48. Regional Facilities</li> <li>49. Advertisements</li> <li>50. Requirement for Consultation to Commence Mining</li> </ol> <p>Insert model general definitions and definitions for land uses in the zoning table into Schedule 1 Dictionary of Defined Words and Expressions and the following definitions and amendments: animal husbandry – intensive, fast food outlet, hotel, industry – rural, repurposed dwelling and second hand dwelling.</p> <p>Replace "or" with "and/or" in service station definition.</p> <p>Modify the scheme to renumber any clauses, tables or schedules as required due to modifications above and address any editorial matters necessary to correct formatting, numbering, administrative matters and inconsistencies.</p>
3	1/4/2022	4/4/2022	MLD	<p>Rezone portion of Lot M1991 on Diagram 14747 being No. 10353 Great Northern Highway, Yarawindah from 'Rural' to 'Special Use: Satellite Communication Facility'.</p> <p>Amend the Special Use Zone No. 1 table in the Scheme Text.</p> <p>Amend the scheme map accordingly.</p>

**Shire of Victoria Plains  
Local Planning Scheme No. 5**

The Shire of Victoria Plains under the powers conferred by the *Planning and Development Act 2005* makes the following Local Planning Scheme.

**Preamble**

This Local Planning Scheme of the Shire of Victoria Plains consists of this Scheme Text, the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 and the Scheme Maps. The Scheme Text should be read with the Local Planning Strategy for the Shire.

Part 2 of the deemed provisions set out the Local Planning Framework. At the core of this Framework is the Local Planning Strategy which sets out the long-term planning directions for the local government, applies State and regional planning policies and provides the rationale for the zones and other provisions of the Scheme. In addition to the Local Planning Strategy, the Framework provides for Local Planning Policies that set out the general policies of the local government on matters within the Scheme.

The Scheme divides the local government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for development approval, enforcement of the Scheme provisions and non-conforming uses.

*AMD 1 GG 22/09/17*

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# PART 1 – PRELIMINARY

AMD 2 GG 08/10/2021

## 1. CITATION

This local planning scheme is the Shire of Victoria Plains Local Planning Scheme No. 5.

## 2. COMMENCEMENT

Under section 87(4) of the Act, this local planning scheme comes into operation on the day on which it is published in the *Gazette*.

## 3. SCHEME REVOKED

The following local planning scheme is revoked –

Shire of Victoria Plains Local Planning Scheme No 4 - gazetted 9 April 1999.

## 4. NOTES DO NOT FORM PART OF SCHEME

Notes, and instructions printed in italics, do not form part of this Scheme.

Note: The *Interpretation Act 1984* section 32 makes provision in relation to whether headings form part of the written law.

## 5. RESPONSIBILITY FOR SCHEME

The Shire of Victoria Plains is the local government responsible for the enforcement and implementation of this Scheme and the execution of any works required to be executed under this Scheme.

## 6. SCHEME AREA

This Scheme applies to the area shown on the Scheme Map.

## 7. CONTENTS OF SCHEME

(1) In addition to the provisions set out in this document (the ***scheme text***), this Scheme includes the following –

- (a) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2) including any supplemental deemed provisions outlined in Schedule A of the scheme text; and
- (b) the Scheme Map (Sheets 1 – 10)

## 8. PURPOSES OF SCHEME

The purposes of this Scheme are to –

- (a) set out the local government's planning aims and intentions for the Scheme area; and
- (b) set aside land as local reserves for public purposes; and
- (c) zone land within the Scheme area for the purposes defined in this Scheme; and
- (d) control and guide development including processes for the preparation of structure plans, and
- (e) set out procedures for the assessment and determination of planning applications; and



- (f) set out procedures for contributions to be made for the costs of providing infrastructure in connection with development through development contribution plans; and
- (g) make provision for the administration and enforcement of this Scheme; and
- (h) address other matters referred to in Schedule 7 of the Act.

## **9 AIMS OF SCHEME**

The aims of the Scheme are —

- To assist the effective implementation of regional plans and policies including the State Planning Strategy.
- To ensure there is a sufficient supply of serviced and suitable land for housing, employment, commercial activities, community facilities, recreation and open space.
- To assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial, entertainment and tourist developments, as well as providing opportunities for home-based employment.
- To facilitate a diverse and integrated network of open space catering for both active and passive recreation, consistent with the needs of the community.
- To promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities.
- To protect and enhance the environmental values and natural resources of the local government area and to promote ecologically sustainable land use and development.
- To safeguard and enhance the character and amenity of the built and natural environment of the local government area.

## **10. RELATIONSHIP WITH LOCAL LAWS**

Where a provision of the Scheme is inconsistent with a local law, the provision of the Scheme prevails to the extent of the inconsistency.

## **11. RELATIONSHIP WITH OTHER LOCAL PLANNING SCHEMES**

There are no other Schemes of the Shire of Victoria Plains which apply to the Scheme area.

## **12. RELATIONSHIP WITH REGION PLANNING SCHEME**

There are no region planning schemes which apply to the Scheme area.

## PART 2 – RESERVES

AMD 2 GG 08/10/2021

### 13. REGIONAL RESERVES

There are no regional reserves in the Scheme area.

### 14 LOCAL RESERVES

(1) In this clause –

**Department of Main Roads** – means the department principally assisting in the administration of the *Main Roads Act 1930*;

**Western Australian Road Hierarchy** – means the document of that name available on the website maintained by the Department of Main Roads.

(2) Local reserves are shown on the Scheme Map according to the legend on the Scheme Map.

(3) The objectives of each local reserve are as follows –

#### Reserve objectives

Reserve name	Objectives
Environmental conservation	<ul style="list-style-type: none"><li>• To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision.</li><li>• To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves.</li></ul>
Public Open Space	<ul style="list-style-type: none"><li>• To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s. 152.</li><li>• To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.</li></ul>
Railways	<ul style="list-style-type: none"><li>• To set aside land required for passenger rail and rail freight services.</li></ul>
Primary Distributor Road	<ul style="list-style-type: none"><li>• To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy.</li></ul>
Local Distributor Road	<ul style="list-style-type: none"><li>• To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Road Hierarchy.</li></ul>
Local Road	<ul style="list-style-type: none"><li>• To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.</li></ul>

### 15. ADDITIONAL USES FOR LOCAL RESERVES

There are no additional uses for land in local reserves that apply to this Scheme.

## PART 3 - ZONES AND USE OF LAND

AMD 2 GG 08/10/2021

### 16. ZONES

- (1) Zones are shown on the Scheme Map according to the legend on the Scheme Map.
- (2) The objective of each zone are as follows -

Table — Zone objectives

Zone name	Objectives
Residential	<ul style="list-style-type: none"> <li>• To provide for a range of housing and a choice of residential densities to meet the needs of the community.</li> <li>• To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.</li> <li>• To provide for a range of non-residential uses, which are compatible with and complementary to residential development.</li> </ul>
Commercial	<ul style="list-style-type: none"> <li>• To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres.</li> <li>• To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.</li> <li>• To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.</li> </ul>
Industry	<ul style="list-style-type: none"> <li>• To provide for general industry, the storage and distribution of goods and associated uses, which by the nature of their operations should be separated from residential areas.</li> <li>• To provide a location for diverse industries that would otherwise have a detrimental impact on the other uses in the town.</li> <li>• To provide a location where separate heavy vehicular access is provided.</li> <li>• To provide a location for depots, warehouses, and large vehicle parking and servicing areas.</li> </ul>
Service Industry	<ul style="list-style-type: none"> <li>• To provide for service industries and light industries that will not have a detrimental affect on nearby residential areas.</li> <li>• To provide a transition zone for uses that are not general industrial but may require buildings with an industrial appearance.</li> </ul>
Townsite	<ul style="list-style-type: none"> <li>• To provide for a range of land uses that would typically be found in a small country town.</li> </ul>

Zone name	Objectives
Special Use	<ul style="list-style-type: none"> <li>• To facilitate special categories of land uses which do not sit comfortably within any other zone.</li> <li>• To enable the Council to impose specific conditions associated with the special use.</li> </ul>
Rural Residential	<ul style="list-style-type: none"> <li>• To provide for lot sizes in the range of 1 ha to 4 ha.</li> <li>• To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.</li> <li>• To set aside areas for the retention of vegetation and landform or other features which distinguish the land.</li> </ul>
Rural	<ul style="list-style-type: none"> <li>• To provide for the maintenance or enhancement of specific local rural character.</li> <li>• To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.</li> <li>• To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage.</li> <li>• To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.</li> <li>• To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.</li> </ul>

## ZONING TABLE

USE CLASSES	ZONES						
	RESIDENTIAL	COMMERCIAL	SERVICE INDUSTRY	INDUSTRY	TOWNSITE	RURAL RESIDENTIAL	RURAL
<b>RESIDENTIAL</b>							
Aged or dependent persons dwelling	P	X	X	X	D	X	X
Ancillary dwelling <i>AMD 2 GG 8/10/2021</i>	P	A	X	X	P	P	P
Caretaker's dwelling	X	D	D	D	X	X	X
Grouped dwelling	P	D	X	X	D	X	X
Home business <i>AMD 2 GG 8/10/021</i>	D	D	X	X	D	D	D
Home occupation <i>AMD 2 GG 8/10/021</i>	P	P	X	X	P	P	P
Home office <i>AMD 2 GG 8/10/021</i>	P	P	X	X	P	P	P
Home store <i>AMD 2 GG 8/10/021</i>	A	D	X	X	D	D	A
Park home park	X	A	X	X	A	X	X
Repurposed Dwelling <i>AMD 2 GG 8/10/021</i>	A	A	X	X	A	A	A
Residential building	A	X	X	X	D	X	X
Second-hand dwelling	A	A	X	X	A	A	A
Single house	P	A	X	X	P	P	P
Workforce Accommodation	A	X	X	X	A	X	D
<b>TOURIST AND ENTERTAINMENT</b>							
Amusement parlour	X	D	X	A	A	X	X
Bed and breakfast	A	D	X	X	D	D	D
Hotel	X	P	X	X	A	X	X
Motel	X	D	X	X	A	X	X
Tavern	X	P	X	X	A	X	X
Tourist development <i>AMD 1 GG 22/09/17</i>	X	D	X	X	D	X	A
<b>COMMERCE</b>							
Betting agency	X	P	X	X	A	X	X
Bulky Goods Showroom <i>AMD 1 GG 22/09/17</i>	X	D	P	P	A	X	X
Cinema/theatre	X	P	X	X	A	X	X
Consulting rooms	X	D	X	X	A	X	X
Convenience store	A	P	X	X	A	X	X
Fast food outlet	X	D	X	X	A	X	X
Fuel Depot	X	X	A	D	A	X	A
Lunch bar	X	P	X	D	A	X	X
Market	X	D	X	D	D	X	X
Medical centre	X	D	X	X	D	X	X
Motor vehicle wash	X	D	X	P	A	X	X
Motor vehicle, boat or caravan sales	X	D	X	D	A	X	X
Night club	X	D	X	X	X	X	X
Office	X	P	X	X	D	X	X
Reception centre	X	P	X	X	A	X	X
Restaurant/Café <i>AMD 1 GG 22/09/17</i>	X	P	X	X	A	X	A
Restricted premises	X	P	X	X	A	X	X
Service Station	X	D	X	P	A	X	X

Shop	X	P	X	X	A	X	X
Trade display	X	D	P	P	A	X	X
Trade Supplies <i>AMD 2 GG 8/10/2021</i>	X	A	D	D	A	X	D
<b>OTHER</b>							
Commercial Vehicle Parking	A	D	P	P	D	D	P
Funeral parlour	X	A	X	P	A	X	X
Essential service utility	<i>DELETED BY AMD 2 GG 8/10/2021</i>						
Telecommunications infrastructure	D	D	D	P	D	A	D
Veterinary centre	X	A	D	P	A	X	A
<b>INDUSTRY</b>							
Industry – cottage	A	D	X	P	D	A	A
Industry – extractive	X	X	X	X	X	X	D
Industry – general	X	X	X	D	X	X	X
Industry – light	X	X	P	P	A	X	X
Industry – mining	X	X	X	A	X	X	P
Industry – primary production <i>AMD 1 GG 22/09/17</i>	<i>DELETED BY AMD 2 GG 8/10/2021</i>						
Industry – service	X	D	P	P	A	X	X
Motor vehicle repair	X	D	P	P	A	X	X
Resource Recovery Centre <i>AMD 2 GG 8/10/2021</i>	X	X	A	D	X	X	A
Storage	<i>DELETED BY AMD 1 GG 22/09/17</i>						
Transport depot <i>AMD 1 GG 22/09/17</i>	X	X	X	A	X	X	X
Warehouse/storage <i>AMD 1 GG 22/09/17</i>	X	D	P	P	A	X	X
Waste Disposal Facility <i>AMD 2 GG 8/10/2021</i>	X	X	X	A	X	X	A
Waste Storage Facility <i>AMD 2 GG 8/10/2021</i>	X	X	X	A	X	X	A
Winery	X	X	X	X	A	X	D
<b>CIVIC AND COMMUNITY</b>							
Child care premises	X	D	X	X	D	X	X
Civic use	D	D	X	D	D	X	X
Club premises	D	D	X	D	A	X	X
Community purpose	A	P	X	A	D	X	X
Educational establishment	X	P	X	A	A	X	X
Exhibition centre	X	D	D	X	A	X	X
Family day care	A	D	X	X	D	A	A
Recreation – private	D	D	D	D	D	D	D
<b>RURAL</b>							
Agriculture – extensive	X	X	X	X	X	X	P
Agriculture – intensive	X	X	X	X	X	X	D
Animal establishment	X	X	X	A	A	X	A
Animal husbandry – intensive	X	X	X	A	X	X	A
Industry – Rural <i>AMD 2 GG 8/10/2021</i>	X	X	A	P	X	X	D
Mining Operations <i>AMD 2 GG 8/10/2021</i>	D	D	D	D	D	D	D
Plantation	<i>DELETED BY AMD 2 GG 8/10/2021</i>						
Rural home business	X	X	X	X	D	D	D
Rural pursuit/hobby farm <i>AMD 1 GG 22/09/17</i>	X	X	X	X	X	D	D
Tree farm <i>AMD 1 GG 22/09/17</i>	X	X	X	X	X	X	A

## 18 INTERPRETATING ZONING TABLE

AMD 2 GG 8/10/2021

- (1) The permissibility of uses of land in the various zones in the Scheme area is determined by cross-reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.
- (2) The symbols used in the zoning table have the following meanings –
  - P means that the use is permitted if it complies with all relevant development standards and requirements of this Scheme;
  - I means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with all relevant development standards and requirements of this Scheme;
  - D means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
  - A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after advertising the application in accordance with clause 64 of the deemed provisions;
  - X means that the use is not permitted by this Scheme.
    1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances 1 application is made for both the carrying out of works on, and the use of, land.
    2. Under clause 61 of the deemed provisions, certain works and uses are exempt from the requirement for development approval.
    3. Clause 67 of the deemed provisions deals with the consideration of applications for development approval by the local government. Under that clause, development approval cannot be granted for development that is a class X use in relation to the zone in which the development is located, except in certain circumstances where land is being used for a non-conforming use.
- (3) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.
- (4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table –
  - (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
  - (b) determine that the use may be consistent with the objectives of a particular zone and advertise under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
  - (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.

- (5) If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.
- (6) If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land –
  - (a) a structure plan;
  - (b) a local development plan.

**19 ADDITIONAL USES**

*AMD 2 GG 8/10/2021*

There are no additional uses for zoned land that apply to this Scheme.

**20 RESTRICTED USES**

*AMD 2 GG 8/10/2021*

- (1) Table 65 sets out -
  - (a) restricted classes of use for specified land that apply instead of the classes of use that are permissible in the zone in which the land is located; and
  - (b) the conditions that apply to that restricted use.

**Restricted uses for land in Scheme area**

No.	Description of land	Restricted use	Conditions
RU1	Lot 23 on diagram 29456 (No.44) Smith Street, Bolgart  <i>AMD 1 GG 22/09/17</i>	Those uses which may be permitted within the Industry Zone, as set out in Table 1 - Zoning Table with the following modifications:  1 Motor vehicle wash, service station, bulky goods showroom, Industry-service and motor vehicle repair from 'P' to 'D'.  2 Fuel depot, industry – primary production and industry - mining to become not permitted ('X').	Development approval is required.  Applications for approval shall address the potential impact of the industrial use on the adjoining sensitive uses, including EPA buffer requirements.

- (2) Despite anything contained in the zoning table, land that is specified in the Table to subclause (1) may be used only for the restricted class of use set out in respect of that land subject to the conditions that apply to that use.



**21. SPECIAL USE ZONES**  
**AMD 2 GG 8/10/2021, AMD 3 GG 1/4/2022**

- (1) Table 76 sets out –
- (a) special use zones for specified land that are in addition to zones in the zoning table and;
  - (b) the classes of special use that are permissible in that zone;

**Special use zones in Scheme area**

No.	Description of land	Special use	Conditions
1	Lot 11 on Plan 24201 and portion of Lot M1991 on Diagram 14747 being No. 10353 Great Northern Highway, Yarawindah.	Satellite Communications Facility (European Space Agency)	As determined by the local government when determining all required development applications

- (2) A person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to the conditions that apply to that use

*Note: Special use zones apply to special categories of land use which do not comfortably sit within any other zone in the Scheme.*

**22. NON-CONFORMING USES**  
**AMD 2 GG 8/10/2021**

- (1) Unless specifically provided, this Scheme does not prevent –
- (a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or
  - (b) the carrying out of development on land if –
    - (i) before the commencement of this Scheme, the development was lawfully approved; and
    - (ii) the approval has not expired or been cancelled.
- (2) Subclause (1) does not apply if –
- (a) the non-conforming use of the land is discontinued; and
  - (b) a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.
- (3) Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government –
- (a) purchases the land; or
  - (b) pays compensation to the owner of the land in relation to the non-conforming use.

## **23. CHANGES TO A NON-CONFORMING USE**

*AMD 2 GG 8/10/2021*

- (1) A person must not, without development approval-
  - (a) alter or extend a non-conforming use of land; or
  - (b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or
  - (c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or
  - (d) change the use of land from a non-conforming use to another use that is not permitted by the Scheme.
- (2) An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.
- (3) A local government may only grant development approval for a change of use of land referred to in subclause (1)(d) if, in the opinion of the local government, the proposed use –
  - (a) is less detrimental to the amenity of the locality than the existing non-conforming use; and
  - (b) is closer to the intended purpose of the zone in which the land is situated.

## **24. REGISTER OF NON-CONFORMING USES**

*AMD 2 GG 8/10/2021*

- (1) The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.
- (2) A register prepared by the local government must set out the following –
  - (a) a description of each area of land that is being used for a non-conforming use;
  - (b) a description of any building on the land;
  - (c) a description of the non-conforming use;
  - (d) the date on which any discontinuance of the non-conforming use is noted.
- (3) If the local government prepares a register under subclause (1) the local government –
  - (a) must ensure that the register is kept up-to-date; and
  - (b) must ensure that an up to date copy of the register is published in accordance with clause 87 of the deemed provisions.
    - (3A) Subclause (3)(b) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions
- (4) An entry in the register in relation to land that is being used for a non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.

## **PART 4 - GENERAL DEVELOPMENT REQUIREMENTS**

*AMD 2 GG 08/10/2021*

### **25. R-CODES**

*AMD 2 GG 08/10/2021*

- (1) The R-Codes, modified as set out in clause 26, are to be read as part of this Scheme.
- (2) The local government must ensure that the R-Codes are published in accordance with clause 87 of the deemed provisions.
- (2A) Subclause (2) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.
- (3) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.
- (4) The R-Codes apply to an area if the area if -
  - (a) the area has a coding number superimposed on it in accordance with subclause (3); or
  - (b) a provision of this Scheme provides that the R-Codes apply to the area.

### **26. MODIFICATION OF R CODES**

*AMD 1 GG 22/09/17 and AMD 2 GG 08/10/2021*

- (1) The Residential Design Code for land zoned 'Residential' and 'Commercial' shall be R10/25 unless otherwise indicated on the Scheme Maps.
- (2) The local government shall not approve a residential development with a density exceeding R10 unless the local government is satisfied that an alternative sewerage disposal system can be installed and managed or is otherwise in accordance with the provisions of any Government Sewerage Policy.

### **27. ENVIRONMENTAL CONDITIONS**

*AMD 2 GG 08/10/2021*

There are no environmental conditions imposed under the Environmental Protection Act 1986 that apply to this Scheme.

### **28. GENERAL DEVELOPMENT STANDARDS AND REQUIREMENTS**

*AMD 2 GG 08/10/2021*

- (1) Table 28 sets out requirements relating to development that are additional to those set out in the R-Codes, precinct structure plans, local development plans or State or local planning policies
- (2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes, a precinct structure plan, a local development plan or a State or local planning policy the requirement referred to in subclause (1) prevails.

**DEVELOPMENT TABLE**  
AMD 2 GG 08/10/2021

CONTROLS USE	MINIMUM BOUNDARY SETBACK (metres)			MAXIMUM PLOT RATIO	MINIMUM LANDSCAPED AREA (%)	MINIMUM NUMBER OF ON- SITE CAR PARKING BAYS
	FRO NT	REAR (average)	SIDES			
Child Care Centre Premises <i>AMD 2 GG 08/10/2021</i>	7.5	7.5	*	*	*	1 for each employee.
Club Premises	*	*	*	0.5	*	1 for every 45m <sup>2</sup> of gross floor area.
Community Purpose	*	*	*	*	10	1 for every 4 persons whom the building is designed to accommodate
Consulting Rooms	*	*	*		30 in Res Zone	1 for every 30m <sup>2</sup> of gross floor area, plus 1 for each person employed.
Educational Establishment	9.0	7.5	5.0	*	30	1 per full time employee, plus bays for students as determined by the local government.
Funeral Parlour	*	*	*	*	10	As determined by the local government, (minimum 6).
Hotel/Tavern	*	*	*	*	10	1 for every bedroom plus 1 per 2m <sup>2</sup> of bar and lounge area.
Industry – Service <i>AMD 2 GG 08/10/2021</i>	7.5	7.5	*	*	10	1 per 2 employees.
Industry – Light <i>AMD 2 GG 08/10/2021</i>	7.5	7.5	*	*	10	1 per 2 employees.
Industry – General <i>AMD 2 GG 08/10/2021</i>	7.5	7.5	*	*	15	1 per 2 employees.
Motel	9.0	7.5	3.0 per storey	1.0	30	1 per unit, plus 1 space per 25m <sup>2</sup> of service area.
Motor Vehicle, Boat or Caravan Sales	*	*	*	*	5	1 for every 250m <sup>2</sup> of sales area, plus 1 for every person employed on site.
Office	*	*	*	*	*	1 for every 30m <sup>2</sup> plot ratio area.
Restaurant	*	*	*	*	*	1 for every 10m <sup>2</sup> of gross floor area or 1 for every 4 seats provided, whichever is the greater.
Service Station	7.5	7.5	*	*	5	1 for every working bay, plus 1 for each person employed on site.
Shop	*	*	*	*	*	1 for every 15m <sup>2</sup> of gross floor area.
Bulky Goods Showroom <i>AMD 2 GG 08/10/2021</i>	*	*	*	*	10	1 for every 100m <sup>2</sup> of gross floor area.

**29. SITE SPECIFIC DEVELOPMENT STANDARDS AND REQUIREMENTS**  
*AMD 2 GG 08/10/2021*

There are no additional requirements that apply to this Scheme.

**30. VARIATIONS TO SITE AND DEVELOPMENT REQUIREMENTS**  
*AMD 2 GG 08/10/2021*

(1) In this clause —

**additional site and development requirements** means requirements set out in this scheme, except does not apply to land use permissibility under the zoning table or development to which the R-Codes apply.. *AMD 2 GG 08/10/2021*

- (2) The local government may approve an application for a development approval that does not comply with an additional site and development requirements.
- (3) An approval under subclause (2) may be unconditional or subject to any conditions the local government considers appropriate.
- (4) If the local government is of the opinion that the non-compliance with an additional site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must —
- (a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64 of the deemed provisions; and
  - (b) have regard to any expressed views prior to making its determination to grant development approval under this clause.
- (5) The local government may only approve an application for development approval under this clause if the local government is satisfied that —
- (a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and
  - (b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

**31. AMENITY OF NON-RESIDENTIAL DEVELOPMENT**  
*AMD 2 GG 08/10/2021*

- (1) The amenity of non-residential development shall be determined in the context of each proposed development and site conditions, but shall generally be in accordance with these principles:
- (a) the form and scale of the development is to be compatible with surrounding land uses;
  - (b) the impacts of the development are to be contained on site and/or suitably managed off-site;
  - (c) the impact of the development on the road network and traffic management is to be consistent with the road function and hierarchy;
  - (d) adequate provision is to be made for parking for staff and visitors, with separation between staff / visitor parking and service / haulage vehicles;
  - (e) buildings are to have screening of services and areas for waste management and essential services

- (f) visual impacts to be minimised by the use of vegetation screening, tree retention and building orientation;
- (g) minimise the use of front fencing, and where required, fencing to be set back to the building line and behind the landscaped area where feasible;
- (h) external lighting designed to minimise light spill and glare on adjoining properties;
- (i) storage of plant and equipment to be screened or remote from public areas, particularly from the street, and provision made on site for a loading bay where the land use requires it;
- (j) use of 'on building' signage where the building addresses the street, and where 'freestanding' signage is necessary it should either be affixed to a front fence, or located adjacent to it at a height that is compatible with the setting.

### **32. STREET SETBACK AREAS**

*AMD 2 GG 08/10/2021*

1. The street setback area shall not be used for any purpose other than a means of access; daily parking of vehicles; loading and unloading of vehicles; and/or landscaping and shall not be used for the parking of vehicles that are being wrecked or repaired, stacking or storage of fuel, raw materials, products or by-products, or waste products of any sort.
2. In the Commercial zone, the street setback area may include an awning, pergola, or similar structure and when in front of a fast food outlet or café / restaurant may provide for alfresco dining.

### **33. WASTE DISPOSAL AND UNTIDY SITES**

*AMD 2 GG 08/10/2021*

1. Land shall not be used for storage or the disposal of rubbish or industrial wastes (whether liquid or solid) without development approval.
2. Land shall be maintained to a visual standard commensurate with that generally prevailing in the vicinity and the local government may by written notice require the owner, occupier or lessee of any land to undertake such works as may be necessary to upgrade or restore the condition of the land to a standard acceptable to the local government.

### **34. LANDSCAPING**

*AMD 2 GG 08/10/2021*

1. Where required under the Scheme including requirements in Table 7, landscaping shall be an open area designed, developed and maintained as garden planting and areas for pedestrian use.
2. At the discretion of the responsible authority natural bushland, swimming pools, areas under covered ways and access driveways between street alignment and any buildings may be included within the landscaping requirement, however, car parking areas, other driveways, garbage collection, handling spaces and other open storage areas shall not be included.
3. Except where the provisions of the Scheme specify otherwise, a requirement of the landscaping of any development is that one native or locally acceptable tree capable of growing to a height of at least five metres shall be planted for every ten square metres of landscape area and a landscaping strip with a minimum width of two metres along the street frontage of any non-residential sites in townsites to improve the site's visual appearance.

4. The responsible authority may in a landscaped area restrict the use of concrete, gravel, pebble and similar hard materials and require in lieu thereof, the planting of drought resistant trees and shrubs of a type that requires little maintenance.
5. Landscaping required pursuant to this Scheme or pursuant to a conditional development approval shall be carried out at the time of the development or at such other time as may be agreed in writing between the developer and the local government and shall thereafter be permanently maintained to the satisfaction of the local government.

### **35. ENVIRONMENTAL PROTECTION**

*AMD 2 GG 08/10/2021*

1. Development shall ensure that potential impacts on environmental values will be addressed including potential impact on land degradation (e.g. salinity) and waterway protection (and their buffers) to the satisfaction of the responsible authority and relevant public agency.
2. The responsible authority may impose conditions on any development approval requiring the retention and protection of existing vegetation (e.g. through fencing) and/or the planting of additional vegetation.
3. If, in the opinion of the local government, over-grazing by livestock on any land classified 'Rural' zone is causing degradation to the landscape or land degradation that may lead to soil erosion, the local government may issue an order to the property owner requiring a reduction in the number, or total removal, of the livestock. Prior to forming an opinion and issuing an order pursuant to this clause the local government shall seek and obtain advice from the Department of Primary Industries and Regional Development and any other government agency with a potential interest in the matter.

### **36. VEHICLE ACCESS AND ROAD CONSTRUCTION**

*AMD 2 GG 08/10/2021*

1. The responsible authority shall be satisfied arrangements for vehicle access are acceptable including the location of access points and construction, with regard to the impact of the proposed land use and expected traffic volume and composition on traffic flow and safety, the character and function of the road, the volume and the width of the carriageway and visibility; and the ultimate volume and type of traffic generated by the development.
2. The responsible authority may not allow more than one vehicular entrance or exit to or from any lot or may require separate entrances and exits, and/or require that entrances and exits be placed in positions nominated by it, to avoid or to reduce traffic hazards.
3. Development shall have direct access to a constructed road or arrangements shall be put in place to the satisfaction of the responsibility authority to provide permanent access to a constructed road which may include conditions to require an application to construct and maintain or contribute towards road construction, pay a sum of money to the local government towards road construction, and/or place a notification on title that alternative access arrangements must be maintained legally and physically.
4. The responsible authority may require the forming, sealing and draining of any unconstructed public road, public right-of-way, private right-of-way, laneway or private road servicing a development for which development approval is given at the cost of the developer in proportion to the extent of the use of the public road, public right-of-way, private right-of-way, laneway or private road by the development in respect to other users as assessed by the responsible authority.

### **37. DEVELOPMENT ON DISTRIBUTOR ROADS**

*AMD 2 GG 08/10/2021*

1. Development on lots abutting roads classified Primary Distributor Roads, Regional Distributor Roads or Local Distributor is subject to these requirements: -
  - a) Applications on roads under the care, control and management of Main Roads WA are to be referred by the local government to Main Roads WA and the local government is to have due regard to comments and recommendations provided by Main Roads WA when determining applications.
  - b) The proposal shall not intensify traffic movements which would limit the road to operate for its intended purpose or contribute to unsafe access and roads and the type of vehicles accessing the road from the site is consistent with the intended road use
  - c) Access is to be taken from a local road or from a public right-of-way, private right- of-way, laneway or private road where available.
  - d) Where vehicular access is only available from a distributor road, all parking, servicing, circulation within that lot and access to and from the road shall be designed and constructed to allow unhindered movement within the lot to enable vehicles to enter and leave the site in forward gear.

### **38. PARKING**

*AMD 2 GG 08/10/2021*

1. Land and buildings shall not be used or developed for any use mentioned in Table 7 unless off street parking is provided in accordance with the requirements set out therein; or for any use not mentioned in Table 7 unless off street parking is provided, as determined by the responsible authority.
2. All off street car parking spaces, including vehicle accessways thereto, shall be:
  - a) Designed and laid out generally in accordance with the minimum specifications set out in Australian Standard AS/NZS 2890.1-2004 entitled Parking facilities - Off Street Car Parking unless otherwise approved by the local government;
  - b) Paved, marked, drained and maintained to the satisfaction of the responsible authority; and
  - c) Integrated with any existing adjoining car park.
3. Where an applicant/landowner can demonstrate to the satisfaction of the responsible authority that there is not the demand for the number of car parking spaces specified in Table 7, landscaping may be provided in lieu of car parking spaces and the landscaping shall be included in calculations as car parking but not as landscaping.
4. The number of car parking spaces proposed to be provided may be less than the number required pursuant to the Scheme provided:
  - a) The applicant/landowner can demonstrate that other off-street parking facilities are available to be shared with other land uses operating at different times and provided;
  - b) The responsible authority is satisfied that no conflict will occur in the operation of land uses for which the joint use of parking facilities is proposed; and
  - c) The landowner/s who request sharing of parking facilities enter into a legal agreement for reciprocal rights of access to parking facilities.



### **39. SERVICING REQUIREMENTS**

*AMD 2 GG 08/10/2021*

1. Development is to be serviced with power, water supply, wastewater and effluent disposal to a level commensurate with the intended land use, with arrangements in place to the satisfaction of the responsible authority and relevant agencies and in accordance with subclauses 40-42 and any other clauses for servicing requirements in this Scheme.

### **40. WASTEWATER DISPOSAL**

*AMD 2 GG 08/10/2021*

1. Wastewater disposal shall be in accordance with requirements of Government Sewerage Policy.
2. Development within the Calingiri and Yerecoin townsites which exceed the R5 density or on lots less than 2,000m<sup>2</sup> is to be connected to reticulated sewerage, unless it can be demonstrated that reticulated sewerage cannot be provided at reasonable cost and an alternative means of effluent disposal can be provided to the satisfaction of the responsible authority and the Department responsible for Health and in accordance with Government Sewerage Policy.
3. Where development is proposed without connection to reticulated sewerage in the Scheme area it shall be in accordance with Government Sewerage Policy applicable at the time including minimum lot sizes, site suitability for on-site wastewater disposal and the density of development to the satisfaction of the responsible authority.
4. Unsewered industrial development will be restricted to 'dry industry' type (i.e. industries predicted to generate wastewater for disposal on-site of a daily rate of less than 540 litres per 1,000m<sup>2</sup>).

### **41. DRAINAGE**

*AMD 2 GG 08/10/2021*

1. Development shall ensure that the drainage conditions of the locality will not be impaired which may require demonstration of this to the responsible authority and/or site works to ensure that all drainage is to the local government's satisfaction.
2. A habitable building shall not be constructed upon any land identified or defined by the local government or the Department responsible for Water and Environmental Regulation as being liable to flooding or inundation.
3. The responsible authority may impose conditions on any development approval issued to ameliorate any potential flood risk.

### **42. WATER SUPPLY**

*AMD 2 GG 08/10/2021*

1. Development shall have access to a suitable potable water supply and arrangements to be in place for provision of the potable water supply to the satisfaction of the local government or a licenced water provider.
2. All buildings intended for residential use must include provision for the storage of water in tanks of not less than 120,000 litres capacity unless satisfactory arrangements have been made for connection to a reticulated water supply provided by a licensed water provider. The local government may permit the reduction in the size of storage tanks if the quality of water on-site meets or is treated to potable water standards.

3. Where rainfall is to be used as the predominate source for a water storage tank, the minimum collection area, in terms of rain surface runoff, to service the tank, is to be provided. The collection area will normally comprise of the roof area of structures on the lot and may include the dwelling, outbuildings and any other structure capable of collecting and directing water into the tank. The size of the collection area is to be based on this calculation:

Collection area (m<sup>2</sup>) = 120,000 divided by (0.85x (local rainfall minus 24mm))

- Collection area (m<sup>2</sup>) is the minimum area for rain surface runoff that is required to service the water tank;
- 120,000 is the minimum size of the water tank in litres (unless the local government has determined an alternative size in accordance with the scheme);
- 0.85 is the efficiency of the collection meaning a minimum of 85% of the water will be collected (the local government may accept a greater efficiency rate if it can be demonstrated through design);
- Local rainfall is the average annual mean rainfall measured in millimetres (mm) guided by the nearest collection point provided by the Bureau of Meteorology; and
- 24mm is the anticipated loss through absorption and wetting of materials based on 2mm a month.

#### **43. RURAL RESIDENTIAL ZONE**

*AMD 2 GG 08/10/2021*

1. Only one (1) dwelling will be permitted on any lot in the Rural Residential zone.
2. All dwellings in the Rural Residential zone shall be developed in accordance with all the R2 requirements of the R-Codes, with the exception of lot area.
3. The local government/responsible authority may require a Structure Plan prepared by the proponent and endorsed by the Western Australian Planning Commission in the Rural Residential Zone prior to any development being approved or rezoning or subdivision being recommended for approval.
4. An ancillary dwelling in the Rural Residential zone must be no greater than 100m<sup>2</sup>, co-located with the single house and shall be constructed to a standard that ensures the visual amenity of the area is not adversely impacted.
5. Additional requirements for specific sites in the Rural Residential Zone are outlined in Schedule 3.

#### **44. RURAL ZONE**

*AMD 2 GG 08/10/2021*

1. Within the Rural zone all dwellings and associated outbuildings, external fixtures, patios, pergolas, verandas, garages, carports or swimming pools as well as all non-residential developments such as farm outbuildings and dams shall have a minimum setback of 20 metres from the land's primary street frontage and 10 metres from all side and rear boundaries.
2. Tourist and workforce accommodation proposals in the Rural zone shall comply with clauses (a) and (b):
  - a) buildings to be suitably located and set back with sufficient buffers from neighbouring rural lot boundaries so as to minimise land use conflict with surrounding agricultural uses and activities; and
  - b) potential bushfire risk and any proposed risk mitigation measures are to be addressed.

3. Development in the Rural zone shall address both on-site and off-site impacts and, where deemed necessary by the responsible authority, such proposals shall be accompanied by information to address and identify:
  - a) environmental values and any environmental risks;
  - b) the potential for land use conflict including impacts and restrictions on approved uses on adjacent or nearby locations; and
  - c) the separation distances and/or buffers relating to a potentially incompatible land use which need to be provided on-site.
4. Where an industrial type or other use is permissible in the 'Rural' zone and requires a buffer as prescribed in the Environmental Protection Authority's Buffer Distance Guidelines, the buffer area is not to impact upon existing or proposed residential development.
5. An ancillary dwelling in the Rural zone must be no greater than 100m<sup>2</sup>, be co-located with the single house, must allow for the continued use of the lot for rural purposes and shall be constructed to a standard that ensures the visual amenity of the area is not adversely impacted.

#### **45. CARETAKERS DWELLINGS**

*AMD 2 GG 08/10/2021*

1. Only one (1) caretaker's dwelling shall be permitted on each lot and it shall be located at the rear of a lot.
2. A caravan is not permitted as a caretaker's dwelling for either permanent or temporary occupation.
3. The local government will not support the subdivision or development of land in an industrial zone that will allow the dwelling to be sold separately from the industrial use of the land or restrict the use of the land for industrial purposes.
4. Each caretaker's dwelling shall contain only one bedroom and shall have a maximum floor area of 100m<sup>2</sup> measured from the external face of the walls.
5. Open verandas may be permitted but are not to be enclosed by any means unless the total floor area remains less than 100m<sup>2</sup>.

#### **46. SECOND-HAND AND REPURPOSED DWELLINGS**

*AMD 2 GG 08/10/2021*

1. The responsible authority shall be satisfied that a second-hand dwelling or repurposed dwelling is consistent with the zone objectives of which it is proposed to be located.
2. The design of a second-hand dwelling or repurposed dwelling shall be to the satisfaction of the responsible authority by reason of such matters as the roof pitch, window size, external cladding materials and other such factors that affect their appearance and that the dwelling or building will not, in the opinion of the responsible authority, adversely affect the amenity of other properties in the immediate locality.
3. A second-hand or repurposed dwelling is to be in satisfactory condition and any internal or external material containing asbestos fibres must be removed prior to the dwelling or building being transported within or into the scheme area.

4. The responsible authority may require, amongst other things, the re-cladding, re-roofing to a suitable pitch, external painting, installation of new windows of suitable size and/or enclosure of the sub-floor area of the dwelling or building with brick, stone, vermin battens or by other means acceptable to the responsible authority and, where the building is considered by the responsible authority to be exposed, or in a visually prominent position, it may require satisfactory landscaping measures, or the like, to be carried out.

#### **47. SEA CONTAINERS/SHIPPING CONTAINERS**

*AMD 2 GG 08/10/2021*

1. A sea container or shipping container, where located on the same lot as a dwelling, is classed as an outbuilding to which the R-Codes apply and where not located on the same lot as a dwelling it will typically fall under the land use of warehouse/storage.
2. A sea container or shipping container shall be constructed and/or upgraded to a standard that ensures the visual amenity of the area is not adversely impacted and may be refused if it is considered to have an adverse impact on visual amenity of the locality.

#### **48. REGIONAL FACILITIES**

*AMD 2 GG 08/10/2021*

1. Where there are proposals, including scheme amendments or development applications, for a regional facility, such as waste facilities and resource recovery facilities, these shall demonstrate that:
  - a) facilities shall be located on a main road or on a road that is of a suitable standard and treatment, to accommodate significant increase in traffic volumes and freight tasks which may be generated by the proposal;
  - b) facilities shall contain or satisfactorily manage potential environmental (including water resources), noise, amenity and air quality impacts on the landholding without affecting nearby rural land uses;
  - c) facilities shall not be visually dominant within key viewsheds, and should be visually compatible with surrounding land uses and development; and
  - d) facilities shall be provided with essential services commensurate with the intended land use.

#### **49. ADVERTISEMENTS**

*AMD 2 GG 08/10/2021*

1. The erection, placement and display of advertisements and the use of land and buildings for that purpose is development within the definition of the Planning and Development Act 2005 and requires development approval, unless it is an exempted advertisement as listed in Schedule 2 of the Scheme Text.

#### **50. REQUIREMENT FOR CONSULTATION TO COMMENCE MINING**

1. In considering proposals to commercially extract minerals, the local government may, in keeping with s120 of the *Mining Act 1978*, exercise its discretion to inform the Minister for Mines and Petroleum and the Minister for Planning in writing that the granting of a mining lease or general purpose lease is contrary to the provisions of the Scheme.

## PART 5 - SPECIAL CONTROL AREAS

### 51 SPECIAL CONTROL AREAS

*AMD 2 GG 08/10/2021*

- 1 Special control areas are marked on the Scheme Map according to the legend on the Scheme Map.
2. There are no Special Control Areas which apply to this Scheme

## PART 6 – TERMS REFERRED TO IN SCHEME

AMD 2 GG 08/10/2021

### DIVISION 1 - GENERAL DEFINITIONS USED IN SCHEME

#### 52. TERMS USED

- (1) If a word or expression used in this Scheme is listed in this clause, its meaning is as follows -

**building envelope** means the area of land within which all buildings and effluent disposal facilities on a lot must be contained;

**cabin** means a dwelling forming part of a tourist development or caravan park that is —

- (a) an individual unit other than a chalet; and
- (b) designed to provide short-term accommodation for guests;

**chalet** means a dwelling forming part of a tourist development or caravan park that is —

- (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and
- (b) designed to provide short-term accommodation for guests;

**commercial vehicle** means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including —

- (a) a utility, van, truck, tractor, bus or earthmoving equipment; and
- (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a);

**floor area** has meaning given in the Building Code;

**minerals** has the meaning given in the *Mining Act 1978* section 8(1);

**plot ratio** means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located;

**precinct** means a definable area where particular planning policies, guidelines or standards apply;

**predominant use** means the primary use of premises to which all other uses carried out on the premises are incidental;

**retail** means the sale or hire of goods or services to the public;

**scheme commencement day** means the day on which this Scheme comes into effect under section 87(4) of the Act.

**short-term accommodation** means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period;

**wholesale** means the sale of goods or materials to be sold by others.

- (2) A word or expression that is not defined in this Scheme —
- (a) has the meaning it has in the *Planning and Development Act 2005*; or
  - (b) if it is not defined in that Act — has the same meaning as it has in the R-Codes.

## DIVISION 2 — LAND USE TERMS USED IN SCHEME

### 38. LAND USE TERMS USED

If this Scheme refers to a category of land use that is listed in this provision, the meaning of that land use is as follows —

**agriculture - extensive** means premises used for the raising of stock or crops including outbuildings and earthworks, but does not include agriculture - intensive or animal husbandry - intensive.

**agriculture - intensive** means premises used for commercial production purposes, including outbuildings and earthworks, associated with any of the following –

- (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
- (b) the establishment and operation of plant or fruit nurseries;
- (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms);
- (d) aquaculture.

**amusement parlour** means premises –

- (a) that are open to the public; and
- (b) that are used predominantly for amusement by means of amusement machines including computers; and
- (c) where there are 2 or more amusement machines.

**animal establishment** means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry — intensive or veterinary centre;

**animal husbandry – intensive** - means premises used for keeping, rearing or fattening of alpacas, beef and dairy cattle, goats, pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production), sheep or other livestock in feedlots, sheds or rotational pens but excludes 'agriculture - extensive'.

AMD 2 GG 08/10/2021

**bed and breakfast** means a dwelling —

- (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and
- (b) containing not more than 2 guest bedrooms;

**betting agency** means an office or totalisator agency established under the *Racing and Wagering Western Australia Act 2003*;

**bulky goods showroom** means premises —

- (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes —
  - (i) automotive parts and accessories;
  - (ii) camping, outdoor and recreation goods;
  - (iii) electric light fittings;
  - (iv) animal supplies including equestrian and pet goods;
  - (v) floor and window coverings;
  - (vi) furniture, bedding, furnishings, fabrics, manchester and homewares;
  - (vii) household appliances, electrical goods and home entertainment goods;
  - (viii) party supplies;
  - (ix) office equipment and supplies;
  - (x) babies' and childrens' goods, including play equipment and accessories;
  - (xi) sporting, cycling, leisure, fitness goods and accessories;
  - (xii) swimming pools;

Or

- (b) used to sell by retail goods and accessories by retail if —
  - (i) a large area is required for the handling, display or storage of the goods; or
  - (ii) vehicular access is required to the premises for the purpose of collection of purchased goods;

**caretaker's dwelling** means a dwelling on the same site as a building, operation or plant used for industry, and occupied by a supervisor of that building, operation or plant;

**child care premises** means premises where —

- (a) an education and care service as defined in the *Education and Care Services National Law (Western Australia)* section 5(1), other than a family day care service as defined in that section, is provided; or
- (b) a child care service as defined in the *Child Care Services Act 2007* section 4 is provided;

**cinema/theatre** means premises where the public may view a motion picture or theatrical production;

**civic use** means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes;

**club premises** means premises used by a legally constituted club or association or other body of persons united by a common interest;

**commercial vehicle parking** means premises used for parking of one or 2 commercial vehicles but does not include —

- (a) any part of a public road used for parking or for a taxi rank; or
- (b) parking of commercial vehicles incidental to the predominant use of the land;

**community purpose** means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit;

**consulting rooms** means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;

**convenience store** means premises —

- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and
- (b) operated during hours which include, but may extend beyond, normal trading hours; and
- (c) the floor area of which does not exceed 300 m<sup>2</sup> net lettable area;

**educational establishment** means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution;

**essential service utility** – *DELETED 08/10/2021*

**exhibition centre** means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum;

**family day care** means premises where a family day care service as defined in the *Education and Care Services National Law (Western Australia)* is provided;



**fast food outlet** - means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten –

- (a) without further preparation; and
- (b) primarily off the premises.

AMD 2 GG 08/10/2021

**fuel depot** means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used —

- (a) as a service station; or
- (b) for the sale of fuel by retail into a vehicle for use by the vehicle;

**funeral parlour** means premises used —

- (a) to prepare and store bodies for burial or cremation;
- (b) to conduct funeral services;

**home business** means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession —

- (a) does not involve employing more than 2 people who are not members of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 50 m<sup>2</sup>; and
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

**home occupation** means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that —

- (a) does not involve employing a person who is not a member of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 20 m<sup>2</sup>; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2 m<sup>2</sup>; and
- (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (f) does not —
  - i. enquire a greater number of parking spaces than normally required for a single dwelling; or
  - ii. result in an increase in traffic volume in the neighbourhood; and
- (g) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and
- (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.

**home office** means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation —

- (a) is solely within the dwelling; and
- (b) does not entail clients or customers travelling to and from the dwelling; and
- (c) does not involve the display of a sign on the premises; and
- (d) does not require any change to the external appearance of the dwelling;

**home store** means a shop attached to a dwelling that —

- (a) has a net lettable area not exceeding 100 m<sup>2</sup>; and
- (b) is operated by a person residing in the dwelling;

**hotel** - means premises providing accommodation the subject of a hotel licence under the Liquor Licencing Act 1988 and may include a betting agency on those premises but does not include a tavern or motel.  
*AMD 2 GG 08/10/2021*

**industry** means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes —

- (a) the storage of goods;
- (b) the work of administration or accounting;
- (c) the selling of goods by wholesale or retail;
- (d) the provision of amenities for employees;
- (e) incidental purposes;

**industry - Cottage** – means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which –  
*AMD 1 GG 22/09/17*

- (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 out-building which is compatible with the principal uses to which land in the zone in which it is located may be put;
- (d) does not occupy an area in excess of 50 square metres; and
- (e) does not display a sign exceeding 0.2 square metres in area;

**industry — extractive** means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes —

- (a) the processing of raw materials including crushing, screening, washing, blending or grading;
- (b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration;

**industry — light** means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed;

**industry - general** – means an industry other than a cottage, extractive, light, mining, rural or service industry;  
*AMD 1 GG 22/09/17*

**industry – mining** – means land used commercially to extract minerals from the land;  
*AMD 1 GG 22/09/17*

**industry – rural** - means premises used for than industry that –

- a) supports and/or is associated with primary production; or
- b) services plant or equipment used in primary production.

AMD 2 GG 08/10/2021

**industry – service** – means -

AMD 1 GG 22/09/17

- (a) an industry – light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or
- (b) premises having a retail shop front and used as a depot for receiving goods to be serviced;

**lunch bar** - means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial and commercial areas.

AMD 1 GG 22/09/17

**market** means premises used for the display and sale of goods from stalls by independent vendors;

**medical centre** means premises other than a hospital used by 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;

**mining operations** means premises where mining operations, as that term is defined in the *Mining Act 1978* section 8(1) is carried out;

**motel** means premises, which may be licensed under the *Liquor Control Act 1988* —

- (a) used to accommodate guests in a manner similar to a hotel; and
- (b) with specific provision for the accommodation of guests with motor vehicles;

**motor vehicle, boat or caravan sales** means premises used to sell or hire motor vehicles, boats or caravans;

**motor vehicle repair** means premises used for or in connection with —

- (a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or
- (b) repairs to tyres other than recapping or re-treading of tyres;

**motor vehicle wash** means premises primarily used to wash motor vehicles;

**nightclub** means premises the subject of a nightclub licence granted under the *Liquor Control Act 1988*;

**office** means premises used for administration, clerical, technical, professional or similar business activities;

**park home park** means premises used as a park home park as defined in the *Caravan Parks and Camping Grounds Regulations 1997* Schedule 8;

**reception centre** means premises used for hosted functions on formal or ceremonial occasions;

**recreation — private** means premises that are —

- (a) used for indoor or outdoor leisure, recreation or sport; and
- (b) not usually open to the public without charge;

**repurposed dwelling** - means a building or structure not previously used as a single house which has been repurposed for use as a dwelling.

AMD 2 GG 08/10/2021

**resource recovery centre** means premises other than a waste disposal facility used for the recovery of resources from waste;

**restaurant/cafe** means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the *Liquor Control Act 1988*;

**restricted premises** means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of —

- (a) publications that are classified as restricted under the *Classification (Publications, Films and Computer Games) Act 1995* (Commonwealth); or
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or
- (c) smoking-related implements;

**rural home business** – *DELETED BY AMD 1 GG 22/09/17*

**rural pursuit/hobby farm** means any premises, other than premises used for agriculture — extensive or agriculture — intensive, that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier's household —

- (a) the rearing, agistment, stabling or training of animals;
- (b) the keeping of bees;
- (c) the sale of produce grown solely on the premises;

**second hand dwelling** - means a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a modular home or transportable dwelling. *AMD 2 GG 08/10/2021*

**service station** means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for —

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; and/or
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles;

**shop** means premises other than a bulky goods showroom, a liquor store — large or a liquor store — small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;

short stay accommodation - *DELETED BY AMD 1 GG 22/09/17*

**tavern** means premises the subject of a tavern licence granted under the *Liquor Control Act 1988*;

**telecommunications infrastructure** means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network;

**tourist development** means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide —

- (a) short-term accommodation for guests; and
- (b) onsite facilities for the use of guests; and
- (c) facilities for the management of the development;

**trade display** means premises used for the display of trade goods and equipment for the purpose of advertisement;

**trade supplies** means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for the following purposes including goods which may be assembled or manufactured off the premises —

- (a) automotive repairs and servicing;
- (b) building including repair and maintenance;
- (c) industry;
- (d) landscape gardening;
- (e) provision of medical services;
- (f) primary production;
- (g) use by government departments or agencies, including local government;

**transport depot** means premises used primarily for the parking or garaging of 3 or more commercial vehicles including —

- (a) any ancillary maintenance or refuelling of those vehicles; and
- (b) any ancillary storage of goods brought to the premises by those vehicles; and
- (c) the transfer of goods or persons from one vehicle to another;

**tree farm** means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the *Carbon Rights Act 2003* section 5;

**veterinary centre** means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;

**warehouse/storage** means premises including indoor or outdoor facilities used for —

- (a) the storage of goods, equipment, plant or materials; or
- (b) the display or sale by wholesale of goods;

**waste disposal facility** means premises used —

- (a) for the disposal of waste by landfill; or
- (b) the incineration of hazardous, clinical or biomedical waste;

**waste storage facility** means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale;

**workforce accommodation** means premises, which may include modular or relocatable buildings, used —

- (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and
- (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.

## SCHEDULE— EXEMPTED ADVERTISEMENTS

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN <sup>1</sup>	MAXIMUM SIZE
<b>Dwellings</b>	One professional name-plate as appropriate.	0.2m <sup>2</sup>
<b>Home Occupation</b>	One advertisement describing the nature of the home occupation.	0.2m <sup>2</sup>
<b>Places of Worship, Meeting Halls and Places of Public Assembly</b>	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m <sup>2</sup>
<b>Cinemas, Theatres and Drive-In Theatres</b>	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m <sup>2</sup> .
<b>Shops, Bulky Goods Showrooms and other uses appropriate to a Shopping Area.</b>  <i>AMD 1 GG 22/09/17</i>	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.	N/A
<b>Industrial and Warehouse/Storage Premises</b>  <i>AMD 1 GG 22/09/17</i>	A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building.  A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.	Total area of any such advertisements, shall not exceed 15m.  Maximum permissible total area shall not exceed 10m <sup>2</sup> and individual advertisement signs shall not exceed 6m <sup>2</sup> .
<b>Bulky Goods Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes</b> <i>AMD 1 GG 22/09/17</i>	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets.	N/A
<b>Public Places and Reserves</b>	a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government a public authority or local government of a local government excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and	N/A  N/A

<sup>1</sup> Includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated.

	<p>b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the local government of a local government, and</p> <p>c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.</p>	N/A
<b>Railway Property and Reserves</b>	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m <sup>2</sup> in area.
<b>Advertisements within buildings</b>	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A
<b>All classes of buildings other than single family dwellings</b>	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m <sup>2</sup>

## SCHEDULE 3 —RURAL RESIDENTIAL ZONES

Land Description	Rural Residential No.	Special Conditions
<p data-bbox="177 365 531 488">Lot 21 (No. 3779) on Diagram 93267 Bindi Bindi-Toodyay Road, Bolgart.</p> <p data-bbox="177 517 411 544"><i>AMD 2 GG 08/10/2021</i></p>	<p data-bbox="531 365 874 392">1</p>	<ol style="list-style-type: none"> <li data-bbox="874 365 1415 517">1. Subdivision shall generally be in accordance with the Structure Plan as adopted by local government and endorsed by the Western Australian Planning Commission.</li> <li data-bbox="874 517 1415 672">2. All development in the Rural Residential Zone, including the erection of a single dwelling, requires the planning consent of the local government.</li> <li data-bbox="874 672 1415 792">3. All buildings and onsite effluent disposal systems shall be limited to within defined building envelopes shown on the Structure Plan.</li> <li data-bbox="874 792 1415 913">4. Direct vehicular access to the Bindi Bindi-Toodyay Road shall be limited to the subdivisional road as shown on the Structure Plan.</li> <li data-bbox="874 913 1415 1160">5. As a condition of subdivision, the subdivider shall prepare a Fire Management Plan, which should incorporate, but not be limited to, strategic firebreaks and the provision of a water supply for fire fighting purposes within the subdivision.</li> <li data-bbox="874 1160 1415 1314">6. Strategic firebreaks as shown on the Structure Plan shall be constructed as a condition of subdivision and maintained to local government's standards.</li> <li data-bbox="874 1314 1415 1496">7. No natural vegetation shall be removed without prior written consent of the local government unless its removal is necessary for construction of a building, firebreak or boundary fence.</li> <li data-bbox="874 1496 1415 1742">8. In the interests of landscape protection, a 10m wide buffer adjoining Bindi Bindi-Toodyay Road, as depicted on the Structure Plan, shall be planted with a row of indigenous vegetation by the subdivider as a condition of subdivision approval.</li> <li data-bbox="874 1742 1415 1841">9. A vegetated buffer is to be maintained along the natural drainage line of the property.</li> <li data-bbox="874 1841 1415 2022">10. Conventional effluent disposal systems (septic and leach drain systems) are to be set back a minimum of 100m from any wetland or watercourse and Alternative Treatment Units set back 50m. No</li> </ol>



		<p>dwelling shall be approved for occupation unless it is connected to an on-site effluent disposal system to the satisfaction of the local government.</p> <p>11. No dwelling shall be approved for occupation unless it is connected to a rainwater tank with a minimum storage capacity of 120,000 litres to the satisfaction of the local government and demonstrates a minimum roof catchment area of 330 sqm, comprising dwelling and outbuildings.</p> <p>12. As a condition of subdivision a notification in the form of a section 70A notification, pursuant to the Transfer of Land Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lots advising of the special provisions in the Scheme relating to water supply and roof catchment requirements.</p> <p>13. Animal stocking rates are to be in accordance with the Department of Agriculture's recommended stocking rates.</p> <p>14. All fencing within the Rural Residential zone shall retain the rural character of the area. The use of concrete sheeting, metal sheeting or wooden pickets is prohibited.</p> <p>15. These conditions are to be read in conjunction with the Scheme requirements for Rural Residential Zone. Where conflict exists, the conditions of the schedule will prevail.</p>
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## SCHEDULE A – SUPPLEMENTAL PROVISIONS

AMD 1 GG 22/09/17

### Clause 61(1)

#### 61(1)(1)

	Column 1 - works	Column 2 - Conditions
22	the erection or installation of a sign or advertisement of a class specified in Schedule 2 of this Scheme	The works are not located in a heritage-protected place
23	the erection or extension of a single house on a lot if a single house is a permitted ("P") use in the zone (where the R Codes do not apply) in which that lot is located	(a) The development standards set out in the Scheme for that particular zone (including boundary setbacks) are satisfied (b) The works are not located in a heritage-protected place (c) The works are not located in a place entered in Schedule 3 and are not subject to a special condition that requires development approval (d) The works are not abutting an unconstructed road or a lot which does not have frontage to a constructed road.
24	the erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted ("P") in the zone (where the R Codes do not apply)	(a) the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied (b) The works are not located in a heritage-protected place
25	the painting or application of render on external surfaces on any building or structure	The works are not located in a heritage-protected place
26	the construction of farm outbuildings, water tanks and external fittings or undertaking works such as the construction of farm dams and soaks on any land classified 'Rural' zone used for extensive agricultural purposes)	(a) The works are required as part of the farming operation (b) The works do not alter or affect existing waterways or water table or involve removal of remnant vegetation (c) The works do not direct runoff to areas other than a watercourse on site and/or impacts adjoining properties (d) the structure or dam is not more than 3 metres in height.

(o) *DELETED AMD 2 GG 08/10/2021*

**ADOPTION**

**PLANNING AND DEVELOPMENT ACT 2005**

**Shire of Victoria Plains**

**LOCAL PLANNING SCHEME No. 5**

Adopted by resolution of the Council of the Shire of Victoria Plains at the Ordinary Meeting of the Council held on the ..... day of .....20....

.....  
SHIRE PRESIDENT Date

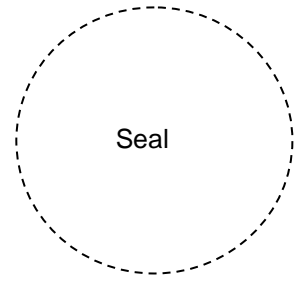
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CHIEF EXECUTIVE OFFICER Date

**FINAL APPROVAL**

Adopted for final approval of the Shire of Victoria Plains at the meeting of Council held on the ..... day of ..... 20.... and the Common Seal of the Shire of Victoria Plains was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....  
SHIRE PRESIDENT Date

.....  
CHIEF EXECUTIVE OFFICER Date



**RECOMMENDED/SUBMITTED FOR FINAL APPROVAL**

.....  
DELEGATED UNDER S.16 OF PD ACT 2005 Date

**FINAL APPROVAL GRANTED**

.....  
MINISTER FOR PLANNING Date