

# SHIRE OF GINGIN

## Local Planning Scheme No. 9

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Updated to include AMD 24 GG 25/10/2024

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Department of Planning,  
Lands and Heritage

Prepared by the  
Department of Planning, Lands & Heritage  
Original Town Planning Scheme Gazettal  
24 September 2012

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Consultation with the respective Local Government Authority should be made to view a legal version of the Scheme.

Please advise the Department of Planning, Lands and Heritage of any errors or omissions in this document.

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## SHIRE OF GINGIN LPS 9 - TEXT AMENDMENTS

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
	27/09/12	27/9/12	ML	New Scheme
6	31/10/14	16/3/15	MLD	<p>Replacing the text in Schedule No. 2 Additional Use No. 21 relating to Lot 7 Gingin Brook Road, Neergabby.</p> <p>Modifying the Scheme Map to correctly depict Additional Use No. 21 over the subject site, Lot 7 (1679) Gingin Brook Road, Neergabby.</p> <p>Modifying Additional Use 20 by deleting "AA" in the Conditions column and replacing it with "D".</p>
9	27/02/15	08/04/15	MLD	"Inserted Additional Use No. 22 into Schedule 2 - Additional Uses"
7	02/04/15	06/05/15	MLD	<p>Rezoned Lot 101 Cheriton Road from General Rural zone to Rural Living zone with a RL4 code.</p> <p>Introduced a new Schedule 12 - Rural Living Zones.</p> <p>Amended the Scheme Maps accordingly.</p>
3	25/09/15	12/10/15	HB	<p>Rezone Lot 1 Old Ledge Point Road and Lot 9001 Lancelin Road, Lancelin from 'General Rural' to 'Future Development', 'Conservation' and 'Landscape Protection'.</p> <p>Insert Clause 5.10.8.2, 5.10.8.3, 5.10.8.4, 5.10.8.5, 5.10.8.6, 5.10.8.7, 5.10.8.8 and 5.10.8.9.</p> <p>Insert a new Schedule 12: Additional provisions for Future Development zones.</p> <p>Insert a new 'Landscape Protection' zone as Clause 4.2.11.</p> <p>Insert 'Landscape Protection' zone into Table 1 Zoning Table with land use permissibility.</p> <p>Insert 'Landscape Protection' zone in Part 5 as Clause 5.10.12.</p> <p>Amend the Scheme Maps accordingly.</p>
11	08/04/16	12/04/16	RO	<p>Rezoning Lot 105 Cheriton Road, Gingin from General Rural to Special Use (SU 9);</p> <p>Insert Special Use provisions at Schedule 4 - Special Use Zones SU9.</p> <p>Amend the Scheme maps accordingly.</p>
14	08/04/16	12/04/16	RO	<p>Deleting the following clauses from the Scheme Text, having been superseded by the deemed provisions set out in the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule 2: Parts 2, 7, 8, 9, 10 and 11 in their entirety; Clause 5.7; 5.8; 5.9.3 in their entirety; Schedules 6, 7, 8 and 9 in their entirety;</p> <p>Removing the following clauses from the Scheme Text and inserting them into Schedule A - Supplemental Provisions: Clause 8.2 (c), (d), (f), (h);</p> <p>Inserting the following provisions into Schedule A - Supplemental Provisions:</p> <p>Clause 61(1): (k), (l), (m), (n), (o)</p> <p>Clause 61(2): (g), (h)</p> <p>Delete the following definitions from Schedule 1, as they have been superseded by the definitions in the deemed provisions set out in the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule 2: advertisement; amenity; cultural heritage significance; local government; local planning strategy; owner; place; premises; region scheme; residential design codes; structure plan; substantially commenced; town planning act; zone;</p> <p>Amend the following clauses by removing the cross reference to the clause deleted by the amendment and replace them with cross reference to the deemed provisions set out in the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule 2: Clauses: 3.4.1, 3.4.2(a); 4.2.9; 4.3.2; 4.3.3 (note); 4.4.2(b); 4.8(c); 4.9.2; 5.4.2; 5.5.2; 5.5.3; 5.10.12.1. The clause reference in Table 1 - the Zoning Table for the Future Development Zone;</p> <p>Delete reference to the following terms and replace them with the corresponding term throughout the scheme: 'consent' replaced with 'approval'; 'planning consent' replaced with 'development approval'; 'planning approval' replaced with 'development approval'; 'council' replaced with 'local government'; 'outline development plan' replaced with 'structure</p>

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
				<p>plan'; 'Town Planning Regulations 1967' replaced with 'Planning and Development (Local Planning Schemes) Regulations 2015'.</p> <p>Update the definition for 'non-conforming use'.</p> <p>Modify the zoning table to make Ancillary Accommodation a 'P' use in the Residential zone;</p> <p>Additional amendments to scheme provisions as follows: Insert reference to the deemed provisions and supplemental provisions in Part 1.4; Insert Clause 18(7) of the model provisions to ensure guidance is provided for when considering applications within a Future Development Zone;</p> <p>Inserting reference to the deemed provisions in the preamble to the Scheme.</p> <p>Renumber the remaining scheme provisions and schedules sequentially and update any cross referencing to the new clause numbers as required.</p>
4	31/05/16	02/06/16	RO	<p>Rezone Lot 500 Casserley Way from 'Parks and Recreation' reserve to 'Environmental Conservation' reserve.</p> <p>Rezone a portion Lot 1022 (Reserve No. 33549) from 'Tourism' Zone to 'Environmental Conservation' reserve.</p> <p>Rezone a portion of Lot 31 (Reserve No. 21760) from 'Tourism' Zone to 'Environmental Conservation' reserve.</p> <p>Rezone Lot 1028 (Reserve No.44620) from 'Parks and Recreation' reserve to 'Public purposes - Infrastructure services' reserve.</p> <p>Delineate Special Control Area No.4 - Wastewater Infrastructure around the Casserley Way wastewater pump station on Reserve 44620.</p> <p>Number the existing clause under '2.3 Local Reserves' as 2.3.1.</p> <p>Add a new clause 2.3.2.</p> <p>Insert new Clause 2.4 <b>Additional uses for local reserves.</b></p> <p>Renumber <b>Use and development of Local Reserves</b> as Clause 2.5 and the sub-clauses as 2.5.1, 2.5.2 and 2.5.3.</p> <p>Insert into Schedule 2 Additional Use 23:</p> <p>Amend the Scheme Maps accordingly.</p>
12	06/09/16	24/10/16	AC	<p>Rezone Lot 801 Orange Springs Road, Cowalla from 'General Rural' zone to 'General Rural - Coded' and 'General Rural Area' (GR30) and amend the Scheme Maps accordingly.</p> <p>Insert new Schedule – Schedule 10 – General Rural (Coded) Zones.</p> <p>Clause 4.8.6 General Rural Zone of the Scheme – insert two new clauses, 4.8.6.10 and 4.8.6.11.</p>
17	26/05/17	31/05/17	MLD	<p>Rezone a portion of Lot 601 Brockman Street, Gingin from 'Residential R5', 'Residential R10', 'Future Development Zone', 'Town Centre' and 'Roads' to 'Residential R10', 'Residential R10/30', 'Town Centre' and 'Parks and Recreation' reserve.</p> <p>Amend the Scheme Map by rezoning a portion of Lot 601 Brockman Street, Gingin as 'Residential R10', 'Residential R10/30', 'Town Centre' and 'Parks and Recreation' reserve</p>
8	06/02/18	07/02/18	GM	<p>Rezoned a portion of Lot 5450 Wannamal Road West, Boonanning from "General Rural" to "Special Use (Landfill and Composting Facility)".</p> <p>Schedule 4 – Special Use Zones – amended by inserting SU8 – Portion of Lot 5450 Wannamal Road West, Boonanning.</p> <p>Schedule 1 – Land Use Definitions – added definition for "composting".</p> <p>Table 1 – Zoning Table – included "composting".</p> <p>Scheme Maps amended accordingly.</p>
16	15/05/18	24/05/18	GM	<p>Rezone Lot 2 (Plan 10531) Breton Bay from 'General Rural' zone to 'Tourism' and 'Conservation' zones.</p> <p>Scheme Maps amended accordingly.</p> <p>Part 4 - General Development Requirements amended by inserting clause 4.8.7.13.</p> <p>New Schedule 11 – Tourism Conditions inserted with provisions for Lot 2 (Plan 10531) Breton Bay, Seabird.</p>
20	12/03/19	14/03/19	GM	<p>Inserted Lot 39 (No. 56) Hoy Road, Coonabidgee into Schedule 2 - Additional Uses.</p> <p>Amend the Scheme Map accordingly.</p>

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
19	09/08/19	12/08/19	HB	<p>Modify Table 1 – Zoning Table by deleting the land use and associated permissibility for 'storage' and 'warehouse'.</p> <p>Insert the land use 'warehouse/storage' with permissibility: P in the Mixed Business and General Industry zones, D in the Town Centre zone, A in the Rural Industry zone and X in the Residential, Rural Living, General Rural, Tourism, Conservation and Landscape Protection zones.</p> <p>In Schedule 1 – Dictionary, delete the land use definitions for 'Warehouse' and 'Storage'.</p> <p>In Schedule 1 – Dictionary, insert the following land use definitions: Warehouse/storage, Freeway Service Centre and Roadhouse.</p> <p>Delete Additional Use site A17 from Schedule 2 and the Scheme Maps.</p> <p>In Schedule 2 – Additional Uses, insert Lot 1021 Gingin Brook Road, Woodridge as AU25 and Lot 1022 Indian Ocean Drive as AU26 with the following additional land use(s) and site-specific conditions.</p> <p>Amend the Scheme map accordingly.</p>
21	15/09/2020	15/09/2020	GM	<p>Insert Additional Use 27, Portion of Lot 201 Brand Highway, Ginginup, as identified on the Scheme Map.</p> <p>Amend the Scheme Map by applying Additional Use Site No. 27 to a portion of Lot 201 Brand Highway, Ginginup.</p>
22	31/12/2021	14/01/2022	HB	<p>Amend Schedule 10 – General Rural (Coded) zones by inserting a new entry for Lot 100 (No. 1492) Bennies Road, Cowalla with conditions.</p> <p>Amend the Scheme Map by including Lot 100 (No. 1492) Bennies Road, Cowalla in the General Rural – Coded zone and allocating General Rural codes of GR20 over the portion of the land north of Bennies Road and GR30 over the portion of the land south of Bennies Road, as shown on the Scheme Map.</p>
28	25/10/2024	7/11/2024	GL	<p>Include an A28 notation over the relevant part of Lot 8021 Waterville Rd, Neergabby and introduce into 'Schedule 2 – Additional Uses' the following:  No 28, Part of Lot 8021 Waterville Road, Neergabby – Industry – Light, 1. Development is not permitted unless the local government has exercised its discretion by granting development approval.2. Development approval is to be time limited to an initial period of 10 years. Further time extensions are not to exceed 5 years and will be subject to an assessment of the development against the planning framework as it applies at the time. 3. The development is to remain as at secondary use to the primary agricultural use of the land at all times. 4. The development is restricted to the assembly of modular/transportable buildings, associated structures and any incidental operations to the satisfaction of the local government. 5. The development area is to be located in one contiguous area within the lot that meets the following criteria: a. partially located on land that is not required for the primary agricultural use of the lot; b. does not conflict with any area if consolidated remnant native vegetation or habitat of the Carnaby Black Cockatoo; c. is not visible from any adjoining lot or public road; and d. is set back a minimum of 500, from any lot boundary. 6. The development area is limited to a maximum area of 3 hectares. 7. Access and egress for the development is limited to Waterville Road. 8. The presence of the development is not grounds to progress subdivision of the land.</p>

## **Preamble**

AMD 14 GG 08/04/16

This Local Planning Scheme of the Shire of Gingin 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 should be read with the Local Planning Strategy for the Shire.

Part 2 of the deemed provisions sets 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 which 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 also sets out the requirements for development approval, enforcement of the Scheme provisions and non-conforming uses.

## **Scheme details**

The Shire of Gingin

Local Planning Scheme No. 9

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

## Contents

AMD 14 GG 08/04/16

- Part 1 **Preliminary** — sets out the Scheme title, responsible authority for implementing the Scheme, definitions used in the Scheme, Scheme area, contents, purpose, aims and relationship to other Schemes and laws.
- Part 2 **Reserves** — sets out the reserves which apply in the Scheme area and related provisions.
- Part 3 **Zones and the Use of Land** — sets out the zones which apply in the Scheme area and the uses which may require approval or may be prohibited.
- Part 4 **General Development Requirements** — sets out the planning requirements which may apply to a particular use or development in a zone.
- Part 5 **Special Control Areas** — sets out particular provisions which may apply in addition to the zone requirements and generally concerns landscape, environmental, built form, and land and site management issues.

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## PART 1 — PRELIMINARY

### 1.1. Citation

1.1.1. The Shire of Gingin Local Planning Scheme No. 9 (“the Scheme”) comes into operation on its Gazettal date.

1.1.2. The following Scheme is revoked —

Shire of Gingin Town Planning Scheme No. 8 Gazetted on 20 December 1991.

### 1.2. Responsible Authority

The Shire of Gingin is the responsible authority for implementing the Scheme.

### 1.3. Scheme Area

The Scheme applies to the Scheme area which covers all of the local government district of the Shire as shown on the Scheme Map.

### 1.4. Contents of Scheme

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The Scheme comprises —

- (a) the Scheme Text;
- (b) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2)
- (c) the supplemental provisions contained in Schedule A; and
- (d) the Scheme Map (sheets 1 – 15).

The Scheme is to be read in conjunction with the Local Planning Strategy.

### 1.5. Purposes of Scheme

The purposes of the Scheme are to —

- (a) set out the local government’s planning aims and intentions for the Scheme area;
- (b) set aside land as reserves for public purposes;
- (c) zone land within the Scheme area for the purposes defined in the Scheme;
- (d) control and guide land use and development;
- (e) set out procedures for the assessment and determination of planning applications;
- (f) make provision for the administration and enforcement of the Scheme; and
- (g) address other matters set out in the Seventh Schedule to the Planning and Development Act.

## 1.6. The Aims of the Scheme

The aims of the Scheme are to —

- (a) Promote the planned expansion of all townsites, and encourage the consolidation and expansion of services and facilities within townsites.
- (b) Encourage population growth to take place in townsites, particularly where reticulated infrastructure is available or planned, to maximise infrastructure utility and investment and create focused demand for infrastructure improvement.
- (c) Improve and expand infrastructure in all towns to lessen environmental degradation.
- (d) Encourage seweraged residential development in all townsites where economically feasible.
- (e) Recognise the unique servicing, management, land use and socio-economic issues associated with rural residential settlement.
- (f) Protect the rural land resource by promoting a strong presumption against unplanned fragmentation of rural land.
- (g) Recognise the existing pattern of rural small holdings in proximity to the Moore River and Gingin Brook.
- (h) Facilitate more intensive and diversified use of rural land for higher value products, including horticulture, intensive animal husbandry and farm forestry, which are compatible with surrounding farming practices.
- (i) Ensure that the use and development of rural land is both compatible and complementary to traditional livestock, grazing and agricultural activities.
- (j) Support subdivision of rural land which is consistent with the preferred settlement strategy and which facilitates the ongoing productive rural use of the land.
- (k) Ensure that agricultural and urban land uses can be co-located efficiently with minimal conflict.
- (l) Promote processing and value adding industries to be located within the Shire.
- (m) Recognise the importance of the existing fishing industries within the coastal townsites, particularly in the context of potentially competing pressures of urban growth and tourism.
- (n) Facilitate increased demand and diversification of local service industries.
- (o) Promote Gingin Shire as an opportune location for regional development of industry, infrastructure and other specialised regional facilities.
- (p) Enhance and protect Gingin's unique physical environment as an asset for sustainable and dynamic tourism opportunities.
- (q) Promote sustainable management and land use to ensure the quality and adequate supply of groundwater and surface water bodies within the scheme area.
- (r) Protect the natural environment and biodiversity while ensuring appropriate development opportunities within the scheme area are realised.
- (s) Minimise land degradation and vegetation loss through integration of landcare principles within the planning process.

- (t) Recognise the importance of highways and main roads (Brand Highway and Indian Ocean Drive) as transport corridors ensuring safe and efficient travel with minimised traffic interaction.

## **1.7. Definitions**

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

- a) in the Planning and Development Act; or
- b) if they are not defined in that Act —
  - (i) in the Dictionary of defined words and expressions in Schedule 1; or
  - (ii) in the Residential Design Codes.

1.7.2. If there is a conflict between the meaning of a word or expression in the Dictionary of defined words and expressions in Schedule 1 and the meaning of that word or expression in the Residential Design Codes —

- a) in the case of a residential development, the definition in the Residential Design Codes prevails; and
- b) in any other case the definition in the Dictionary prevails.

1.7.3. Notes, and instructions printed in italics, are not part of the Scheme.

## **1.8. Relationship with local laws**

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

## **1.9. Relationship with other Schemes**

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

## PART 2 — RESERVES

AMD 14 GG 08/04/16

### 2.1. Reserves

Certain lands within the Scheme area are classified as Local Reserves.

### 2.2. Regional Reserves

There are no regional reserves in the Scheme area.

### 2.3. Local Reserves

AMD 4 GG 31/05/16

2.3.1 “Local Reserves” are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

2.3.2 The objectives of each local reserve are as follows –

#### Environment Conservation

- a) To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision.
- b) To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves.

### 2.4. Additional Uses for Local Reserves

AMD 4 GG 31/05/16

2.4.1 The Table in Schedule 2 sets out -

- a) classes of use for specified land located in local reserves that are additional to classes of use determined in accordance with the objectives of the reserve; and
- b) the conditions that apply to that additional use.

2.4.2 Despite anything contained in Clause 2.3, land that is specified in the Table to subclause 2.4.1 may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

### 2.5. Use and Development of Local Reserves

AMD 4 GG 31/05/16

2.5.1. A person must not —

- a) use a Local Reserve; or
- b) commence or carry out development on a Local Reserve,

without first having obtained development approval under Part 7 of the deemed provisions.

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2.5.2. In determining an application for development approval, the local government is to have due regard to —

AMD 14 GG 08/04/16

- a) the matters set out in clause 67 of the deemed provisions; and
- b) the ultimate purpose intended for the Reserve.

AMD 14 GG 08/04/16

2.5.3. In the case of land reserved for the purposes of a public authority, the local government is to consult with that authority before determining an application for development approval.

AMD 14 GG 08/04/16

## **PART 3 — ZONES AND THE USE OF LAND**

AMD 14 GG 08/04/16

### **3.1. Zones**

3.1.1. The Scheme area is classified into the zones shown on the Scheme Map.

3.1.2. The zones are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

### **3.2. Objectives of the Zones**

#### **3.2.1 Residential Zone**

The objectives of the Residential Zone are to:

- a) provide for a range of housing types and encourage a high standard of residential development;
- b) maintain and enhance the residential character and amenity of the zone;
- c) limit non-residential activities to those of which the predominant function is to service the local residential neighbourhood and for self-employment or creative activities, provided such activities have no detrimental effect on the residential amenity; and
- d) ensure that the density of development takes cognisance of the availability of reticulated sewerage, the effluent disposal characteristics of the land and other environmental factors.

#### **3.2.2 Town Centre Zone**

The objectives of the Town Centre Zone are to:

- a) promote, facilitate and strengthen the town centre zone as the principal focus of the district in terms of shopping, professional, administrative, cultural, entertainment and other business activities;
- b) accommodate a diversity of commercial, cultural and residential facilities;
- c) encourage the integration of existing and proposed facilities within the zone so as to promote ease of pedestrian movement and the sharing of infrastructure, as well as to retain the opportunity for any future expansion of the area;
- d) provide for the efficient and safe movement and parking of vehicles; and
- e) ensure that buildings, ancillary structures and advertising are of high quality and contribute to the uniqueness of the townscape.

#### **3.2.3 Mixed Business Zone**

The objectives of the Mixed Business Zone are to:

- a) accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites;
- b) provide for a wide range of light and service industries, wholesale sales, showrooms, trade and services which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in, the central area, shops and offices or industrial zones;
- c) allow for commercial and light industrial uses that are compatible with nearby uses;

- d) provide for the efficient and safe movement and parking of vehicles;
- e) encourage new development that will enable future adaptation and re-use, and will enhance the visual amenity of the area; and
- f) ensure that where any development adjoins zoned or developed residential properties, such development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.

#### 3.2.4 Industry Zone

The objectives of the Industry Zone are to:

- a) provide for industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses;
- b) discourage non-industry related uses within industrial areas that may constrain industrial activities;
- c) provide for the efficient and safe movement and parking of vehicles; and
- d) encourage new industry to contain its emissions on-site and, if that is not possible, within the zone having due regard to nearby established premises.

#### 3.2.5 Rural Industry Zone

The objective of the Rural Industry Zone is to:

- a) provide for a range of industrial land uses on rural-living sized lots where people can work and live on the same property.

#### 3.2.6 Rural Living Zone

The objectives of the Rural Living Zone are to:

- a) protect the rural environment and landscape;
- b) accommodate single dwellings at very low densities on individual allotments beyond the urban areas;
- c) restrict and limit the removal of natural vegetation and encourage revegetation where appropriate;
- d) prevent threats to the amenity of the zone and impacts on wildlife and native vegetation caused by the grazing of livestock;
- e) avoid increased fire risk to life and property through inappropriately located and designed land use, subdivision and development; and
- f) provide for a suitable level of physical and community infrastructure.

#### 3.2.7 General Rural Zone

The objectives of the General Rural Zone are to:

- a) manage land use changes so that the specific local rural character of the zone is maintained or enhanced;

- b) encourage and protect broad acre agricultural activities such as grazing and more intensive agricultural activities 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;
- c) 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; and
- d) provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the General Rural zone.

### 3.2.8 Tourism Zone

The objectives of the Tourism Zone are to:

- a) promote and provide for tourism opportunities;
- b) provide for a variety of holiday accommodation styles and associated uses, including retail and service facilities where such facilities are provided in support of the tourist accommodation and are of an appropriate scale where they will not impact detrimentally on the surrounding or wider area;
- c) allow limited residential uses where appropriate;
- d) encourage the location of tourist facilities so that they may benefit from existing road services, physical service infrastructure, other tourist attractions, natural features and urban facilities;
- e) ensure that short stay tourist and holiday accommodation are the predominant land uses in the zone; and
- f) encourage tourism development that is generally sympathetic to the natural and built features of the surrounding area.

### 3.2.9 Future Development Zone

The objectives of the Future Development Zone are to:

- a) designate land considered to be generally suitable for future development and to prevent such land being used or developed in a manner which could prejudice it's possible future use for planned development;
- b) provide for the sustainable development of land in an orderly manner with appropriate levels of physical infrastructure and human services; and
- c) ensure the orderly development of the land, through a requirement for the preparation and endorsement of a Structure Plan in accordance with the provisions of Part 4 of the deemed provisions, as a pre-requisite to subdivision or development of the land.

*AMD 14 GG 08/04/16*

### 3.2.10 Conservation Zone

The objective of the Conservation Zone is to:

- a) adequately protect areas considered high environmental value from urban development and environmental degradation.

### 3.2.11 Landscape Protection Zone

The objectives of the Landscape Protection Zone are to:

- a) Preserve visual landscape quality;
- b) Protect and enhance landscape and scenic values through location and siting of land uses and development, and control over design and building materials;
- c) Maintain the integrity of the landscape which is visible from identified travel routes and recreation areas, consistent with visual management objectives identified within a landscape and visual impact study; and
- d) Provide for limited development, where the built form is consistent with zone objectives. *AMD 3 GG 25/09/15*

### 3.3. Zoning Table

3.3.1. The Zoning Table (Table 1) indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones. The permissibility of any uses 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.

3.3.2. The symbols used in the cross reference in the Zoning Table have the following meanings —

- 'P' means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;
- 'D' means that the use is not permitted unless the local government has exercised its discretion by granting development approval; *AMD 14 GG 08/04/16*
- 'A' means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with clause 64 of the deemed provisions; *AMD 14 GG 08/04/16*
- 'X' means a use that is not permitted by the Scheme.

3.3.3. A change in the use of land from one use to another is permitted if —

- a) the local government has exercised its discretion by granting development approval; *AMD 14 GG 08/04/16*
- b) the change is to a use which is designated with the symbol 'P' in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and any requirements of the Scheme;
- c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or
- d) the change is to an incidental use that does not change the predominant use of the land.

- Note:
1. The development approval of the local government is required for the development of land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the use and development of land. *AMD 14 GG 08/04/16*
  2. The local government will not refuse a 'P' use because of the unsuitability of the use for the zone but may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme, and may refuse or impose conditions on any development of the land.
  3. In considering a 'D' or 'A' use, the local government will have regard to the matters set out in clause 67 of the deemed provisions. *AMD 14 GG 08/04/16*
  4. The local government must refuse to approve any 'X' use of land. Approval to an 'X' use of land may only proceed by way of an amendment to the Scheme.



### 3.4. Interpretation of the Zoning Table

- 3.4.1. Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.
- 3.4.2. If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may —
- a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
  - b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 64 of the deemed provisions in considering an application for development approval; or  
*AMD 14 GG 08/04/16*
  - c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.  
*AMD 14 GG 08/04/16*
- 3.4.3. 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) an activity centre plan
  - c) a local development plan  
*AMD 14 GG 08/04/16*

### 3.5. Additional uses

Despite anything contained in the Zoning Table, the land specified in Schedule 2 may be used for the specific use or uses that are listed in addition to any uses permissible in the zone in which the land is situated subject to the conditions set out in Schedule 2 with respect to that land.

Note: An additional use is a land use that is permitted on a specific portion of land in addition to the uses already permissible in that zone that applies to the land.

### 3.6. Restricted Uses

Despite anything contained in the Zoning Table, the land specified in Schedule 3 may only be used for the specific use or uses that are listed and subject to the conditions set out in Schedule 3 with respect to that land.

Note: A restricted use is the only use or uses that is permitted on a specific portion of land and other uses that would otherwise be permissible in the zone are not permitted.

### 3.7. Special Use Zones

- 3.7.1. Special use zones are set out in Schedule 4 and are in addition to the zones in the Zoning Table.
- 3.7.2. A person must not use any land, or any structure or buildings on land, in a special use zone except for the purpose set out against that land in Schedule 4 and subject to compliance with any conditions set out in Schedule 4 with respect to that land.

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

**3.8. Non-conforming Uses**

Except as otherwise provided in the Scheme, no provision of the Scheme is to be taken to prevent —

- (a) the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date;
- (b) the carrying out of any development on that land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorize the development to be carried out, were duly obtained and are current; or
- (c) subject to clause 80 of the deemed provisions, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date. *AMD 14 GG 08/04/16*

Note: “Land” has the same meaning as in the Planning and Development Act and includes houses, buildings and other works and structures.

**3.9. Extensions and Changes to a Non-Conforming Use**

3.9.1. A person must not —

- a) alter or extend a non-conforming use;
- b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or
- c) change the use of land from a non-conforming use to another non-conforming use, without first having applied for and obtained development approval under the Scheme. *AMD 14 GG 08/04/16*

3.9.2. An application for development approval under this clause is to be advertised in accordance with clause 64 of the deemed provisions. *AMD 14 GG 08/04/16*

3.9.3. Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the local government is not to grant its development approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the local government, closer to the intended purpose of the zone. *AMD 14 GG 08/04/16*

**3.10. Discontinuance of Non-Conforming Use**

Where a non-conforming use of any land has been discontinued for a period of 6 months the land must not be used after that period otherwise than in conformity with the provisions of the Scheme.

**3.11. Termination of a Non-Conforming Use**

The local government may effect the discontinuance of a non-conforming use by the purchase of the land, or by the payment of compensation to the owner or occupier or to both the owner and occupier of that land, and may enter into an agreement with the owner for that purpose.

Note: Section 191 of the Planning and Development Act enables the local government to purchase, or, with the approval of the Governor, compulsorily acquire land for the purpose of a Local Planning Scheme, subject to Part 9 of the Land Administration Act 1997, that section and the Scheme. *AMD 14 GG 08/04/16*

**3.12. Destruction of Non-Conforming Use Buildings**

If a building used for a non-conforming use is destroyed to 75% or more of its value, the building is not to be repaired, rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner not permitted by the Scheme, except with the development approval of the local government. *AMD 14 GG 08/04/16*

**TABLE 1 - ZONING TABLE**

AMD 14 GG 08/04/16

ZONES  LAND USE CLASSES	RESIDENTIAL	TOWN CENTRE	MIXED BUSINESS	GENERAL INDUSTRY	RURAL INDUSTRY	RURAL LIVING	GENERAL RURAL	TOURISM	CONSERVATION	FUTURE DEVELOPMENT	LANDSCAPE PROTECTION AMD 3 GG 25/09/2015
	ABATTOIR	X	X	X	X	X	X	A	X	X	IN ACCORDANCE WITH CLAUSE 3.4.3
AGED PERSONS ACCOMMODATION	P	P	X	X	X	X	X	X	X	X	
AGRICULTURE – EXTENSIVE	X	X	X	X	X	A	P	X	X	X	
AGRICULTURE – INTENSIVE	X	X	A	X	X	X	D	X	X	X	
AGROFORESTRY	X	X	X	X	X	X	P	X	X	X	
AMUSEMENT PARLOUR	X	D	D	X	X	X	X	A	X	X	
ANCILLARY ACCOMMODATION	P	X	X	X	D	D	P	A	X	X	
ANIMAL ESTABLISHMENT	X	X	A	X	X	A	P	X	X	X	
ANIMAL HUSBANDRY - INTENSIVE	X	X	X	X	X	A	A	X	X	X	
BED & BREAKFAST	A	P	X	X	X	D	P	P	A	X	
BETTING AGENCY	X	D	X	X	X	X	X	X	X	X	
CABIN	X	X	X	X	X	X	A	P	X	X	
CARAVAN PARK	X	X	X	X	X	X	X	P	X	X	
CARETAKER'S DWELLING	X	X	D	X	D	X	D	D	A	X	
CARPARK	D	P	P	D	X	X	D	A	X	X	
CHALET	X	X	X	X	X	X	A	P	X	X	
CHILD CARE PREMISES	A	D	D	X	X	A	D	X	X	X	
CINEMA/THEATRE	X	D	D	X	X	X	X	X	X	X	

ZONES  LAND USE CLASSES	RESIDENTIAL	TOWN CENTRE	MIXED BUSINESS	GENERAL INDUSTRY	RURAL INDUSTRY	RURAL LIVING	GENERAL RURAL	TOURISM	CONSERVATION	FUTURE DEVELOPMENT	LANDSCAPE PROTECTION AMD 3 GG 25/09/2015
	IN ACCORDANCE WITH CLAUSE 3.4.3										
CIVIC USE	P	P	P	X	X	P	P	D	X		X
CLUB PREMISES	X	D	D	A	X	A	D	X	X		X
COMMUNITY PURPOSE	A	P	P	A	X	A	A	X	X		X
COMPOSTING <i>AMD 8 GG 06/02/18</i>	X	X	X	A	X	X	A	X	X		X
CONSULTING ROOMS	A	P	X	X	X	D	D	X	X		X
CONVENIENCE STORE	A	P	X	X	X	X	X	X	X		X
CORRECTIVE INSTITUTION	X	X	X	X	X	X	A	X	X		X
EDUCATIONAL ESTABLISHMENT	A	D	D	X	X	A	D	X	X		X
EXHIBITION CENTRE	A	P	D	X	X	A	D	D	X		X
FAMILY DAY CARE	D	D	X	X	X	D	P	X	X		X
FAST FOOD OUTLET	X	D	X	X	X	X	X	X	X		X
FISH PROCESSING	X	X	A	A	X	X	A	X	X		X
FUEL DEPOT	X	X	A	A	A	X	A	X	X		X
FUNERAL PARLOUR	X	D	D	D	X	X	X	X	X		X
GUEST HOUSE	A	X	X	X	X	X	A	P	X		X
GROUPED DWELLING	D	D	X	X	X	X	X	D	X		D
HOLIDAY HOUSE	D	X	X	X	X	X	D	P	X		X
HOLIDAY HOUSE (LARGE)	D	X	X	X	X	X	D	P	X		X
HOME BUSINESS	A	P	X	X	P	D	P	D	X		D
HOME OCCUPATION	P	P	X	X	P	P	P	D	X		X
HOME OFFICE	P	P	X	X	P	P	P	D	X		X
HOME STORE	A	A	X	X	X	X	X	X	X		X

ZONES  LAND USE CLASSES	RESIDENTIAL	TOWN CENTRE	MIXED BUSINESS	GENERAL INDUSTRY	RURAL INDUSTRY	RURAL LIVING	GENERAL RURAL	TOURISM	CONSERVATION	FUTURE DEVELOPMENT	LANDSCAPE PROTECTION AMD 3 GG 25/09/2015
	IN ACCORDANCE WITH CLAUSE 3.4.3										
HOSPITAL	A	A	A	X	X	X	X	X	X		X
HOTEL	X	D	X	X	X	X	X	P	X		X
INDUSTRY – COTTAGE	A	X	X	X	P	D	P	X	X		X
INDUSTRY – EXTRACTIVE	X	X	X	X	X	X	A	X	X		X
INDUSTRY – GENERAL	X	X	X	P	X	X	X	X	X		X
INDUSTRY – LIGHT	X	X	P	P	P	X	X	X	X		X
INDUSTRY - NOXIOUS	X	X	X	X	X	X	A	X	X		X
INDUSTRY – RURAL	X	X	A	D	A	A	D	X	X		X
INDUSTRY – SERVICE	X	X	P	P	D	X	X	X	X		X
LANDFILL SITE	X	X	X	X	X	X	X	X	X		X
LUNCH BAR	X	P	P	P	X	X	X	X	X		X
MARINA	A	A	A	X	X	X	X	A	X		X
MARINE FILLING STATION	X	A	A	D	X	X	X	X	X		X
MARKET	X	D	X	X	X	X	D	X	X		X
MEDICAL CENTRE	A	P	X	X	X	X	X	X	X		X
MINING	X	X	X	X	X	X	X	X	X		X
MOTEL	A	P	X	X	X	X	X	P	X		X
MOTOR VEHICLE, BOAT OR CARAVAN SALES	X	D	D	P	X	X	X	X	X		X
MOTOR VEHICLE REPAIR	X	A	P	P	D	X	X	X	X		X
MOTOR VEHICLE WASH	X	A	D	D	X	X	X	X	X		X
MULTIPLE DWELLING	D	D	X	X	X	X	X	D	X		D
NIGHT CLUB	X	A	A	X	X	X	X	X	X		X

ZONES  LAND USE CLASSES	RESIDENTIAL	TOWN CENTRE	MIXED BUSINESS	GENERAL INDUSTRY	RURAL INDUSTRY	RURAL LIVING	GENERAL RURAL	TOURISM	CONSERVATION	FUTURE DEVELOPMENT	LANDSCAPE PROTECTION AMD 3 GG 25/09/2015
	IN ACCORDANCE WITH CLAUSE 3.4.3										
OFFICE	X	P	X	X	D	X	X	D	X		X
PARK HOME PARK	X	X	X	X	X	X	X	D	X		X
PLACE OF WORSHIP	A	D	D	A	X	A	D	X	X		X
PLANTATION	X	X	X	X	X	X	D	X	X		X
PLANT NURSERY	X	D	D	D	D	D	D	X	X		X
PUBLIC UTILITY	D	D	D	D	D	D	D	D	X		X
RECEPTION CENTRE	X	D	D	X	X	X	A	D	X		X
RECREATION – PRIVATE	A	D	D	A	A	A	D	X	X		X
RESIDENTIAL BUILDING	A	D	D	X	X	A	D	D	A		X
RESORT	X	X	X	X	X	X	X	P	X		X
RESTAURANT	A	P	X	X	X	X	D	P	A		X
RESTRICTED PREMISES	X	A	A	A	X	X	X	X	X		X
RETIREMENT VILLAGE	D	D	X	X	X	X	X	X	X		X
RURAL PURSUIT	X	X	X	X	D	D	P	X	X		X
SERVICED APARTMENT	X	A	X	X	X	X	X	P	X		X
SERVICE STATION	X	A	D	D	X	X	X	X	X		X
SHOP	A	P	X	X	X	X	X	D	X		X
SHOWROOM	X	D	P	P	X	X	X	X	X		X
SINGLE HOUSE	P	D	X	X	D	P	P	D	A		D
STAFF/ WORKERS ACCOMMODATION	X	X	X	X	X	X	A	A	X		X
TAVERN	X	A	A	X	X	X	X	D	X		X
TELECOMMUNICATION INFRASTRUCTURE	A	A	D	D	A	A	A	X	X		X

<p style="text-align: center;"><b>ZONES</b></p> <p style="text-align: center;"><b>LAND USE CLASSES</b></p>	RESIDENTIAL	TOWN CENTRE	MIXED BUSINESS	GENERAL INDUSTRY	RURAL INDUSTRY	RURAL LIVING	GENERAL RURAL	TOURISM	CONSERVATION	FUTURE DEVELOPMENT	LANDSCAPE PROTECTION AMD 3 GG 25/09/2015
TRADE DISPLAY	X	D	P	P	A	X	X	X	X		X
TRANSPORT DEPOT	X	X	D	P	A	X	D	X	X		X
VETERINARY CENTRE	X	A	D	D	A	A	D	X	X		X
WAREHOUSE/STORAGE <i>AMD 19 GG 09/08/19</i>	X	D	P	P	A	X	X	X	X		X
WINERY	X	D	D	D	A	A	D	X	X		X

## **PART 4 — GENERAL DEVELOPMENT REQUIREMENTS**

AMD 14 GG 08/04/16

### **4.1. Compliance with Development Standards and Requirements**

Any development of land is to comply with the provisions of the Scheme.

### **4.2. Residential Design Codes**

4.2.1. A copy of the Residential Design Codes is to be kept and made available for public inspection at the offices of the local government.

4.2.2. Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes.

4.2.3. The Residential Design Codes density applicable to land within the Scheme area is to be determined by reference to the Residential Design Codes density number superimposed on the particular areas contained within the borders shown on the Scheme Map or where such an area abuts another area having a Residential Design Code density, as being contained within the area defined by the centre-line of those borders.

### **4.3. Special Application of Residential Design Codes**

4.3.1 The Residential Design Code for Mixed Use, grouped dwelling or multiple dwelling development in the Town Centre Zone shall be limited to R60.

4.3.2 Within areas that are dual coded on the Scheme Map, development and subdivision in accordance with the higher code shall only be supported where reticulated sewerage is available.

### **4.4. Restrictive Covenants**

4.4.1. Subject to clause 4.4.2, a restrictive covenant affecting any land in the Scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Design Codes which apply under the Scheme. *AMD 14 GG 08/04/16*

4.4.2. Where clause 4.4.1. operates to extinguish or vary a restrictive covenant the local government is not to grant development approval to the development of the land which would, but for the operation of clause 4.4.1, have been prohibited unless the application has been dealt with as an 'A' use and has complied with all of the advertising requirements of clause 64 of the deemed provisions. *AMD 14 GG 08/04/16*

### **4.5. Variations to Site and Development Standards and Requirements**

4.5.1. Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for development approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit. *AMD 14 GG 08/04/16*

4.5.2. In considering an application for development approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to — *AMD 14 GG 08/04/16*

- a) consult the affected parties by following one or more of the provisions for advertising uses under clause 64 of the deemed provisions; and *AMD 14 GG 08/04/16*



- b) have regard to any expressed views prior to making its determination to grant the variation.

4.5.3. The power conferred by this clause may only be exercised if the local government is satisfied that —

- a) approval of the proposed development would be appropriate having regard to the matters set out in clause 67 of the deemed provisions; and *AMD 14 GG 08/04/16*
- b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

#### **4.6. Environmental Conditions**

4.6.1. Environmental conditions to which the Scheme is subject, or will be through future amendments, are incorporated into the Scheme by Schedule 11 of the Scheme.

Note: Environmental conditions are those required to be incorporated into a Scheme or an amendment to a Scheme following assessment under the *Environmental Protection Act 1986*.

#### **4.7 General Development Standards**

##### **4.7.1 Site Requirements**

Subject to the provisions of the Scheme, the minimum standards for development in the various zones are set out in Table 2.

**TABLE 2 – SITE REQUIREMENTS**

Zone	Minimum Setback			Maximum Plot Ratio	Maximum Site Coverage	Minimum Landscaping
	Front	Side	Rear			
Residential	As per Residential Design Codes					
Town Centre	Nil	Nil	6.0m	1	75%	50% of all setback areas
Mixed Business	7.5m	Nil	6.0m	0.5	75%	5% of site area - landscaping required along street frontage
General Industry	10m	Nil	6.0m	0.5	75%	5% of site area - landscaping required along street frontage
Rural Industry	Caretaker's Dwelling - 6m Other uses - 20m	20m	20m	0.5	50%	5% of site area – screening of non-residential uses from street required
Rural Living	20m	20m	20m	N/A	N/A	As required by local government
General Rural	20m	20m	20m	N/A	N/A	As required by local government
Tourism	5m	Nil	6m	0.5	50%	50% of all setback areas

- Note: (a) Local government may approve interchanging of side and rear setbacks where it is satisfied that the objectives of the zone are not compromised.
- (b) Local government may vary the Table 2 site requirements provisions in the Town Centre and Tourism zones subject to consultation with affected landowners. *AMD 14 GG 08/04/16*

#### 4.7.2 Parking

##### 4.7.2.1 Provisions for Parking, Access for Loading and Unloading Vehicles

In the Town Centre, Mixed Business, General Industry, Rural Industry and Tourist zones:

- (i) no land or buildings shall be developed unless provision is made for an area clear of the street for the purpose of loading or unloading goods or materials.
- (ii) the local government will seek to ensure that the majority of servicing vehicles will be able to leave and enter the street in a forward direction.
- (iii) parking, loading and unloading and access, complete with necessary drainage, signs and marking as required by the local government, shall be provided prior to any occupation of the development or at such time as may be agreed in writing between the local government and the developer.
- (iv) external servicing areas shall be established and maintained to the satisfaction of the local government.

- 4.7.2.2 No commercial vehicle in excess of 3 tonnes tare weight shall be permitted to be parked on any Residential or Rural Living lot without development approval of the local government unless: *AMD 14 GG 08/04/16*
- (i) provision is made for the vehicle to be housed in a garage or parked behind the building line;
  - (ii) the vehicle together with its load does not exceed three metres in height;
  - (iii) the vehicle forms an essential part of the lawful occupation of an occupant of the dwelling and that occupation, if carried on upon the lot, does not contravene the provisions of the Scheme; and
  - (iv) the vehicle is not brought or taken from the land between the hours of midnight and 6.00am.
- 4.7.2.3 Except with the approval of local government, a person shall not use or develop land for a purpose specified in Column 1 of Table 3 unless provision is made on the site for a number of car parking spaces not less than the number calculated in accordance with Column 2 of that Table shown opposite that purpose. *AMD 14 GG 08/04/16*
- 4.7.2.4 Where a calculation made in pursuance of subclause 4.7.2.3 results in a number which is not a whole number, the number of parking spaces required shall be the next highest whole number. *AMD 14 GG 08/04/16*
- 4.7.2.5 Where there is a use of land referred to in the Zoning Table (Table 1) for which no provision is made in respect of car parking spaces in Table 3, the car parking spaces required for that use of land shall be as determined by local government. *AMD 14 GG 08/04/16*
- 4.7.2.6 The size of car parking spaces and the driveways providing entry to, or exit from, a parking area shall be in accordance with Table 4 and the explanatory figure in Table 5.
- 4.7.2.7 Where car parking spaces are required to be provided pursuant to this Scheme, the local government may accept a cash payment in lieu of the provision of some or all of those car parking spaces, if: *AMD 14 GG 08/04/16*
- (i) the payment is not less than the amount the local government estimates to be the cost to the owner of providing and constructing those spaces together with the amount the local government estimates to be the value of the land which would have been occupied by those spaces; and *AMD 14 GG 08/04/16*
  - (ii) payment is made prior to commencement of the development in respect of which those spaces are required to be provided or in accordance with the terms of an agreement made between the local government and the applicant for development approval for that development. *AMD 14 GG 08/04/16*

4.7.2.8 Any amount paid to the local government under subclause (1), shall be held by the local government, in a separate reserve account or trust account and shall be applied by the local government: *AMD 14 GG 08/04/16*

- (i) in providing car parking spaces or car parking facilities capable of serving the needs of the development in respect of which the payment was made and in the locality of that development; or
- (ii) to the acquisition of land and the construction of buildings for the purpose referred to in paragraph a) of this subclause.

**TABLE 3 – PARKING REQUIREMENTS**

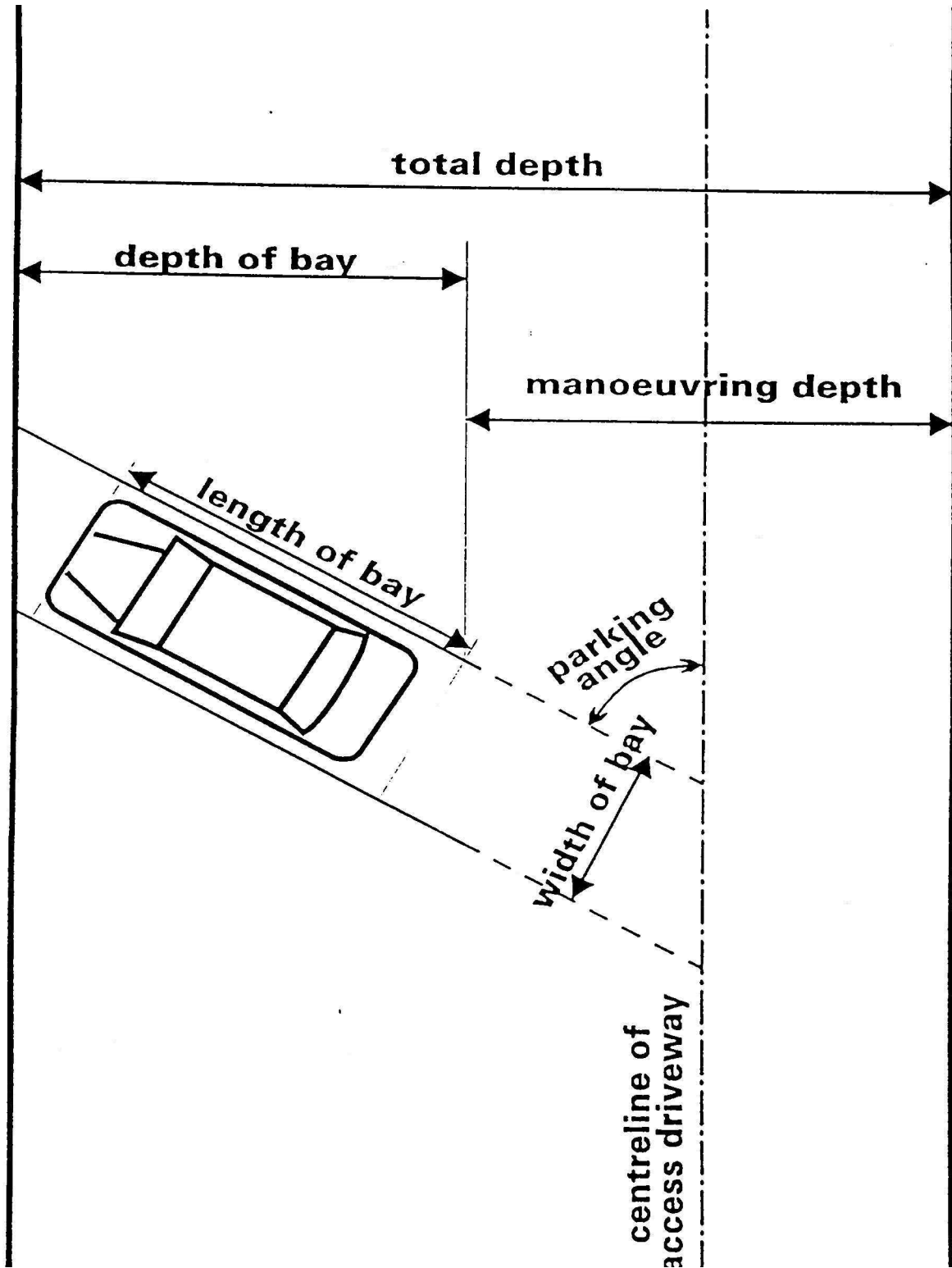
Column 1 – Used/Development	Column 2 – Minimum number of carparking spaces required
Amusement Parlour	1 per 10m <sup>2</sup> gross leaseable area
Bed & Breakfast	1 per bedroom plus 1 per staff member
Caravan Park	1.5 per camp site
Child Care Premises	1 per staff member plus 1 per 8 children
Cinema/Theatre	1 per 4 seats
Club Premises	1 per 4 persons
Consulting Rooms	5 per consulting room plus 1 per staff member
Educational Establishment	Primary – 1.5 per classroom Secondary – 2 per classroom
Hospital	1 per 5 beds plus 1 per staff member
Hotel	1 per bed plus 1 per 5m <sup>2</sup> public area
Industry	1 per 100m <sup>2</sup> gross leaseable area or 2 per unit, whichever is the greatest
Motel	1 per unit plus 1 per 10m <sup>2</sup> public restaurant
Motor Vehicle, Boat or Caravan Sales	1 per 45m <sup>2</sup> gloss floor area plus 1 per 100m <sup>2</sup> open display area
Office	1 per 40m <sup>2</sup> gross lease area
Place of Worship	1 per 4 persons
Residential Building	0.5 per bedroom or bedspace
Restaurant	1 per 4 persons
Service Station	1.5 per service bay plus 1 per staff member
Shop	1 per 20m <sup>2</sup> gross leasable area
Showroom	1 per 60m <sup>2</sup> gross leasable area
Tavern	1 per 5m <sup>2</sup> public area
Warehouse	1 per 100m <sup>2</sup> gross leaseable area

Note: Car parking spaces for the disabled to be provided in accordance with the Building Code of Australia

**TABLE 4 – PARKING DIMENSIONS**

<b>PARKING ANGLE</b>	<b>WIDTH OF BAY (metres)</b>	<b>LENGTH OF BAY (metres)</b>	<b>DEPTH OF BAY (metres)</b>	<b>MINIMUM MANOEUVRING DEPTH (metres)</b>	<b>MINIMUM TOTAL DEPTH (metres)</b>
		<b>(a) ONE-WAY ACCESS</b>			
90°	2.6	5.5	5.5	5.9	11.4
75°	2.6	5.5	6.0	5.3	11.3
60°	2.6	5.5	6.1	5.0	11.1
45°	2.6	5.5	6.1	3.6	9.7
30°	2.6	5.5	4.8	3.3	8.1
00°	3.0	6.7	3.0	3.0	6.0
(parallel parking)					
		<b>(b) TWO-WAY ACCESS</b>			
90°	2.6	5.5	5.5	6.0	11.5
75°	2.6	5.5	6.0	6.0	12.0
60°	2.6	5.5	6.1	6.0	12.1
45°	2.6	5.5	6.1	6.0	12.1
30°	2.6	5.5	4.4	6.0	10.4
00°	3.0	6.7	3.0	6.0	9.0
(parallel parking)					

TABLE 5 – EXPLANATORY FIGURE



4.7.3 Tree Preservation Order

The local government may by notice served upon individual land owners or upon a subdivider of land require the preservation of a tree or group of trees and thereafter no landowner shall cut, remove or otherwise destroy any tree unless the local government rescinds the notice or order, or the tree is dead, diseased or dangerous. *AMD 14 GG 08/04/16*

4.7.4 Coastal Development

4.7.4.1 All coastal development is to comply with the provisions of State Planning Policy 2.6 - State Coastal Planning Policy.

4.7.4.2 In accordance with section 77(1)(b) of the *Planning and Development Act 2005*, the provisions of State Planning Policy 2.6 - State Coastal Planning shall apply as if they were part of this Scheme. *AMD 14 GG 08/04/16*

**4.8 Zone Specific Development Standards**

4.8.1 Residential Zone

4.8.1.1 In the Residential zone lot sizes shall be in accordance with the Residential Design Code Densities indicated on the Scheme Map.

4.8.2 Town Centre Zone

4.8.2.1 Development within the Town Centre zone shall have regard for the particular character, townscape and sense of place of the local area.

4.8.2.2 Where development or re-development of properties in the Town Centre zone is envisaged, the incorporation of residential uses up to a density of R40 will be considered, to create greater diversity of use, increased security and to stimulate additional life and vitality within the centre of the town. Any such residential development shall comply with the design elements for multiple dwellings in the Residential Design Codes.

4.8.2.3 Where a mixed-use development is proposed, the residential use shall be confined to an upper storey.

4.8.2.4 Building Materials

Each façade or wall of a building facing any street or public place shall be constructed of brick, stone, concrete or glass or combinations of two or more of these materials or similar material as approved by local government to the wall height of the building or to a minimum height of 3 metres.

*AMD 14 GG 08/04/16*

4.8.2.5 Refuse Storage Areas

All developments shall provide at least one refuse storage area readily accessible to service vehicles and screened from view from a public street by a close fence, wall or screen landscaping no less than 1.8 metres in height.

4.8.2.6 Storage Yards

A person shall not use land for open storage purposes unless it is screened from public view by a fence or wall to the satisfaction of the local government.

*AMD 14 GG 08/04/16*

4.8.3 Mixed Business and General Industry Zones

4.8.3.1 Lot sizes shall be a minimum of 1500 square metres.

4.8.3.2 Refuse Storage Areas

All developments shall provide at least one refuse storage area readily accessible to service vehicles and screened from view from a public street by a close fence, wall or screen landscaping no less than 1.8 metres in height.

4.8.3.3 Storage Yards

A person shall not use land for open storage purposes unless it is screened from public view by a fence or wall to the satisfaction of the local government.

*AMD 14 GG 08/04/16*

4.8.3.4 Factory Tenement Buildings

Industrial buildings occupied or intended to be occupied by more than one separate business establishment, shall be constructed so that every occupancy:

- (i) has a floor area of at least 100 square metres and neither its width nor length is less than eight metres;
- (ii) has an adjacent open yard area no smaller than one-third of the floor area of the occupancy;
- (iii) has an open yard with direct access to a service access road not less than 6 metres in width; and
- (iv) is separated from every other occupancy by a suitable distance or an internal wall or walls constructed of brick, stone, concrete or other material of equal or greater fire rating approved by local government.

*AMD 14 GG 08/04/16*

4.8.3.5 Fences

The minimum standard fence shall be a 1.8 metre link mesh security fence unless otherwise approved by the local government.

*AMD 14 GG 08/04/16*

4.8.4 Rural Industry Zone

4.8.4.1 Lot sizes shall be between 1 and 4 hectares.

4.8.4.2 Local government may, at its discretion, consider permitting the land use "single house". In doing so, local government will be guided by the development standards in clause 4.8.9, excepting clauses 4.8.9.4 and 4.8.9.5.

*AMD 14 GG 08/04/16*

4.8.4.3 Refuse Storage Areas

All developments shall provide at least one refuse storage area readily accessible to service vehicles and screened from view from a public street by a close fence, wall or screen landscaping no less than 1.8 metres in height.

4.8.4.4 Storage Yards

A person shall not use land for open storage purposes unless it is screened from public view by a fence or wall to the satisfaction of the local government.

*AMD 14 GG 08/04/16*



#### 4.8.5 Rural Living Zone

4.8.5.1 In the Rural Living zone lot sizes shall comply with the following standards:

Code	Minimum Lot Size
RL1	1 Hectare
RL2	2 Hectares
RL3	3 Hectares
RL4	4 Hectares
RL	No further subdivision will be supported

4.8.5.2 No more than one dwelling will be permitted on a lot zoned Rural Living.

4.8.5.3 Where land zoned Rural Living adjoins rural uses with buffer requirements, dwellings shall be setback a minimum of 100m from the relevant boundary(s) nearby to the adjoining rural uses, or such other setback distance as may be specified on an adopted Structure Plan.

4.8.5.4 No dwelling shall be erected unless the lot is connected to a reticulated water supply or the local government is satisfied that there is an adequate potable water supply consisting of a roof water tank of not less than 90,000 litres, a bore, well, spring, soak or dam.  
*AMD 14 GG 08/04/16*

4.8.5.5 Fencing shall conform to the standard of rural fencing in the district, and the use of solid panel fenceings except in the immediate vicinity of the residence will only be permitted with the approval of local government. *14 GG 08/04/16*

4.8.5.6 No natural vegetation shall be removed without prior written approval of local government, unless its removal is necessary for construction of a building, firebreak or boundary fence.  
*AMD 14 GG 08/04/16*

4.8.5.7 The siting and design of any buildings on any lot should not significantly impact on the natural vegetation or visual landscape amenity of the site.

4.8.5.8 The keeping of horses, sheep, goats and other grazing animals, where permitted, shall not exceed the stocking rates recommended by Agriculture Western Australia for the applicable pasture types.

4.8.5.9 Notwithstanding clause 4.8.5.8, within the Sovereign Hill Estate a maximum of two dry sheep equivalents per hectare can be applied in respect of domestic use, to avoid soil degradation.  
*AMD 14 GG 08/04/16*

4.8.5.10 Subdivision and development of land, including fencing and firebreaks are to accord with an approved structure plan.  
*AMD 14 GG 08/04/16*

4.8.5.11 No further subdivision is permitted in the Rural Living zone unless provided for in an approved structure plan.  
*AMD 14 GG 08/04/16*

#### 4.8.6 General Rural Zone

4.8.6.1 In the General Rural zone lot sizes shall comply with the following standards:

Code	Minimum Lot Size
GR10	10 Hectare
GR20	20 Hectares
GR30	30 Hectares
GR40	40 Hectares

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Further subdivision will not be supported unless it meets the exceptional circumstance requirements for subdivision under WAPC Development Control Policy 3.4.

- 4.8.6.2 No more than one single dwelling house shall be erected on a lot zoned General Rural unless the Local Government is satisfied that an additional house is necessary or desirable for the continuation of a bona fide agricultural activity, and is satisfied that the land can be adequately serviced, surrounding amenity is not adversely impacted on or any other consideration it considers relevant.
- 4.8.6.3 The presence of more than one dwelling unit on a lot in the General Rural zone shall not be considered by itself to be sufficient grounds for subdivision.
- 4.8.6.4 No dwelling shall be erected unless the lot is connected to a reticulated water supply or the local government is satisfied that there is an adequate potable water supply consisting of a roof water tank of not less than 90,000 litres, a bore, well, spring, soak or dam. *AMD 14 GG 08/04/16*
- 4.8.6.5 Fencing shall conform to the standard of rural fencing in the district, and the use of solid panel fencings except in the immediate vicinity of the residence will only be permitted with the approval of local government. *AMD 14 GG 08/04/16*
- 4.8.6.6 No natural vegetation shall be removed without prior written approval of local government, unless its removal is necessary for construction of a building, firebreak or boundary fence. *AMD 14 GG 08/04/16*
- 4.8.6.7 The siting and design of any buildings on any lot should not significantly impact on the natural vegetation or visual landscape amenity of the site.
- 4.8.6.8 The keeping of horses, sheep, goats and other grazing animals, where permitted, shall not exceed the stocking rates recommended by Agriculture Western Australia for the applicable pasture types. *AMD 14 GG 08/04/16*
- 4.8.6.9 Local government may, at its discretion, permit the land uses "retirement village" and "aged persons accommodation" in the General Rural zone, but only within the Gingin townsite (as defined by the suburb boundary), and subject to appropriate zoning of the site at a later stage. *AMD 14 GG 08/04/16*
- 4.8.6.10 Prior to any subdivision and development of GR coded land, a structure plan may be required to address issues including: *AMD 12 GG 06/09/16*
- (i) access;
  - (ii) building exclusion zones;
  - (iii) bushfire management;
  - (iv) servicing; and
  - (v) environmental features and buffers.
- 4.8.6.11 Notwithstanding clause 4.8.6.10, a structure plan may not be required in support of proposals on GR coded land where identified issues may be addressed through the provision of technical information. *AMD 12 GG 06/09/16*

4.8.7 Tourism Zone

- 4.8.7.1 Development within the Tourism Zone will comprise a range of land uses set out in the purpose and objectives of the Zone and in the Zoning Table. Dependent upon the use proposed, sites for such developments will normally be identified within or in close proximity to established settlements.
- 4.8.7.2 Development proposals will be considered by the local government with particular regard to the impact of the proposed development on visual and natural amenity, the availability of reticulated sewerage and/or the suitability of the land for on-site effluent disposal, the provision of sufficient landscape buffers and the density of the development.
- 4.8.7.3 Those areas of the site providing the highest tourism amenity, e.g. the beachfront, shall be retained for tourism purposes, and not designated for residential use. The maximum proportion of residential units shall be such that the site retains a dominant tourism function and character, and shall be determined by the local government between zero and 25 per cent inclusive.  
*AMD 14 GG 08/04/16*
- 4.8.7.4 Where tourism development with no permanent or semi-permanent residential units is proposed, local government may at its discretion vary the maximum plot ratio imposed.  
*AMD 14 GG 08/04/16*
- 4.8.7.5 Where strata titling is proposed, appropriate management arrangements in a management statement which ensures that all units will be let out for tourism.
- 4.8.7.6 The maximum percentage of residential units/development on site shall comply with the following at all stages of the development:
- (i) the proportion of residential units relative to the total number of accommodation units on the site shall be equal to or less than the approved percentage.
  - (ii) the site area occupied by the residential units, and any areas designated for the specific use of occupiers of those units, relative to the area occupied by the short-stay development shall be equal to or less than the approved percentage. In calculating the area occupied by the two development categories, those facilities available for common use shall be excluded from the calculation.
  - (iii) that any individual residential unit and as a whole any residential component of such a development shall be of a design and scale that is clearly subsidiary to the tourism component of the development such that the tourism component remains dominant in all aspects.
- 4.8.7.7 Proposals for offices and reception centres in the Tourism Zone will only be considered where they are incidental to, and support the proposed tourism use on the site.
- 4.8.7.8 Tourism development that incorporates accommodation and/or reception facilities shall include provision for an onsite manager.
- 4.8.7.9 Proposals for subdivision and development for Residential land uses in the Tourism zone will be determined in accordance with Residential R12.5 code unless combined with a Tourism proposal.
- 4.8.7.10 In considering proposals in the Tourism Zone, local government shall have regard for the zone objectives, the scale and bulk of the proposal and its integration with surrounding land uses.  
*AMD 14 GG 08/04/16*

4.8.7.11 Local government may, at its discretion, require proposed shared facilities in tourist developments to be established in the first stage of development.  
*AMD 14 GG 08/04/16*

4.8.7.12 To reduce the likelihood of tourism accommodation being used as permanent or semi-permanent accommodation, a maximum length of stay provision of three months in any twelve-month period should apply to the tourism units on all developments.

4.8.7.13 In addition to the requirements of Clause 4.8.7, site specific conditions for tourism developments are outlined in Schedule 11 - Tourism Conditions.  
*AMD 16 GG 15/05/18*

4.8.8 Conservation Zone

4.8.8.1 Development within the Conservation Zone is to be in accordance with the zone objectives and/or site specific environmental conditions outlined in Schedule 7 of the Scheme.

4.8.8.2 Where development is proposed that would affect a Conservation zone, at the time of structure planning, the proponent is to prepare an Environmental Management Plan, in consultation with the Department of Parks and Wildlife. The plan is to be approved by the local government with arrangements made for the implementation of the approved plan. The management plan is to address the following:

- (i) protection and management of the environmental values of the zone;
- (ii) location of building envelope(s) and access arrangements, taking into account environmental and visual landscape impacts;
- (iii) fencing, fire management, weed control, rehabilitation and control of domestic pets; and
- (iv) other matters relevant to the site, as recommended by the Department of Parks and Wildlife or local government.

4.8.8.3 No subdivision of land is permitted within the Conservation zone, unless specifically provided for in an approved structure plan.

4.8.8.4 Where subdivision is contemplated, and if acceptable to covenanting bodies, a conservation covenant will be required as a condition of subdivision.

4.8.8.5 Development approval is required for all development in the Conservation zone.  
*AMD 14 GG 08/04/16*

4.8.8.6 All development in the Conservation zone must be located within an approved building envelope. Building envelopes and associated access and servicing infrastructure are to be located in areas assessed as having the poorest quality vegetation condition in the zone.

4.8.8.7 The visual impact of development in the Conservation zone is to be managed such that:

- (i) development shall not be prominently located as seen from Old Ledge Point Road;
- (ii) development shall be of a colour that blends with the dominant colours of the setting;
- (iii) development shall have a low profile, with a low pitch roof and horizontal form;

- (iv) development shall have roofing of a non-reflective nature;
- (v) development should involve minimal contouring of the natural ground surface; and
- (vi) development should have access that is not prominent and follows natural contours.

4.8.8.8 Development in the Conservation zone is to be provided with a licenced water supply.

4.8.8.9 All earthworks and construction shall be carried out in a manner which minimises disturbance of vegetation. *AMD 3 GG 25/9/15*

#### 4.8.9 Caretakers Dwellings

4.8.9.1 Caretakers' dwellings may be permitted in the Mixed Business, Rural Industry and Tourism Zones.

4.8.9.2 A caretaker's dwelling must be incidental to the predominant use of the site.

4.8.9.3 Only one caretaker's dwelling is permitted on each lot.

4.8.9.4 The total permitted floor area of a caretaker's dwelling is 100m<sup>2</sup>, measured from the external face of walls.

4.8.9.5 Open verandahs may be permitted, but if enclosed will form part of the total calculated floor area.

4.8.9.6 Local government may consider the use of notifications on title to advise prospective purchasers of potential impacts from noise, dust, odour or amenity that may arise from the location of a residential land use within the zone. *AMD 14 GG 08/04/16*

4.8.9.7 Local government will not consider applications for caretakers' dwellings prior to the primary site activity being either approved or constructed. *AMD 14 GG 08/04/16*

4.8.9.8 Where simultaneous approval has been granted by local government for both a caretaker's dwelling and the main activity on the same lot, the main activity must be developed and operational prior to occupation of the dwelling. *AMD 14 GG 08/04/16*

4.8.9.9 Caretaker's dwellings should be carefully sited and constructed so the potential site (or estate) impacts from noise, dust, odour or amenity are minimised.

4.8.9.10 A caretaker's dwelling may only be occupied by the owner, manager, lessee or employee (and immediate family thereof) of the lawfully established or approved land use.

#### 4.8.10 Extractive Industries

4.8.10.1 Local government may consider applications for extractive industries in the General Rural zone where the sites have not been identified within an SCA under clause 5.4. *AMD 14 GG 08/04/16*

4.8.10.2 In considering applications for extractive industries, local government will have regard for the zone objectives. *AMD 14 GG 08/04/16*

4.8.10.3 Local government will also consider the potential impact of the extractive industry in regard to surrounding land uses (both existing and future) and may apply conditions to manage the potential impacts, such as noise, dust, odour and amenity. *AMD 14 GG 08/04/16*

4.8.11 Landscape Protection zone

4.8.11.1 Subdivision and development in the Landscape Protection zone shall be undertaken in accordance with a Structure Plan prepared and adopted in accordance with Part 4 of the deemed provisions. *AMD 14 GG 08/04/16*

4.8.11.2 At structure planning stage, a site level Landscape and Visual Impact Assessment, incorporating viewshed analysis, is to be undertaken to guide subdivision and development within the Landscape Protection zone.

4.8.11.3 Where a site level Landscape and Visual Impact Assessment indicates that a boundary adjustment to a Landscape Protection Zone is required this may take the form of a basic amendment.

4.8.11.4 All development in the Landscape Protection zone must be located within an approved building envelope, which is to be identified at structure planning stage.

4.8.11.5 Development approval is required for all development within the Landscape Protection zone. *AMD 14 GG 08/04/16*

4.8.11.6 In considering an application for development approval, the local government shall have regard to: *AMD 14 GG 08/04/16*

- (i) the impact of any buildings and associated works on the landscape due to height, bulk, colour, general appearance and the need to remove vegetation; and
- (ii) the requirement for roofing of any building to be a of a non-reflective nature.

4.8.11.7 Development in the Landscape Protection zone is to be provided with a licenced water supply.

4.8.11.8 Only one building for residential purposes is permitted on a lot.

4.8.11.9 Multiple and grouped dwellings will not exceed more than two dwellings per lot and will be accommodated in a single building with a maximum of two storeys.

4.8.11.10 All earthworks and construction shall be carried out in a manner which minimises disturbance of vegetation. *AMD 3 GG 25/09/15*

## PART 5 — SPECIAL CONTROL AREAS

### 5.1. Operation of special control areas

5.1.1 The following Special Control Areas are shown on the Scheme Maps:

- a) Special Control Area No. 1 – River Environs Management Area
- b) Special Control Area No. 2 – Public Drinking Water Areas
- c) Special Control Area No. 3 - Basic Raw Materials Areas
- d) Special Control Area No. 4 – Wastewater Infrastructure Buffer Areas
- e) Special Control Area No. 5 – Development Contribution Areas

5.1.2 In respect of the Special Control Area(s) shown in the Scheme Maps, the provisions applying to the special control area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

### 5.2 Special Control Area 1 – River Environs Management Areas

#### 5.2.1 Purpose

To retain the physical and biological features along the waterway necessary for the healthy functioning of the waterway in terms of water conveyance, water quality and ecological functions.

To provide for recreational activities and facilities where appropriate and managed.

#### 5.2.2 Application Requirements

Development approval is required to construct or extend a dwelling or other building, and/or to carry out any other form of development on any land affected by this Special Control Area.

*AMD 14 GG 08/04/16*

#### 5.2.3 Development Standards and Considerations

In considering any rezoning request, subdivision or development application the local government will have regard to the following:

*AMD 14 GG 08/04/16*

- a) More intensive development such as residential, industrial or rural residential subdivision, will generally not be supported within the River Environs Management Area.
- b) Development applications for land within the River Environs Management Area should not be approved where it could reasonably be expected that the development may result in;
  - an obstruction to major river flows and increase flood levels upstream;
  - the removal of or damage to riparian vegetation or other nearby vegetation which influences the waterway; or
  - harm to water quality or habitat values of the waterway.

- c) Public works or community facilities may be permitted within the River Environs Management Area, subject to advice from the Department of Water that such public works can be designed and located in a manner so as to minimise flood risk, property damage and obstruction to river flow.
- d) For those areas within the River Environs Management Area where the Department of Water has identified the flood plain boundary, development will be subject to a minimum habitable floor level of 0.5m above the predicted 1 in 100-year flood level.

#### 5.2.4 Referral of Applications

Local government may consult with the Department of Water and, if necessary, other relevant government or private organizations before determining any application. *AMD 14 GG 08/04/16*

### 5.3 **Special Control Area No. 2 – Public Drinking Water Source Areas**

#### 5.3.1 Purpose

To identify the proclaimed Public Drinking Water Source Areas and to ensure that land use and development within PDWSAs is compatible with the protection and long-term management of water resources for public water supply.

#### 5.3.2 Application Requirements

Development approval is required to construct or extend a dwelling or other building, or to carry out any other form of development on any land affected by this Special Control Area.

*AMD 14 GG 08/04/16*

#### 5.3.3 Development Standards and Considerations

5.3.3.1 In determining land uses and development proposals within Special Control Areas, the local government will have due regard to relevant State Government policies, including Statement of Planning Policy No. 2.7 and the most recent Department of Environment, Water Catchment and Protection (DEWCP) Land Use Compatibility Tables for PDWSA's. *AMD 14 GG 08/04/16*

5.3.3.2 Notwithstanding, the permissibility of land uses in the Zoning Table, the following uses are not permitted within the PDWSA Special Control Areas:

- Abattoir;
- Piggery;
- Power Station;
- Fish Processing;
- Tannery; and
- Woolscouring.

5.3.3.3 In determining proposals, the local government is to have due regard to any comments or recommendations from DEWCP, and may impose relevant conditions to prevent or minimise the potential risk of groundwater contamination. Local government should also have regard to the management direction provided by the priority classification of certain areas, noting that:

- Priority 2 (P2) areas are defined to ensure there is no increased risk of pollution to the water source; and
- Priority 3 (P3) areas are defined to manage the risk of pollution to the water source.

*AMD 14 GG 08/04/16*



#### 5.3.4 Referral of Applications

The local government is required to refer any development application which involves the following activities to the Department of Water for advice prior to determination of the application: *AMD 14 GG 08/04/16*

- Potential for increased nutrient loading, in particular point source for nutrients, eg poultry farm, piggery;
- Application of fertilisers and pesticides;
- Storage of chemicals, fuels and other potentially polluting substances;
- Substantial increase in run-off; and
- Any other impact which local government considers could have an impact on the quality of public drinking water. *AMD 14 GG 08/04/16*

### 5.4 **Special Control Area No. 3 – Basic Raw Materials Areas**

#### 5.4.1 Purpose

To identify and protect important basic raw material resources and provide for their extraction and use in accordance with the State Planning Policy 2.4 - Basic Raw Materials.

#### 5.4.2 Application Requirements

Development approval is required to construct or extend a dwelling or other building, or to carry out any other form of development on any land affected by this Special Control Area. *AMD 14 GG 08/04/16*

#### 5.4.3 Development Standards and Considerations

In determining land uses and development proposals within this Special Control Area local government will have due regard to relevant State Government policies, including State Planning Policy 2.4 - Basic Raw Materials. *AMD 14 GG 08/04/16*

#### 5.4.4 Referral of Applications

The local government is required to refer development applications to the Department of Mines and Petroleum for advice prior to determination of the application. *AMD 14 GG 08/04/16*

### 5.5 **Special Control Area No. 4 – Wastewater Infrastructure Buffer Areas**

#### 5.5.1 Purpose

To ensure compatibility of land use and development with Water and Wastewater Infrastructure.

#### 5.5.2 Application Requirements

Development approval is required to develop a sensitive land use (as defined by the Environmental Protection Authority) on any land in this Special Control Area. *AMD 14 GG 08/04/16*

#### 5.5.3 Development Standards and Considerations

In considering any rezoning request, subdivision or development application the local government will have regard for the following: *AMD 14 GG 08/04/16*

- a) the proximity to the emission source and estimated level of impact and/or risk on the use or development;
- b) the sensitivity of the proposed use or development to off-site emissions or risk; and

- c) any other relevant planning consideration.

#### 5.5.4 Referral of Applications

The local government is required to refer development applications; and any proposed planning mechanism or planning policy relating to the SCA area to the relevant wastewater service provider for comment prior to determination.

AMD 14 GG 08/04/16

### 5.6 **Special Control Area No. 5 – Development Contribution Areas**

There are no Development Contribution Areas in this scheme as no development contribution plans have been prepared to support contributions. This section establishes enabling clauses for when a development contribution plan is prepared.

Note: This text should be deleted when the first amendment for development contributions is prepared.

#### 5.6.1 Purpose

The purpose of development contribution areas is to:

- a) provide for the equitable sharing of the costs of infrastructure and administrative costs between owners;
- b) ensure that cost contributions are reasonably required as a result of the subdivision and development of land in the development contribution area; and
- c) coordinate the timely provision of infrastructure.

#### 5.6.2 Development contributions

5.6.2.1 The *Planning and Development Act 2005* provides for local schemes to make agreements and recover expenses incurred in order to implement, enforce and give effect to the scheme.

5.6.2.2 Development contributions may be made for standard infrastructure such as roads, water, power, sewer and public open space through the subdivision process.

5.6.2.3 Community infrastructure includes, but is not limited to, public open space in rural areas, sporting and recreational facilities, community centres, child care centres, libraries and cultural facilities.

5.6.2.4 Development contributions for community infrastructure may only be levied in accordance with the requirements of State Planning Policy 3.6 - Development Contributions for Infrastructure. Prior to seeking contributions for community infrastructure local government needs to prepare:

AMD 14 GG 08/04/16

- (i) a community infrastructure plan for the area with demand analysis and service catchments;
- (ii) a capital expenditure plan;
- (iii) projected growth figures; and
- (iv) infrastructure costs, with provision for cost escalation.

5.6.2.5 Development contributions can be calculated and applied as either standard conditions of subdivision, conditions of development or through voluntary legal agreements. Provisions in this scheme relate to development contributions prepared through a scheme amendment process, and do not cover voluntary legal agreements between local government and developers.

AMD 14 GG 08/04/16

5.6.2.6 Development contributions for standard infrastructure can generally be summarised as:

- (i) land contributions - public open space, riverine setbacks, land for primary schools, roads and road widening and primary distributor roads where justified by the subdivision;
- (ii) infrastructure works - water, sewerage, drainage, electricity, roads and other traffic works, footpaths, pedestrian accessways and dual-use paths, road upgrades, construction and widening;
- (iii) standard water, sewerage and drainage headworks charges for off-site works, monetary contributions in lieu of land or works and to reimburse other owners where costs are shared;
- (iv) other contributions as provided for in WAPC policies.

5.6.2.7 Development contributions relate only to the provision of infrastructure and not the ongoing maintenance of said infrastructure.

5.6.2.8 For matters relating to the calculation and supporting information required to support a development contribution plan, the clauses of State Planning Policy 3.6 - Development contributions for infrastructure shall apply as if they were part of this scheme.

### 5.6.3 Principles for requiring development contributions

5.6.3.1 In considering development contributions, it must be demonstrated that the proposed development:

- (i) generates a need for the infrastructure;
- (ii) the calculation and application of the contributions is clear and transparent;
- (iii) contributions are levied equitably across a development contribution area;
- (iv) all development contributions are identified and methods for dealing with escalation be agreed upon at the commencement of a contribution arrangement;
- (v) contributions should be justified on a whole of life capital cost basis and prevent over-recovery of costs;
- (vi) landowners and developers are consulted on the manner of determining contributions and have the opportunity to seek review by an independent third party; and
- (vii) development contributions must be determined and expended in an accountable manner.

### 5.6.4 Development contribution areas and development contribution plans

5.6.4.1 Development contribution areas are shown on the scheme map and included in Schedule 10 of the scheme.

5.6.4.2 Development contribution areas must be supported by a development contribution plan, which are referenced in Schedule 10 of the scheme.

- 5.6.4.3 The content, form and process for preparing and implementing a development contribution plan is outlined in State Planning Policy 3.6 - Development contributions for infrastructure. For matters of process, valuation, arbitration or conflict resolution, the clauses of State Planning Policy 3.6 - Development contributions for infrastructure shall apply as if they were part of this scheme.
- 5.6.4.4 Development contribution plans may involve administrative costs involved in the preparation and implementation of the plan, including legal, accounting, planning, engineering and other professional advice.
- 5.6.4.5 Costs not identified in a development contribution plan may not be apportioned or levied at a later date.
- 5.6.4.6 A development contribution plan is only enforceable once it is incorporated into the scheme. This enacts the advertising and other provisions under the *Planning and Development (Local Planning Schemes) Regulations 2015* applicable to the making of schemes and amendments. *AMD 14 GG 08/04/16*
- 5.6.4.7 Any amendment to a development contribution plan will require a scheme amendment in order to become enforceable.

5.6.5 Payment of cost contributions

- 5.6.5.1 As a general principle, the local government incurs costs associated with a development contribution plan up-front, and then recoups costs from landowners. This may be varied by agreement between the parties.
- 5.6.5.2 The landowner's liability to pay the owner's cost contribution to the local government arises when:
- (i) the Western Australian Planning Commission endorses the deposited plan or survey strata plan of the subdivision of the owner's land within the development contribution area;
  - (ii) the commencement of any development on the owner's land within the development contribution area;
  - (iii) the approval of any strata plan by the local government or Western Australian Planning Commission on the owner's land within the development contribution area; or
  - (iv) the approval of a change or extension of use by the local government on the owner's land within the development contribution area.
- 5.6.5.3 The liability arises only once upon the earliest of the above listed events.

## Schedules

- Schedule 1 Dictionary of defined words and expressions  
    General definitions  
    Land use definitions
- Schedule 2 Additional uses
- Schedule 3 Restricted uses
- Schedule 4 Special use zones
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- Schedule 6 Development contribution areas
- Schedule 7 Environmental Conditions
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- 
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## Schedule 1 — Dictionary of Defined Words and Expressions

### 1. General definitions

AMD 14 GG 08/04/16

In the Scheme —

<b>building envelope</b>	means an area of land within a lot marked on a plan approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained;
<b>commission</b>	Western Australian Planning Commission
<b>conservation</b>	has the same meaning as in the <i>Heritage of Western Australia Act 1990</i> ;
<b>floor area</b>	has the same meaning as in the <i>Building Code of Australia 1996</i> published by the Australian Building Codes Board;
<b>frontage</b>	when used in relation to a building that is used for — (a) residential purposes, has the same meaning as in the Residential Design Codes; and (b) purposes other than residential purposes, means the road alignment at the front of a lot and, if a lot abuts 2 or more roads, the one to which the building or proposed building faces;
<b>Gazettal date</b>	in relation to a Scheme, means the date on which the Scheme is published in the <i>Gazette</i> under section 7(3) of the Town Planning Act;
<b>height</b>	when used in relation to a building that is used for — (a) residential purposes, has the same meaning as in the Residential Design Codes; or (b) purposes other than residential purposes, means the maximum vertical distance between the ground level and the finished roof height directly above;
<b>incidental use</b>	means a use of premises which is ancillary and subordinate to the predominant use;
<b>lot</b>	has the same meaning as in the Town Planning Act but does not include a strata or survey strata lot;
<b>minerals</b>	has the same meaning as in the <i>Mining Act 1978</i> ;
<b>net lettable area (nla)</b>	means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas — (a) all stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas; (b) lobbies between lifts facing other lifts serving the same floor; (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building; (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building;
<b>non-conforming use</b> AMD 14 GG 08/04/16	has the meaning given in the <i>Planning and Development Act 2005</i> section 172;
<b>plot ratio</b>	in the case of residential dwellings has the same meaning as in the Residential Design Codes;
<b>precinct</b>	means a definable area where particular planning policies, guidelines or standards apply;
<b>predominant use</b>	means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary;
<b>retail</b>	means the sale or hire of goods or services to the public;
<b>wholesale</b>	means the sale of goods or materials to be sold by others;

## 2. Land use definitions

In the Scheme —

<b>abattoir</b>	means land and buildings used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products;
<b>aged persons accommodation</b>	means a building or group of buildings used primarily as a residence for aged persons and may include a hostel and/or nursing home;
<b>agriculture - extensive</b>	means premises used for the raising of stock or crops but does not include agriculture – intensive or animal husbandry – intensive;
<b>agriculture - intensive</b>	means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with 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); or (d) aquaculture;
<b>agroforestry</b>	means land used commercially for tree production and agriculture where trees are planted in blocks of more than one hectare;
<b>amusement parlour</b>	means premises open to the public, where the predominant use is for amusement by means of amusement machines and where there are more than 2 amusement machines operating within the premises;
<b>animal establishment</b>	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;
<b>animal husbandry - intensive</b>	means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots;
<b>aquaculture</b>	means the use of land for the purpose of rearing and breeding of fish or crustaceans under controlled conditions for sale;
<b>bed and breakfast</b>	means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast; for not more than four (4) adults or one family in an establishment containing a maximum of two (2) guest bedrooms and one (1) guest bathroom, located under the main roof of the dwelling house;
<b>betting agency</b>	means an office or totalisator agency established under the <i>Totalisator Agency Board Betting Act 1960</i> ;
<b>cabin</b>	means an individual self-contained unit similar to chalet which may lack ensuite facilities and may comprise only one room and is designed for short-stay guests, forming part of a tourism facility and where occupation by any person is limited to a maximum of three months in any 12-month period;
<b>caravan park</b>	has the same meaning as in the <i>Caravan Parks and Camping Grounds Act 1995</i> ;
<b>caretaker's dwelling</b>	means a dwelling on the same site as a building, operation, or plant or tourist facility, and occupied by a supervisor of that building, operation or plant or tourist facility;
<b>carpark</b>	means premises used primarily for parking vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any premises in which cars are displayed for sale;

<b>chalet</b>	means an individual self-contained unit usually comprising of cooking facilities, ensuite, living area and one or more bedrooms designed to accommodate short-stay guests, and where occupation by any person is limited to a maximum of three months in any 12-month period;
<b>child care premises</b>	has the same meaning as in the <i>Community Services (Child Care) Regulations 1988</i> ;
<b>cinema/theatre</b>	means premises where the public may view a motion picture or theatrical production;
<b>civic use</b>	means premises used by a government department, an instrumentality of the Crown, or the local government, for administrative, recreational or other purposes;
<b>club premises</b>	means premises used by a legally constituted club or association or other body of persons united by a common interest;
<b>community purpose</b>	means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organizations involved in activities for community benefit;
<b>composting</b> <i>AMD 8 GG 06/02/18</i>	means the controlled process whereby compostable organic wastes, which may include liquid organic wastes, but not any liquid wastes classed as Listed Waste, Radioactive Waste or Hazardous Waste, are pasteurised and microbiologically transformed under aerobic and thermophilic conditions;
<b>consulting rooms</b>	means premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care;
<b>convenience store</b>	means premises — (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods; (b) operated during hours which include, but may extend beyond, normal trading hours; (c) which provide associated parking; and (d) the floor area of which does not exceed 100 square metres net lettable area;
<b>corrective institution</b>	means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility;
<b>educational establishment</b>	means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre;
<b>exhibition centre</b>	means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery;
<b>family day care</b>	means premises used to provide family day care within the meaning of the <i>Community Services (Child Care) Regulations 1988</i> ;
<b>fast food outlet</b>	means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a lunch bar;
<b>fish processing</b>	means land and buildings used for cleaning, processing and packing of wet fish and crustaceans, but does not include the sale of the product by retail;



<p><b>freeway service centre</b> AMD 19 GG 09/08/19</p>	<p>means premises that has direct access to a freeway and which provides all the following services or facilities and may provide other associated facilities or services, but does not provide bulk fuel services –</p> <ul style="list-style-type: none"> <li>(a) service station facilities;</li> <li>(b) emergency breakdown for repair of vehicles;</li> <li>(c) charging points for electric vehicles;</li> <li>(d) facilities for cyclists;</li> <li>(e) restaurant, café or fast food services, excluding the sale or consumption of alcohol under the Liquor Licensing Act 1988;</li> <li>(f) take-away food retailing, without a drive-through facility;</li> <li>(g) public ablution facilities, including provision for truckers, disabled access and infant changing rooms;</li> <li>(h) parking for passenger and freight vehicles;</li> <li>(i) outdoor rest stop facilities such as picnic tables and shade areas; and</li> <li>(j) dump points for the disposal of black and/or grey water from recreational vehicles;</li> </ul>
<p><b>fuel depot</b></p>	<p>means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into a vehicle for final use of such fuel from the premises;</p>
<p><b>funeral parlour</b></p>	<p>means premises used to prepare and store bodies for burial or cremation;</p>
<p><b>guest house</b></p>	<p>means a building or part of a building occupied as a single dwelling by the proprietor but within which provision is made in the form of rooms set aside for the short stay accommodation of visitors or guests for hire or reward;</p>
<p><b>holiday accommodation</b></p>	<p>means two or more dwellings on one lot which, by way of trade or business, are made available for occupation by persons, other than the proprietor, for holiday or other temporary purposes;</p>
<p><b>holiday house</b></p>	<p>means a single house (excluding Ancillary Accommodation) which might also be used from time to time for short stay for no more than six (6) people (but does not include a bed and breakfast, guesthouse, chalet and short stay accommodation unit);</p>
<p><b>holiday house (large)</b></p>	<p>means premises conforming to the definition of “Holiday House” with the exception that the premises provide short stay accommodation for more than 6 people but not more than 12 at any one time;</p>
<p><b>home business</b></p>	<p>means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which —</p> <ul style="list-style-type: none"> <li>(a) does not employ more than 2 people not members of the occupier’s household;</li> <li>(b) will not cause injury to or adversely affect the amenity of the neighbourhood;</li> <li>(c) does not occupy an area greater than 50 square metres;</li> <li>(d) does not involve the retail sale, display or hire of goods of any nature;</li> <li>(e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and</li> <li>(f) does not involve the use of an essential service of greater capacity than normally required in the zone;</li> </ul>

<b>home occupation</b>	means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which — (a) does not employ any person not a member of the occupier's household; (b) will not cause injury to or adversely affect the amenity of the neighbourhood; (c) does not occupy an area greater than 20 square metres; (d) does not display a sign exceeding 0.2 square metres; (e) does not involve the retail sale, display or hire of goods of any nature; (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and (g) does not involve the use of an essential service of greater capacity than normally required in the zone;
<b>home office</b>	means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not — (a) entail clients or customers travelling to and from the dwelling; (b) involve any advertising signs on the premises; or (c) require any external change to the appearance of the dwelling;
<b>home store</b>	means any shop with a net lettable area not exceeding 100 square metres attached to a dwelling and which is operated by a person resident in the dwelling;
<b>hospital</b>	means premises in which persons are admitted and lodged for medical treatment or care and includes a maternity hospital;
<b>hotel</b>	means premises providing accommodation the subject of a hotel licence under the <i>Liquor Licensing Act 1988</i> , and may include a betting agency on those premises, but does not include a tavern or motel;
<b>industry</b>	means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes premises on the same land used for — (a) the storage of goods; (b) the work of administration or accounting; (c) the selling of goods by wholesale or retail; or (d) the provision of amenities for employees, incidental to any of those industrial operations;
<b>industry - cottage</b>	means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which — (a) does not cause injury to or adversely affect the amenity of the neighbourhood; (b) where operated in a residential zone, does not employ any person other than a member of the occupier's household; (c) is conducted in an 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;

<b>industry - extractive</b>	means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry – mining;
<b>industry - general</b>	means an industry other than a cottage, extractive, light, mining, rural or service industry;
<b>industry - light</b>	means an industry — (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality; (b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services;
<b>industry - mining</b>	means land used commercially to extract minerals from the land;
<b>industry - noxious</b>	means an industry in which the processed involved constitute an offensive trade within the meaning of the <i>Health Act 1911</i> (as amended), but does not include a fish shop, dry cleaning premises, laundromat, piggery or poultry farm;
<b>industry - rural</b>	means — (a) an industry handling, treating, processing or packing rural products; or (b) a workshop servicing plant or equipment used for rural purposes;
<b>industry - service</b>	means — (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;
<b>landfill site</b>	means land where waste including Landfill Classes I to V as defined within the Department of Environmental Protection (Department of Environment and Conservation) document titled Landfill Waste Classification and Waste Definitions 1996 (as amended) is stored, processed, recycled or buried;
<b>lunch bar</b>	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 or commercial areas;
<b>marina</b>	means premises at which berths or pens, and fuelling, servicing, repairing, storage (including storage on land) and other facilities for boats are provided, with or without the sale of boating gear and equipment, and includes all jetties, piers, embankments, quays and moorings and all offices and storerooms used in connection with the marina;
<b>marine filling station</b>	means premises used for the storage and supply of liquid fuels and lubricants for marine craft;
<b>market</b>	means premises used for the display and sale of goods from stalls by independent vendors;
<b>medical centre</b>	means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling);
<b>motel</b>	means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the <i>Liquor Licensing Act 1988</i> ;
<b>motor vehicle, boat or caravan sales</b>	means premises used to sell or hire motor vehicles, boats or caravans;

<b>motor vehicle repair</b>	means premises used for or in connection with — (a) electrical and mechanical repairs, or overhauls, to vehicles; or (b) repairs to tyres, but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping;
<b>motor vehicle wash</b>	means premises where the primary use is the washing of motor vehicles;
<b>night club</b>	means premises — (a) used for entertainment with or without eating facilities; and (b) licensed under the <i>Liquor Licensing Act 1988</i> ;
<b>office</b>	means premises used for administration, clerical, technical, professional or other like business activities;
<b>park home park</b>	has the same meaning as in the <i>Caravan Parks and Camping Grounds Regulations 1997</i> ;
<b>place of worship</b>	means premises used for religious activities such as a church, chapel, mosque, synagogue or temple;
<b>plantation</b>	has the same meaning as in the <i>Code of Practice for Timber Plantations in Western Australia</i> (1997) published by the Department of Conservation and Land Management and the Australian Forest Growers;
<b>plant nursery</b>	means land and buildings used for the display and sale of garden products, including garden ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of prefabricated garden structures;
<b>public utility</b> <i>AMD 14 GG 08/04/16</i>	means any works including development for the operation, maintenance and decommissioning of mains and plants by a public authority, their agent or the local government as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.
<b>reception centre</b>	means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes;
<b>recreation - private</b>	means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge;
<b>residential building</b>	has the same meaning as in the Residential Design Codes;
<b>restaurant</b>	means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the <i>Liquor Licensing Act 1988</i> ;
<b>resort</b>	means integrated, purpose-built luxury or experiential premises for short-stay guests comprising accommodation units and on-site tourism facilities such as reception, restaurant and leisure facilities like swimming pool, gymnasium, tennis courts, and where occupation by any person is limited to a maximum of three months in any 12-month period;
<b>restricted premises</b>	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 <i>Censorship Act 1996</i> ; (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;
<b>retirement village</b>	means any land or buildings used to accommodate retirees, together with ancillary facilities, but does not include a "Park Home Park";

<p><b>roadhouse</b> <i>AMD 19 GG 09/08/19</i></p>	<p>means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services –</p> <ul style="list-style-type: none"> <li>(a) full range of automotive repair services;</li> <li>(b) wrecking, panel beating and spray painting services;</li> <li>(c) transport depot facilities;</li> <li>(d) short term accommodation for guests;</li> <li>(e) facilities for being a muster point in response to accidents, natural disasters and other emergencies; and</li> <li>(f) dump points for the disposal of black and/or grey water from recreational vehicles;</li> </ul>
<p><b>rural home business</b></p>	<p>means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which –</p> <ul style="list-style-type: none"> <li>(a) does not employ more than 5 people not members of the occupier's household;</li> <li>(b) will not cause injury to or adversely affect the amenity of the neighbourhood;</li> <li>(c) does not occupy an area greater than 200 square metres;</li> <li>(d) in relation to vehicles and parking does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of more than 3 vehicles of more than 3.5 tonnes tare weight; and</li> <li>(e) does not involve the use of an essential service of greater capacity than normally required in the zone;</li> </ul>
<p><b>rural pursuit</b></p>	<p>means any premises used for –</p> <ul style="list-style-type: none"> <li>(a) the rearing or agistment of animals;</li> <li>(b) the stabling, agistment or training of horses;</li> <li>(c) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or</li> <li>(d) the sale of produce grown solely on the lot,</li> </ul> <p>but does not include agriculture – extensive or agriculture – intensive;</p>
<p><b>serviced apartment</b></p>	<p>means a complex where all units or apartments provide for self-contained accommodation for short-stay guests, where integrated reception and recreation facilities may be provided, and where occupation by any person is limited to a maximum of three months in any 12-month period;</p>
<p><b>service station</b></p>	<p>means premises used for –</p> <ul style="list-style-type: none"> <li>(a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental/convenience retail nature; and</li> <li>(b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles,</li> </ul> <p>but does not include premises used for a transport depot, panel beating, spray painting, major repairs or wrecking;</p>
<p><b>shop</b></p>	<p>means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet;</p>
<p><b>short stay</b></p>	<p>means tourist accommodation facilities (including motels, caravan and camping facilities, chalets, guest houses, holiday houses or any other form of tourist accommodation) set aside either continuously or from time to time for temporary living purposes but which are not occupied by the same person or group of persons for a period in excess of 3 months in any one 12-month period;</p>
<p><b>showroom</b></p>	<p>means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature;</p>

<b>staff/workers accommodation</b>	means shared self-contained living accommodation (separate to a single dwelling) used for the accommodation of persons directly employed in an approved activity carried out on the Lot and does not include a Caretakers Dwelling;
<b>tavern</b>	means premises licensed as a tavern under the <i>Liquor Licensing Act 1988</i> and used to sell liquor for consumption on the premises;
<b>telecommunications infrastructure</b>	means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network;
<b>trade display</b>	means premises used for the display of trade goods and equipment for the purpose of advertisement;
<b>transport depot</b>	means land and buildings used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one such motor vehicle to another of such motor vehicles and includes maintenance, management and repair of the vehicles used, but not of other vehicles;
<b>veterinary centre</b>	means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;
<b>warehouse/storage</b> <i>AMD 19 GG 09/08/19</i>	means premises including indoor or outdoor facilities used for – (a) the storage of goods, equipment, plant or materials; (b) the display or sale by wholesale of goods;
<b>winery</b>	means premises used for the production of viticultural produce and may include sale of produce.

## Schedule 2 — Additional Uses

No.	Description of land	Additional use	Conditions
1.	Lot 1 of Swan Location 354 and 508, cnr Brand Highway and Dewar Road, Gingin	Service Station Caravan Park	
2.	Lancelin Lot 595, cnr Walker Avenue and Kendall Street, Lancelin	Shop Office	(i) The combined floor area of the additional use shall not exceed 90 square metres.  (ii) The shop shall not be used for the display and sale of any goods other than building hardware and related items.
3.	Lot 4, Gingin Road, Lancelin	Fuel Depot	
4.	Lot 462, Turner Street, Ledge Point	Fuel Depot	
5.	Lot 497 Turner Street, Ledge Point	Fuel Depot	
6.	Lot 384 Wood Way, Ledge Point	Fuel Depot	
7.	Lot 385 Wood Way, Ledge Point	Fuel Depot	
8.	Seabird Lot 13, McCormick Street, Seabird	Receival Depot	
9.	Lot 1 of Seabird Lots 65 and 231 McCormick Street, Seabird	Receival Depot	
10.	Seabird Lot 15 McCormick Street, Seabird	Receival Depot Fuel Depot	
11.	Lancelin Lots 1007, 1008, 1009, 1010, 1011, 1012, 1013 and 1014 Salvaire Crescent, Lancelin	Light Industry	
12.	Lot 39 Swan Location 1373 Gingin Brook Road, Neergabby	Sale of Produce Hardware	(i) Buildings associated with the additional use to be under one roof.  (ii) The site area of the Additional Use to be limited to 5000m <sup>2</sup> .  (iii) The floor area of the Additional Use to be limited to 400m <sup>2</sup> .
13.	Ledge Point Lot 637, Old Ledge Point Road, Ledge Point	Kennels	(i) Building associated with the additional use to be under one roof.  (ii) The floor area of the Buildings associated with the Additional Use to be limited to 150m <sup>2</sup> .

No.	Description of land	Additional use	Conditions
14.	Lot 500 Dewar Road, Granville	Vehicle Repairs	<p>(i) The additional use shall only be permitted where the use:</p> <ul style="list-style-type: none"> <li>• is incidental to and positioned behind an existing residence;</li> <li>• has a front setback of at least 50m;</li> <li>• has a gross floor area of no greater than 400 m<sup>2</sup>;</li> <li>• is contained within a building that has a character and appearance of a rural shed; and</li> <li>• complies with the detailed area plan (or development guide plan) for the site as endorsed by the Shire of Gingin.</li> </ul> <p>(ii) The development of the land shall incorporate the retention of existing trees on site and substantial supplementary landscaping to screen the development from the road.</p> <p>(iii) The storage of motor vehicles is to be restricted to the rear of the residence and inside the workshop.</p> <p>(iv) All signage to be in accordance with the requirements of the Shire of Gingin Town Planning Scheme No. 8 and signage shall not be permitted along Dewar Road.</p> <p>(v) Drainage and effluent disposal arrangements shall ensure that chemical spills do not enter the nearby tributary of the Gingin Brook. The workshop floor area (and any other areas likely to contain chemicals) shall consist of a concrete pad covered against the rain and should drain to a central point. All drainage from the area shall be directed to a holding tank and there shall be no discharge of effluent to the tributary.</p>
15.	Lot 101 corner Seabird Road and Lancelin Road, Seabird.	Service Station	<p>(i) Buildings associated with the service station to be under one roof. The floor area of the additional use to be limited to 300m<sup>2</sup>.</p> <p>(ii) The site area of the Additional Use to be limited to 3000m<sup>2</sup>.</p> <p>(iii) Access to the site being restricted to Seabird Road only and the intersection of Seabird and Lancelin Roads being upgraded to the satisfaction of Main Roads Western Australia.</p>
16.	Lot 10 Gingin Brook Road, Neergabby <i>AMD 14 GG 08/04/16</i>	Tavern Shop Restaurant Exhibition Centre Hotel Small Bar Holiday Accommodation Reception Centre Cottage Industry	<p>(i) A development application is required, and local government's discretion applies for the additional land uses.</p> <p>(ii) Development is required to consider the restrictive Covenant provisions on the subject Lot.</p>



No.	Description of land	Additional use	Conditions
17.	<i>DELETED BY AMD 19 GG 09/08/19</i>		
18.	Lot 108 Caladenia Road, Wanerie <i>AMD 14 GG 08/04/16</i>	Tourist Park, including the following uses at the discretion of local government:  Tearooms  Holiday accommodation  Public amusement  Private recreation	(i) Development to be generally in accordance with the Development Concept Plan dated September 1998, or such other overall concept plan as may be approved by local government.  (ii) The design, character and scale of development shall be in keeping with the objectives of the Conservation zone. In considering an application to commence development, local government will have particular regard to landscaping, servicing and amenity.  (iii) The development and use of the land for tourist activities shall only be approved and undertaken in a manner that gives full recognition to the accepted management practices associated with approved horticultural land uses.
19.	Lot 5 corner of Brand Highway and Orange Springs Road, Orange Springs <i>AMD 14 GG 08/04/16</i>	Tourist Complex  Shop, incidental to and located within the Tourist Complex  Art Gallery  Museum  Public Amusement (amphitheatre)	(i) Development of the Tourist Complex shall be generally in accordance with the proposed development vision plan dated 26 February 2004.  (ii) Prior to consideration of any application for Development Approval, local government shall require the Applicant to demonstrate that the access to the development, including external roads will be of a standard that can cater for any additional traffic volumes resulting from the development.  (iii) Any development application is to be accompanied by a landscaping plan to demonstrate to the satisfaction of local government the extent of new landscaping and the protection, enhancement and revegetation of areas of natural vegetation.  (iv) Any development application for the Function Centre is to be accompanied by an accredited acoustic consultant's report to demonstrate to the satisfaction of local government compliance with the Environmental Protection (Noise) Regulations, 1997.  (v) The development application for the Amphitheatre is to be accompanied by a detailed Events Management Plan to demonstrate to the satisfaction of local government how events can be managed for the matters stated, but not necessarily limited to, the following: <ul style="list-style-type: none"> <li>• Traffic management for external and internal roads</li> <li>• Sanitation</li> </ul>

No.	Description of land	Additional use	Conditions
19.	Lot 5 corner of Brand Highway and Orange Springs Road, Orange Springs (Cont'd) <i>AMD 14 GG 08/04/16</i>		<ul style="list-style-type: none"> <li>• Crowd control</li> <li>• Servicing of events (eg, power, waste water management)</li> <li>• Car parking</li> <li>• Fire management</li> <li>• Emergency services (eg, ambulance and medical facilities)</li> </ul>
20.	Lots 4, 5 and 6 Gingin Road and Lot 191 Miragliotta Street, Lancelin <i>AMD 6 GG 31/10/14;</i> <i>AMD 14 GG 08/04/16</i>	Holiday Accommodation, Shop, Restaurant and Office	<p>(i) Holiday Accommodation, Shop and Restaurant uses are permitted as a “D” use.</p> <p>(ii) Office use is permitted if incidental to other uses on the site.</p> <p>(iii) All development on the site shall be in accordance with an approved structure plan.</p>
21.	Lot 7 (1679) Gingin Brook Road, Neergabby <i>AMD 6 GG 31/10/14;</i> <i>AMD 14 GG 08/04/16</i>	Caravan Park, Restaurant, Shop (incidental to, and located within caravan park)	<p>(i) Development to be generally in accordance in with the development approval issued by local government 9 August 2005 or a subsequent development approval issued by local government.</p> <p>(ii) Any future development is not permitted unless local government has exercised its discretion by granting development approval.</p> <p>(iii) Notice of a development application must be served on adjoining owners and occupiers in accordance with Clause 9.4.3(a) and referred to the Department of Water and the Department of Health.</p> <p>(iv) In considering a development application, local government will have particular regard to potential amenity impacts on land use conflicts with neighbouring properties; and any potential on Quin Brook from sewerage, drainage and internal access arrangements.</p>
22.	Lot 33 (No. 81) Gingin Road, Lancelin <i>AMD 9 GG 27/02/15</i> <i>AMD 14 GG 08/04/16</i>	Place of Worship	A development application is required, and local government's discretion applies for the additional land uses.
23.	Portion of Reserve 33549, Casserley Way, Lancelin. <i>AMD 4 GG 31/05/16</i>	Carpark Recreation - Private Firebreak	<p>(i) A development application is required.</p> <p>(ii) Development approval can only be issued where the additional use is associated with the approved uses and development on Lot 1027.</p> <p>(iii) Development approval can only be issued for a period for which there is a valid lease.</p>

No.	Description of land	Additional use	Conditions
24.	Lot 39 (No. 56) Hoy Road, Coonabidgee.  <i>AMD 20 GG 12/03/19</i>	Resource Recovery Centre - premises other than a waste disposal facility used for the recovery of resources from waste.	<ol style="list-style-type: none"> <li>1. All developments on the site shall be subject to application to the local authority for approval to commence development.</li> <li>2. The proposal is limited to the sorting and processing of cardboard, newspaper, aluminium cans, steel cans, liquid paperboard, plastics (numbers 1-5) and glass.</li> <li>3. Other recyclable materials for sorting and processing may be considered at the discretion of the local authority.</li> </ol>
25.	Portion of Lot 1021 Gingin Brook Road, Woodridge, as identified on the Scheme Map.  <i>AMD 19 GG 09/08/19</i>	Roadhouse	<ol style="list-style-type: none"> <li>1. Development is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions.</li> <li>2. The site area for the Additional Use is to be limited to 3ha, in the location identified on the Scheme Map.</li> <li>3. Buildings associated within the Additional Use are to be under one roof and the floor area is to be limited to 300sqm.</li> <li>4. The restaurant facilities eating area is to be no greater than 80sqm (equivalent to approximately 50 sit-down customers) with limited take-away food retailing.</li> <li>5. Convenience shop aggregate retail floor space is to be no greater than 65sqm.</li> <li>6. Vehicle servicing shall be limited to emergency breakdown repair and one bay for carrying out greasing, tyre repairs and minor mechanical repairs.</li> <li>7. The following uses are prohibited:               <ol style="list-style-type: none"> <li>i. a drive through fast-food facility;</li> <li>ii. the sale or consumption of alcohol under the <i>Liquor Licensing Act 1988</i>;</li> <li>iii. short term accommodation;</li> <li>iv. transport depot facilities; and</li> <li>v. panel beating, spray painting and major repairs or wrecking.</li> </ol> </li> <li>8. Access and egress for the Additional Use shall be limited to Gingin Brook Road.</li> <li>9. Future development for the Additional Use is to take into consideration the outcomes of road network planning, including future road upgrades, such as any requirement(s) for widening of Gingin</li> </ol>

No.	Description of land	Additional use	Conditions
25.	Portion of Lot 1021 Gingin Brook Road, Woodridge, as identified on the Scheme Map. (Cont'd)  <i>AMD 19 GG 09/08/19</i>		Brook Road and/or Indian Ocean Drive and/or modification to the intersection of Gingin Brook Road and Indian Ocean Drive, to the satisfaction of Main Roads WA and the Shire of Gingin.  10. Any development application is to be accompanied by a Landscaping Plan, demonstrating how the development will have minimal impact on views from Indian Ocean Drive, and the plan is to be implemented through a condition of development approval.  11. All development and use shall be in accordance with any plans, conditions and management requirements approved by the local government.
A26	Portion of Lot 1022 Indian Ocean Drive, Woodridge as identified on the Scheme Map.  <i>AMD 19 GG 09/08/19</i>	Warehouse/Storage Office	1. Development is not permitted unless the local government has exercised its discretion by granting development approval.  2. The site area for the Additional Use is to be limited to 11ha, in the location identified on the Scheme Map.  3. The Office use is permitted if incidental to the warehouse/storage use on the site.  4. Access and egress for the Additional Use shall be limited to Gingin Brook Road. Access and egress from Indian Ocean Drive is to be approved by Main Roads WA.  5. Future development for the Additional Use is to take into consideration the outcomes of road network planning, including future road upgrades, such as any requirement(s) for widening of Indian Ocean Drive and/or modification to the intersection of Gingin Brook Road and Indian Ocean Drive, to the satisfaction of Main Roads WA and the Shire of Gingin.  6. Any development application is to be accompanied by a Landscaping Plan, demonstrating how the development will have minimal visual impact on views from Indian Ocean Drive, and the plan is to be implemented through a condition of development approval.  7. All development and use shall be in accordance with any plans, conditions and management requirements approved by the local government.

No.	Description of land	Additional use	Conditions
A27	<p>Portion of Lot 201 Brand Highway, Ginginup, as identified on the Scheme Map.</p> <p><i>AMD 21 GG 15/09/2020</i></p>	<p>Workforce Accommodation (D)</p> <p><b>Workforce accommodation means</b> premises, which may include modular or relocatable buildings, used –</p> <p>(a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and</p> <p>(b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.</p>	<p>The purpose of this additional use is to provide workforce accommodation directly related to the Boonanarring mineral sands mine.</p> <ol style="list-style-type: none"> <li>1. Development is not permitted unless the local government has exercised its discretion by granting development approval.</li> <li>2. Development is to be generally in accordance with the development approval issued by the local government on 30 November 2018.</li> <li>3. Access and egress to Brand Highway is to be consistent with the design standards of Main Roads WA.</li> <li>4. The workforce accommodation shall only accommodate workers and/or contractors directly associated with the mining and processing of mineral sands at the Boonanarring mine site, for the extraction of mineral sands in the time frame and spatial extent set out in amended licence L9177/2018/1 issued by the Department of Water and Environmental Regulation on 26 September 2019.</li> <li>5. The development is limited to accommodating a maximum of 40 persons at any one time.</li> <li>6. Within 6 months of the cessation of the mining and processing of mineral sands at the Boonanarring mine site, the workforce accommodation shall be decommissioned and the site rehabilitated to pre-development condition, to the satisfaction of the Shire of Gingin, with approval of the workforce accommodation to be revoked.</li> </ol>
28	<p>Part of Lot 8021 Waterville Road, Neergabby</p> <p><i>AMD 24 GG 25/10/2024</i></p>	Industry - Light	<ol style="list-style-type: none"> <li>1. Development is not permitted unless the local government has exercised its discretion by granting development approval.</li> <li>2. Development approval is to be time limited to an initial period of 10 years. Further time extensions are not to exceed 5 years and will be subject to an assessment of the development against the planning framework as it applies at that time.</li> <li>3. The development is to remain as at secondary use to the primary agricultural use of the land at all times.</li> </ol>

No.	Description of land	Additional use	Conditions
			<ol style="list-style-type: none"> <li>4. The development is restricted to the assembly of modular/transportable buildings, associated structure and any incidental operations to the satisfaction of the local government.</li> <li>5. The development area is to be located in one contiguous area within the lot that meets the following criteria: <ol style="list-style-type: none"> <li>a. Partially located on land that is not required for the primary agricultural use of the lot;</li> <li>b. Does not conflict with any area of consolidated remnant native vegetation or habitat of the Carnby black cockatoo;</li> <li>c. Is not visible from any adjoining lot of public road; and</li> <li>d. Is set back a minimum of 500m from any lot boundary.</li> </ol> </li> <li>6. The development area is limited to a maximum area of 3 hectares.</li> <li>7. Access and egress for the development is limited to Waterville Road.</li> <li>8. The presence of the development is not grounds to progress subdivision of the land.</li> </ol>

**Schedule 3 — Restricted Uses**

<b>No.</b>	<b>Description of land</b>	<b>Restricted use</b>	<b>Conditions</b>
RU1	Sovereign Hill Estate	Stocking Rates	A stocking rate of 2 Dry Sheep Equivalent per hectare to be applied to avoid soil degradation.

## Schedule 4 — Special Use Zones

No.	Description of land	Special use	Conditions
SU1	Portion of Lot 742 Ledge Point Road, Ledge Point <i>AMD 14 GG 08/04/16</i>	Caravan Park Holiday Accommodation Caretaker's Dwelling	<ol style="list-style-type: none"> <li>1. The clearing of native vegetation is to be limited to the area designated for the proposed caravan park and associated uses, only as shown on the development plan approved by local government.</li> <li>2. Any revegetation plan is to be approved by local government and must be undertaken using native species. Landscaping plans for the development must also be approved by local government and exclude "Pest or Declared" plants.</li> <li>3. Prior to the commencement of development, the perimeter of the development area for the caravan park and associated uses must be fenced to prevent access to adjoining areas of remnant bush land. Fencing is to be to the specifications approved by local government.</li> <li>4. A weed management plan is to be prepared to the satisfaction of the local government which addresses that issue raised in the Flora and Vegetation Assessment by ATA Environmental Consultants dated July 2001.</li> <li>5. At the time of subdivision and/or development, local government will request a condition requiring connection to the reticulated sewerage system.</li> </ol>
SU2	Lot 435, Walker Avenue, Lancelin <i>AMD 14 GG 08/04/16</i>	Composite area consisting of mixed business and industrial uses	<ol style="list-style-type: none"> <li>1. Permissible uses on lots that either abut, or are visible from, Walker Avenue are:               <ul style="list-style-type: none"> <li>• Car wash</li> <li>• Dry cleaning Premises</li> <li>• Garden Centre</li> <li>• Laundromat</li> <li>• Service Industry</li> <li>• Showroom</li> <li>• Trade Display</li> <li>• Vehicle Hire and Sales</li> <li>• Market</li> <li>• Veterinary Establishment</li> <li>• Shop</li> </ul> </li> </ol> <p style="margin-top: 10px;">These uses shall be subject to the 'P' requirements of the Scheme except for 'Market' and 'Veterinary Establishment', which shall be subject to the 'AA' requirements of the Scheme and 'Shop', which shall be subject to the 'IP' requirements of the Scheme.</p>



No.	Description of land	Special use	Conditions
SU2	Lot 435, Walker Avenue, Lancelin (Cont'd) <i>AMD 14 GG 08/04/16</i>		<p>No other uses are permitted.</p> <ol style="list-style-type: none"> <li>2. Permissible uses on all other lots not referred to in Condition 1 above shall be as per the General Industry zone of the Scheme.</li> <li>3. Subdivision shall be in accordance with a WAPC endorsed Structure Plan.</li> <li>4. The facades of any service industry buildings on lots that abut, or are visible from, Walker Avenue are to be of masonry construction.</li> <li>5. Other than those buildings requiring a masonry façade, industrial buildings are to be constructed using Colourbond (or similar) materials for all external walls. No zincalume is permitted.</li> <li>6. Use of land forward of the building line will comprise of car parking and landscaping only, unless otherwise approved by local government.</li> </ol>
SU3	Lots 1, 22 & 594, Walker Avenue, Lancelin <i>AMD 14 GG 08/04/16</i>	Mixed Business	<ol style="list-style-type: none"> <li>1. Permissible uses are:               <ul style="list-style-type: none"> <li>• Car wash</li> <li>• Dry cleaning Premises</li> <li>• Garden Centre</li> <li>• Laundromat</li> <li>• Service Industry</li> <li>• Showroom</li> <li>• Trade Display</li> <li>• Vehicle Hire and Sales</li> <li>• Market</li> <li>• Veterinary Establishment</li> <li>• Shop</li> <li>• All other permissible uses in the General Industry zone of the scheme.</li> </ul> <p>These uses shall be subject to the 'P' requirements of the Scheme except for 'Market' and 'Veterinary Establishment' and 'Shop', which shall be subject to the 'AA' requirements of the Scheme and 'Shop'. Industrial uses shall be in accordance with the provisions of the zoning table of the Scheme.</p> <p>No other uses are permitted.</p> </li> <li>2. The landowner/s is/are required to fund, implement and maintain for 24 months streetscape works in accordance with the Walker Avenue Commercial Precinct Local Planning Policy.</li> <li>3. Local government will not grant development approval to any development of the site unless it is</li> </ol>

No.	Description of land	Special use	Conditions
SU3	Lots 1, 22 & 594, Walker Avenue, Lancelin (Cont'd) <i>AMD 14 GG 08/04/16</i>		<p>satisfied that:</p> <ul style="list-style-type: none"> <li>• The design and siting of any new building and materials used will not create an adverse impact on the visual amenity of the area;</li> <li>• No blank walls or loading / service areas to front Walker Avenue;</li> <li>• There is provision of a safe and convenient cycling and pedestrian access system to, from and within the subject lot; and</li> <li>• Vehicular movement including car parking and traffic circulation capacity has been addressed.</li> </ul> <p>4. Car parking will generally be accommodated on the subject lot. Street Parking will require the permission of local government and cash-in-lieu of parking is required to be paid in this event.</p>
SU4	Lots 1, 22 & 594, Walker Avenue, Lancelin <i>AMD 14 GG 08/04/16</i>	Mixed Business	<p>1. Permissible uses are:</p> <ul style="list-style-type: none"> <li>• Car wash</li> <li>• Dry cleaning Premises</li> <li>• Garden Centre</li> <li>• Laundromat</li> <li>• Service Industry</li> <li>• Showroom</li> <li>• Trade Display</li> <li>• Vehicle Hire and Sales</li> <li>• Market</li> <li>• Veterinary Establishment</li> <li>• Shop</li> <li>• All other permissible uses in the General Industry zone of the scheme.</li> </ul> <p>These uses shall be subject to the 'P' requirements of the Scheme except for 'Market' and 'Veterinary Establishment' and 'Shop', which shall be subject to the 'AA' requirements of the Scheme and 'Shop'. Industrial uses shall be in accordance with the provisions of the zoning table of the Scheme.</p> <p>No other uses are permitted.</p> <p>2. The landowner/s is/are required to fund, implement and maintain for 24 months streetscape works in accordance with the Walker Avenue Commercial Precinct Local Planning Policy.</p> <p>3. Local government will not grant development approval to any development of the site unless it is satisfied that:</p> <ul style="list-style-type: none"> <li>• The design and siting of any new</li> </ul>

No.	Description of land	Special use	Conditions
SU4	Lots 1, 22 & 594, Walker Avenue, Lancelin (Cont'd) <i>AMD 14 GG 08/04/16</i>		building and materials used will not create an adverse impact on the visual amenity of the area; <ul style="list-style-type: none"> <li>• No blank walls or loading / service areas to front Walker Avenue;</li> <li>• There is provision of a safe and convenient cycling and pedestrian access system to, from and within the subject lot; and</li> <li>• Vehicular movement including car parking and traffic circulation capacity has been addressed.</li> </ul> 4. Car parking will generally be accommodated on the subject lot. Street Parking will require the permission of local government and cash-in-lieu of parking is required to be paid in this event.
SU5	Portion of Lot 7778 situated north of the Boonanarring Road reserve and Wannamal Road South reserve (east of the intersection with Boonanarring Road) <i>AMD 14 GG 08/04/16</i>	1. Waste Management Facility for the Disposal, Recovery and Re-processing of Class II wastes only and incidental infrastructure. 2. Activities associated with the downstream processing and utilisation of Class II waste only. 3. Such Land Use Classes as are permitted or permitted subject to the discretion of the local government in Column 7, Rural Zone of the Zoning Table.	1. All development on the site shall be subject to application to the local authority for approval to commence development. 2. Development of the Waste Management Facility is to be generally in accordance with the Shire of Gingin TPS 8 Amendment No 104 Scheme Amendment Report September 2009, the Design and Hydrology Assessment Report December 2008 and the Statement of Conditions No. 796 issued by the Minister for the Environment; or in such other manner as may be approved by local government and the Minister for Environment. 3. Except as otherwise approved by local government, the Development Application will be required to address the Fernview Regional Waste Management Facility - "Future Actions" as identified in the Report titled: Fernview Regional Waste Management Facility - Design and Hydrology Assessment Report prepared by IW Projects Pty Ltd, Final, December 2008 and, as a minimum, shall also address the following; <ul style="list-style-type: none"> <li>• Provide a Stability and Settlement Assessment carried out by a competent stability expert to the satisfaction of the Chief Executive Officer at the Shire of Gingin.</li> <li>• Confirm that the detailed landfill design includes adequate localised stormwater diversion particularly around the perimeter of the landfill and the leachate evaporation ponds.</li> <li>• Confirm that the final detailed design</li> </ul>

No.	Description of land	Special use	Conditions
SU5	<p>Portion of Lot 7778 situated north of the Boonanarring Road reserve and Wannamal Road South reserve (east of the intersection with Boonanarring Road) (Cont'd)</p> <p>AMD 14 GG 08/04/16</p>		<p>for the leachate collection system adequately addresses acceptability of liner slopes, leachate sump configuration, extraction systems, consistency with landfill staging and the need, or otherwise, for separate leachate sumps for each landfill stage.</p> <ul style="list-style-type: none"> <li>• Include a detailed design of the proposed Geosynthetic Clay Liner (GCL) and consider the impact of constructing the GCL layer on the 200mm sand layer and Geomembrane liner below and the construction methodology of the Geomembrane Liner to consider the stability and constructability issues when placing the Geomembrane.</li> <li>• Groundwater extraction bores will be required immediately downstream of the landfill leachate sumps and sediment pond.</li> <li>• Include provision for groundwater rest levels to be measured regularly and the groundwater contours be updated, and flow directions repositioned.</li> <li>• Groundwater monitoring to be supplied to the Shire on a bi-annual basis.</li> <li>• Require that any future Development Application for the re-mining and re-processing of inert waste shall consider the overall impacts on the landfill operation, liner and leachate collection, detection systems and the environment including: <ul style="list-style-type: none"> <li>• the long term stability of the waste mass;</li> <li>• potential for damage to the liner and leachate collection systems from mining and re-filling with new waste;</li> <li>• leachate management during mining;</li> <li>• adequacy of the existing leachate collection system to collect leachate from new waste;</li> <li>• the composition of the mined and re-processed material; and,</li> <li>• the need, or otherwise, for any liner system to the inert spoil dump to prevent contamination of the local groundwater.</li> </ul> </li> </ul> <p>4. All development that includes uses incompatible with sensitive land uses will be located such that the 500m buffer is fully accommodated within the boundaries of the Portion of Lot 7778 zoned 'Special Use'.</p>

No.	Description of land	Special use	Conditions
SU5	Portion of Lot 7778 situated north of the Boonanarring Road reserve and Wannamal Road South reserve (east of the intersection with Boonanarring Road) (Cont'd) <i>AMD 14 GG 08/04/16</i>		5. No Sensitive Use land use, as provided for under the Statement of Planning Policy No 4 – State Industrial Buffer Policy of the Western Australian Planning Commission shall be permitted. 6. As a condition of future subdivision or development on Lot 7778, a notification pursuant to section 70a of the Transfer of Land Act 1893 (as amended), or a similar legal instrument, is to be registered on the Certificates of Titles of Lot 7778 to advise that amenity may be affected by activity associated with the Waste Management Facility. 7. As a condition of development or subdivision approval, a Fire Management Plan for Lot 7778 will be required to be prepared and implemented to the satisfaction of the local government and the Fire and Emergency Services. 8. Arrangements being made with the local government and/or Main Roads for the upgrading and/or construction of Wannamal Road West and Wannamal Road South and the Wannamal Road West/Brand Highway intersection. 9. Prior to subdivision or development of the lot, a Local Water Management Plan is to be prepared and implemented to the specifications of the Department of Water.
SU6	Portion of Lot 6057 Indian Ocean Drive Gabbadah <i>AMD 14 GG 08/04/16</i>	Community service node	1. Development of the land shall be in accordance with an approved structure plan prepared in accordance with the scheme provisions; 2. Land uses on the site shall be limited to: <ul style="list-style-type: none"> <li>• service station;</li> <li>• community purpose;</li> <li>• consulting rooms;</li> <li>• convenience store;</li> <li>• motor vehicle repairs;</li> <li>• office;</li> <li>• restaurant.</li> </ul> 3. Access to the site being restricted to Guilderton Road and/or Indian Ocean Drive at a location and to a standard of construction to the satisfaction of the agency responsible for main roads; 4. Development of the land is to be substantially commenced prior to subdivision of the land being supported; 5. All development on site is to be provided with an appropriate standard of essential service infrastructure by licensed service

No.	Description of land	Special use	Conditions
SU6	Portion of Lot 6057 Indian Ocean Drive Gabbadah (Cont'd)  <i>AMD 14 GG 08/04/16</i>		providers;  6. For a service station to be considered, a Hydrocarbon Waste Management Plan is to be prepared, addressing containment and disposal methods to the satisfaction of local government in consultation with the agency responsible for environment and conservation.  7. A service station must be developed in the first stage of any proposal.
SU7	Honeycomb Estate Gingin, land up to and including a 50m distance from the Perth-Geraldton railway reserve.	Separation distance from railway.	No habitable buildings to be constructed in this zone.
SU8	Portion of Lot 5450 Wannamal Road West, Boonanarring  <i>AMD 8 GG 06/02/18</i>	<ol style="list-style-type: none"> <li>1. Landfill site for the disposal, recovery and processing of Class I, II and III wastes only, and incidental infrastructure.</li> <li>2. Composting</li> <li>3. Such Land Use Classes as are permitted or permitted subject to the discretion of the Council in Column 7 General Rural Zone of the Zoning Table.</li> </ol>	<ol style="list-style-type: none"> <li>1. All development on the land (including change of use) shall be subject to an application to the local government for approval to commence development.</li> <li>2. A development application for a Landfill and Composting Facility is to be supported by the following Management Plans and related programs:               <ul style="list-style-type: none"> <li>• Bushfire and Risk Management Plan, to be prepared to the satisfaction of the Department of Fire and Emergency Services;</li> <li>• Feral Animal Mitigation and Management Plan, in conjunction with a control program based on monitoring, to be prepared in consultation with the Department of Biodiversity, Conservation and Attractions;</li> <li>• Stormwater and Surface Water Management Plan;</li> <li>• Dust Management Plan, with emphasis on mitigating dust on adjacent native vegetation, to be prepared in consultation with the Department of Biodiversity, Conservation and Attractions;</li> <li>• Litter Management Plan, including windblown waste;</li> <li>• Dieback Management Plan, to be prepared in consultation with the Department of Biodiversity, Conservation and Attractions;</li> <li>• Traffic Impact Statement, including consideration of the safety of the intersection of Wannamal Road West and Brand Highway, to be prepared in consultation with Main Roads WA;</li> <li>• Ground water monitoring program; and</li> <li>• Landscaping management.</li> </ul> </li> </ol>

No.	Description of land	Special use	Conditions
SU8	Portion of Lot 5450 Wannamal Road West, Boonanarring (Cont'd)  <i>AMD 8 GG 06/02/18</i>		<ol style="list-style-type: none"> <li>3. A development application for a Landfill and Composting Facility, including associated management plans, is to be advertised in accordance with the deemed provisions, ensuring all adjacent landowners are consulted.</li> <li>4. The outcomes/actions of management plans and related programs supporting a development application are to be implemented as a condition of development approval.</li> <li>5. No sensitive land use, as provided for under State Planning Policy No. 4: State Industrial Buffer Policy of the Western Australian Planning Commission, shall be permitted up to 1km from the facility site, depending on the composting method used.</li> <li>6. A separation distance of 50 metres shall be provided between Landfill and Composting Facility activities and native vegetation retained for conservation purposes.</li> </ol>
SU9	Lot 105 Cheriton Road, Gingin  <i>AMD 11 GG 08/04/16</i> <i>AMD 14 GG 08/04/16</i>	The following uses shall be discretionary land uses and include: <ul style="list-style-type: none"> <li>• Lifestyle Village</li> <li>• Caretaker's dwelling</li> <li>• Communal and Recreational Facilities</li> <li>• Associated service infrastructure</li> </ul>	<ol style="list-style-type: none"> <li>1. Development of the site will require a Development Application to be lodged and shall be determined by local government as a discretionary land use under this Local Planning Scheme.</li> <li>2. A reticulated drinking water service will be provided by a licensed service provider.</li> <li>3. Wastewater services will be provided by a licensed service provider and the treatment unit and any associated grey water system will be to the satisfaction of the local government, Department of Health, Department of Water and Department of Environment Regulation.</li> <li>4. Local government will require the development of communal facilities in the first stage of development or as otherwise agreed to the satisfaction of local government.</li> <li>5. A Fire Management Plan will be required at the time of development for consideration.</li> <li>6. Edgar Street will be required to be constructed to the satisfaction of the local government.</li> <li>7. A 40m vegetative buffer or similar separation may be required on the northern boundary of SU9 lot should agricultural land uses be on-going on Lot</li> </ol>

No.	Description of land	Special use	Conditions
SU9	Lot 105 Cheriton Road, Gingin (Cont'd)  <i>AMD 11 GG 08/04/16</i> <i>AMD 14 GG 08/04/16</i>		106 Cheriton Road.  8. Each dwelling is to install a minimum 2,000L rainwater tank.  9. Prior to development a Local Water Management Plan is to be submitted to the local government for approval on advice from the Department of Water.  10. At least one of the primary occupants of each unit in the development must be over the age of 55.



## Schedule 5 — Exempted Advertisements

Land use and/or development	Exempted sign	Maximum size

## **Schedule 6 — Development Contribution Areas**

*AMD 14 GG 08/04/16*

## Schedule 7 — Environmental Conditions

AMD 14 GG 08/04/16

Amendment No.	Gazettal Date	Environmental Conditions
Amendment 93 to TPS 8 – Portions of Lots 5243, 9504 and 9505 commonly known as 'Lancelin South', Old Ledge Point Road and Lancelin Road  AMD 93 GG 12/04/11	12 April 2011	<ol style="list-style-type: none"> <li>1. A minimum of 22.49 hectares is to be set aside for vegetation conservation purposes.</li> <li>2. At the time of subdivision, the subdivider is to prepare and implement an 'Environmental Management Plan' to address the use and management of the land set aside for conservation purposes. The plan is to make provision for fencing, weed control, fire response and suppression, re-vegetation, and the design and maintenance of pathways and public viewing areas (restricted access).</li> </ol>

## Schedule 8 — Rural Living Zones

AMD 7 GG 02/04/15; AMD 14 GG 08/04/16

No.	Description of Land	Conditions
1	Lot 101 Cheriton Road, Gingin  AMD 14 GG 08/04/16	<ol style="list-style-type: none"> <li data-bbox="826 360 1449 450">1. All development shall be subject to an application to the local government for development approval.</li> <li data-bbox="826 483 1449 629">2. All habitable buildings and/or on-site effluent treatment and disposal and/or effluent treatment systems that may be required shall be confined to areas outside of the boundaries of the multiple-use wetland.</li> <li data-bbox="826 663 1449 909">3. All lots shall be provided with a demonstrated sustainable fit-for-purpose water supply that comprises a 436m<sup>2</sup> roof catchment area to meet all water requirements or a 260m<sup>2</sup> roof catchment area plus a licensed bore with sufficient capacity to provide 58000 litres per annum for outside use and fire-fighting purposes.</li> <li data-bbox="826 943 1449 1021">4. A permanent water supply of no less than 10,000 litres is to be maintained for bushfire fighting purposes.</li> </ol>

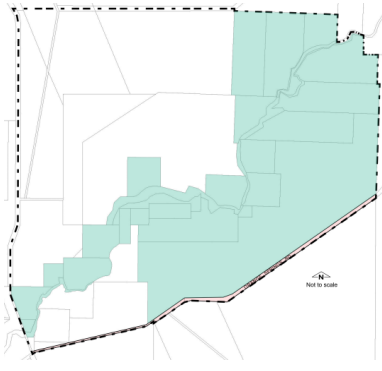
## Schedule 9 — Future Development Zones

AMD 3 GG 25/09/15; AMD 14 GG 08/04/16

No.	Description of land	Conditions
1	Lot 1 Old Ledge Point Road and Lot 9001 Lancelin Road, Lancelin.  AMD 14 GG 08/04/16	(1) When structure planning is undertaken for Lancelin South Stage 2 and beyond, the following is required: <ul style="list-style-type: none"> <li>(i) Details of proposed staging;</li> <li>(ii) Preparation of a site level Landscape and Visual Impact Assessment, incorporating viewshed analysis, that informs the structure plan and guides subdivision and development;</li> <li>(iii) Identification and protection of north-south and west-east ecological corridors, addressing corridor width, function and management requirements and the interface with adjoining development; and</li> <li>(iv) Preparation of an Environmental Management Plan where structure planning is adjacent to the Conservation zone.</li> </ul> (2) No subdivision is to occur outside of the Lancelin South Stage 1 structure plan area unless: <ul style="list-style-type: none"> <li>(i) 75% of Lancelin South Stage 1 has been subdivided and developed; or</li> <li>(ii) Subdivision is provided for in an approved structure plan at a residential density of less than R5; or</li> <li>(iii) Subdivision is provided for in an approved structure plan at a residential density equal to or greater than R5 on land that is at or above 35m AHD. AMD 3 GG 25/09/15</li> </ul>

## Schedule 10 – General Rural (Coded) Zones

AMD 12 GG 06/09/16

No.	Description of land	Conditions
1	<p>Various lots on the north side of Orange Springs Road, Cowalla shown on the Scheme Map as GR 30 and highlighted in the map below.</p> 	<ol style="list-style-type: none"> <li>Prior to any subdivision, the following is to be addressed: <ul style="list-style-type: none"> <li>the lot layout is to respond to significant environmental features including flora, vegetation, fauna, wetlands (and associated buffers) and watercourses; and</li> <li>where a proposal contains a Conservation Category Wetland, property boundaries should be setback a minimum of 50 metres from the extent of the wetland.</li> </ul> </li> <li>Where land adjoins or includes a watercourse, development should be setback a minimum of 30 metres from the top of the bank of the watercourse.</li> </ol>
2	<p>Lot 100 (No. 1492) Bennies Road, Cowalla.</p> <p>AMD 22 GG 31/12/2021</p>	<ol style="list-style-type: none"> <li>The portion of land north of Bennies Road being zoned 'General Rural – GR 320' and the portion of land south of Bennies Road being zoned 'General Rural – GR30'</li> <li>The subdivision lot layout is to retain remnant vegetation located on the site and is to generally accord with the subdivision concept plan (GR20/GR30) forming part of Amendment No. 22.</li> </ol>

## Schedule 11 – Tourism Conditions

AMD 16 GG 15/05/18

Description of Land	Conditions
Lot 2 (Plan 10531) Breton Bay, Seabird	<ol style="list-style-type: none"> <li>1. Subdivision and development is to be in accordance with an approved Structure Plan, which is to apply to the entire site.</li> <li>2. The purpose and intent of the Structure Plan is to provide for the following: <ol style="list-style-type: none"> <li>a) Staging of subdivision and development such that tourism is the dominant land use that precedes all other.</li> <li>b) Identification and establishment of the primary tourism function of the site at the first stage of subdivision and development. This includes integrated facilities that promote visitor and resident interaction.</li> <li>c) Protection of environmental values and attributes by ensuring the location, density, scale and nature of all development has regard for the landscape and environmental values of the area, including coastal processes.</li> <li>d) Appropriate provision for hazard separation and defensible space mechanisms to ensure siting and design of all development minimises the level of bushfire impact; and</li> <li>e) Identification of development and infrastructure ancillary to the tourism uses in the adjoining 'Conservation' zoned land, including subdivision.</li> </ol> </li> <li>3. The following requirements relate to the Structure Plan: <ol style="list-style-type: none"> <li>a) The identification of potable water and wastewater infrastructure necessary to support future development, with such infrastructure being located on land zoned 'Tourism' where possible.</li> <li>b) Retain remnant vegetation generally within the 'Conservation' zone. Access tracks, recreational hiking trails and boardwalks, and firebreaks are permitted in the 'Conservation' zone.</li> </ol> </li> <li>4. Permissible land uses within the 'Tourism' zone are to be in accordance with Table 1 - Zoning Table, with the exception of the following:  'X' land uses: <ul style="list-style-type: none"> <li>• Park Home Park</li> </ul> </li> <li>5. Subdivision of land within the 'Tourism' zone shall be limited to built or survey strata subdivision.</li> <li>6. Prior to the approval of the Structure Plan, a Coastal Hazard Risk Management and Adaptation Plan shall be prepared in accordance with State Planning Policy 2.6 - Coastal Planning and approved by the local government with advice from the agency responsible for land use planning. The plan may make recommendations in regard to adjustments to boundaries and/or land tenure and is to demonstrate the northern-shoreline stability.</li> <li>7. Prior to the approval of the Structure Plan, a local water management strategy shall be prepared and approved by the local government, on the advice of the State department responsible for water.</li> </ol>

Description of Land	Conditions
Lot 2 (Plan 10531) Breton Bay, Seabird (Cont'd)	<p>8. Prior to the approval of a Structure Plan, a bushfire management plan and emergency evacuation plan shall be prepared and approved by the local government and the State department responsible for the fire and emergency services. The plans shall contain appropriate bushfire mitigation measures that are to be implemented as part of subdivision and/or development works at the first stage.</p> <p>9. Prior to the approval of the Structure Plan, a conservation management plan shall be prepared and approved by the local government, on the advice of the State department responsible for environment protection. The conservation management plan shall address the following measures:</p> <ul style="list-style-type: none"> <li>a) identify the environmental values and attributes of the site which require ongoing management; and</li> <li>b) outline the specific management actions to be implemented.</li> </ul> <p>Where practicable, measures may be added and implemented as part of the strata management statement as required by Clause 4.8.7.5.</p> <p>10. Prior to the commencement of subdivisional works, a foreshore management plan shall be prepared and approved by the local government and implemented at the first stage of subdivision.</p> <p>11. Prior to the commencement of subdivisional works, a construction and environmental management plan shall be prepared and approved by the local government. The construction and environmental management plan shall outline the construction management actions to be implemented and is to be consistent with the management actions identified in the conservation management plan.</p>



## **Schedule A — Planning and Development (Local Planning Schemes) Regulations 2015 Deemed Provisions for Local Planning Schemes**

AMD 14 GG 08/04/16

### **Supplemental provisions to the deemed provisions**

These provisions are to be read in conjunction with the deemed provisions set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2.

#### **Clause 61(1):**

- (k)** the erection or installation of a sign or advertisement of a class specified in Schedule 5 of this Scheme that applies in respect of the sign unless the sign is to be erected or installed -
- (i) on a place included on a heritage list prepared in accordance with this Scheme; or
  - (ii) on land located within an area designated under this Scheme as a heritage area.
- (l)** 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, where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
- (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
  - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
  - (iii) included on a heritage list prepared in accordance with this Scheme; or
  - (iv) within an area designated under the Scheme as a heritage area; or
  - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29.
- (m)** 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) where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
- (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
  - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
  - (iii) included on a heritage list prepared in accordance with this Scheme; or
  - (iv) within an area designated under the Scheme as a heritage area; or
  - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29.
- (n)** the erection, alteration or extension of any buildings used in conjunction with a rural pursuit in the General Rural zone, where the development complies with the provisions of the scheme.

- (o) the demolition of any building or structure except where the building or structure is:
  - (i) located in a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
  - (i) the subject of an order under Part 6 the *Heritage of Western Australia Act 1990*; or
  - (ii) included on the heritage list prepared in accordance with this Scheme; or
  - (iii) located within an area designated under the Scheme as a heritage area.

**Clause 61(2):**

- (g) the use of premises as a home occupation.
- (h) a rural pursuit in the General Rural zone.