

# SHIRE OF PINGELLY

## LOCAL PLANNING SCHEME NO. 3

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Updated to include AMD 6 GG 22/08/2024

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Department of Planning,  
Lands and Heritage

Prepared by the  
Department of Planning, Lands and Heritage

Original Town Planning Scheme Gazettal  
5 May 2008

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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 PINGELLY LPS 3 - TEXT AMENDMENTS

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
1	18/05/12	20/06/12	NM	Inserted "Yenellin Road, portion of lot 5209 and portion of lot 3902, Pingelly" into Schedule 11.
4	5/7/13	15/07/13	NM	Changed 'x' to 'a' for the General Agriculture zone for the Dog Kennells land use in table 1.
5	29/03/18	29/03/18	MLD	<p>Rezone a portion of Lot 524 on Plan 065485 from Reserve - Recreation and Open Space to Reserve - Public Purposes.</p> <p>Rezone Lots 491 and 492 on Plan 223046 and Lot 556 on Plan 408432 from Recreation and Open Space reserve to Civic and Community - Social Care Facilities reserve.</p> <p>Rezone Lot 555 on Plan 408432 from Recreation and Open Space reserve to Public Purposes - Medical Facilities reserve.</p> <p>Rezone a portion of public road; a portion of Lot 525 on Plan 065485; a portion of Lot 492 on Plan 223046; and a portion of Lot 556 on Plan 405432 from the 'Recreation and Open Space' reserve to 'Local Road' reserve.</p> <p>Introduce a Civic and Community - Social Care Facilities reserve to the Scheme.</p> <p>Introduce a Public Purposes - Medical Services reserve to the Scheme.</p> <p>Update text in Clause 3.3 - Civic and Community - Social Care Facilities &amp; Public Purposes - Medical Services</p> <p>Amend the scheme maps accordingly.</p>
7	3/05/2024	7/05/2023	GL	<p>Rezone portion of Lot 501 Stone Street from 'Development' zone to 'Residential R10' zone.</p> <p>Rezone Lot 822 (Reserve 26413) Paragon Street, Lot 827 (Reserve 27839) Paragon Street and Lot 856 Stone Street from 'Development' zone to 'General Industry' zone.</p> <p>Rezone Lots 11, 12, 13, 14, 15 and 26 Dickens Street and Lots 23, 24, 25, 27 and 28 Quartz Street from 'Mixed Use' zone to 'Residential R12.5/25' zone.</p> <p>Rezone Lots 36, 37, 40 (Reserve 5000), 56 and 57 Queen Street, Lots 23, 39, 41, 58, 59 and 60 Eliot Street, Lots 5 and 38 Quadrant Street, Lots 4, 62, 123, 124 and Vacant Crown Land (ID Land No. 1984316) Park Street from 'Town Centre' zone to 'Mixed Use' zone.</p> <p>Rezone Lots 5, 6 and 7 Queen Street, Lots 900 and 901 Parade Street and Lots 100, 101, 154, 155 (Reserve 8087) and 156 Sharow Street, from 'Town Centre' zone to 'Mixed Use' zone.</p> <p>Rezone Lots 163 and 881 Quadrant Street, Lots 10, 161, 162, 165, 166 and 167 Taylor Street and Lots 203, 204 and 205 Pitt Street from 'Mixed Use' zone to 'Residential R12.5/25' zone.</p> <p>Rezone Lots 475 and 476 Pitt Street, Lots 904 and 905 Quadrant Street, Lots 2, 900 and 901 Kelvin Street and Lot 903 Great Southern Highway from 'Development' zone to 'Rural Residential' zone.</p>
6	22/08/2024	27/08/2024	GL	<p>Delete Parts 2 and 7-11 and schedules 2-4 and 6-11;</p> <p>Modify Part 1 – Delete clause 1.1 and insert clauses 1-4 from the Model Provisions for the LPS set out in Schedule 1 of the <i>Planning and Development Act (Local Planning Schemes) Regulations 2015</i>, with reference to the Shire of Pingelly;</p> <p>Delete clause 1.2 and insert Model Provisions clauses 6;</p> <p>Delete clause 1.4 and insert Model Provisions clause 7, and:</p> <p>Modify by inserting new subclause (1)(b);</p> <p>Re-number Model Provisions subclause (1)(b) as (1)(c);</p> <p>Modify clause 1.5 to be consistent and Model Provisions clause 8;</p> <p>Modify clause 1.6 to be consistent with Model Provisions clause 9;</p>

			<p>modify subclause (g); and insert subclauses (h) to (p).  Delete clause 1.7;  Modify clause 1.8 to be consistent with Model Provisions clause 10;  Re-number clause 1.9 as clause 11; and  Insert Model Provisions clause 12, where no provisions apply.  Modify Part 3 by renumber as Part 2, Delete clause 3.1, Re-number clause 3.2 and 13, delete clause 3.3 and insert Model Provisions clause 14, insert 'Table 1 – Reserve Objectives', adopting the Model Provisions serve types and objectives.  Delete clause 3.4 and insert Model Provisions clause 15, where no provisions apply.  Modify Part by renumber as Part 3, delete clause 4.1 and insert Model Provisions clause 16, delete clause 4.2 and insert 'Table 2 – Zone Objectives' adopting the Model Provisions zone types and objectives, delete clause 4.3 and inserting Model Provisions clause 17, Re-number Table 1 as Table 3 and modify, delete the following land uses and their permissibility, modify existing land use terms and permissibility and insert new land use terms and permissibility.  Delete clause 4.3.3  Delete clause 4.4 and insert Model Provisions clause 18, and modify Note 2.  Delete clause 4.5, insert Model Provisions clause 19, and insert 'Table 4 – Specified Additional Uses for Zoned Land in the Scheme Area'.  Delete clause 4.6 and insert Model Provisions clause 20, where no provisions apply;  Delete clause 4.7 and insert Model Provisions clause 21, where no provisions apply;  Delete clauses 4.8 – 4.11 and insert Model Provisions clause 22-24.  Modify Part 5 by renumbering Part 4; Delete clauses 5.1-5/2 and insert Model Provisions clause 25;  Delete clause 5.3 and insert Model Provisions clause 26.  Delete clause 5.4 and insert Model Provisions clause 27.  Insert Model Provisions clauses 28-31, where no provisions apply;  Insert Model Provisions clause 32, and modifying subclause (1).  Insert Model Provisions clause 33, where no provisions apply;  Delete clause 5.5 and insert Model Provisions clause 34, and modifying subclause (1).  Insert Model Provisions clause 35.  Re-number Table 2 as Table 5.  Delete clause 5.6  Re-number clause 5.6;  Re-number clause 5.7 as clause 36, and modify.  Delete clause 5.8-5.9;  Re-number clause 5.10 as clauses 37-39, and modify.  Re-number clause 5.11 as clause 40 and modify,  Re-number clause 5.12 as clause 41 and modify.  Insert 'Table 6 – Car Parking Requirements'  Re-number clause 5.13 as clause 42 and modify.  Re-number clause 5.14 as clause 43 and modify.  Delete clause 5.15  Re-number clause 5.16 as clause 44 and modify.  Insert clause 45.  Re-number clause 5.17 as clause 46 and modify.  Re-number clause 5.18 as clause 47 and modify.  Re-number clause 5.19 as clause 48 and modify.  Insert 'Table 7 – Rural Residential Zone Site Specific Development Standards and Requirements'.  Re-number clause 5.20 as clause 49 and modify.  Re-number clause 5.21 as clause 50 and modify.  Re-number clause 5.22 as clause 51 and modify.  Delete clause 5.23 and Insert clause 52-60.  Modify Part 6 by renumber as Part 5; Delete clause 6.1 and inserting Model Provisions clause 36, numbered within the Scheme as clause 59 (and with Table number reference inserted) and insert 'Table 8 – Special Control Areas in the Scheme Area'  Modify Schedule One by Retitling as 'Part 6 – Terms Referred to in Scheme'; Insert the text 'Division 1 – General definitions use in Scheme';  Insert Model Provisions clause 37 and subclause (1) only, numbered within the Scheme as clause 60;  Delete the following general terms and their definitions.</p>
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			<p>Modify the following general terms and their definitions to be consistent with the Model Provisions: <i>Floor Area; Minerals; Plot ratio; predominant use</i>;</p> <p>Insert the following general terms and their definitions to be consistent with those terms defined out in the Model Provisions: floor area; minerals; plot ratio; predominant use;</p> <p>Insert the following Model Provisions general terms and their definitions, to be arranged in alphabetical order with all other general terms; <i>cabin; chalet; commercial vehicle; Scheme commencement day; short-term accommodation</i>;</p> <p>Insert subclause (2) of Model Provisions 37;</p> <p>Inserting the text 'Division 2 – Land use terms used in Scheme';</p> <p>Insert Model Provisions clause 38, numbered within the Scheme as clause 61;</p> <p>Delete the following land use terms and their definitions: <i>agroforestry; aquaculture; dog kennels; industry – general; industry – mining; industry – service; plantation; residential building; showroom; storage; transportable structures/dwellings</i>;</p> <p>Modify the following land use terms and their definitions to be consistent with those terms defined in the Model Provisions: <i>abattoir; agriculture – extensive; agriculture – intensive; amusement parlour; animal establishment; animal husbandry – intensive; bed and breakfast; betting agency; caravan park; caretaker's dwelling; car park; child care premises; civic use; community purpose; consulting rooms; convenience store; educational establishment; exhibition centre; family day care; fuel depot; funeral parlour; home business; home occupation; home office; home store; hospital; hotel; industry; industry – extractive; industry – light; medical centre; motel; motor vehicle repairs; motor vehicle wash; nightclub; office; park home park; place of worship; reception centre; recreation – private; restaurant/café; restricted premises; rural home business; rural pursuit/hobby farm; service station; shop; tavern</i>;</p> <p>Modify existing non- Model Provisions land use terms and their definitions; <i>Fast food outlet, Industry-rural</i>.</p> <p>Insert the following Model Provisions land use terms and their definitions to be arranged in alphabetical order with all other land use terms; <i>art gallery; brewery; bulky goods showroom; commercial vehicle parking; garden centre; holiday accommodation; holiday house; liquor store – large; liquor store – small; mining operations; resource recovery centre; serviced apartment; small bar; trade supplies; transport depot; tree farm; waste disposal facility; waste storage facility; workforce accommodation</i>;</p> <p>Inserting new non-Model Provisions land use terms and their definitions, to be arranged in alphabetical order with all other land use terms, as follows: <i>Independent living complex, renewable energy facility, repurposed dwelling, residential aged care facility and second-hand dwelling</i></p> <p>Insert 'Schedule A – Supplemental provisions to the deemed provisions'.</p> <p>Modify Schedule Five by – Retitle as 'Schedule 1 – Exempted signage and advertisements and Modify.</p> <p>Modify the Scheme Maps – Insert additional use areas, consistent with the land areas specified in modification 4(h); Realign the zoning of Lots 45 and 46 on DP 418030 to be consistent with the cadastral boundary shared by the two lots, so the while of Lot 46 is zoned Rural Residential and the whole of Lot 45 is zoned Rural;</p> <p>Insert an additional information area named ' Rural Residential zone site specific requirements' using the symbol 'RR', to the following Rural Residential zoned lots; RR1: Lots 1 – 5, 7 – 9 and 28 – 31 Aldersyde-Pingelly Rd; and Lots 10 – 27 Pingelly Heights, Pingelly. RR2: Lots 467, 470, 471, 473 and 715 Naylor St; Lots 468, 469, 472, 474 and 716 Balfour St; Lots 557, 558, 566 – 568, 575, 576 and 582 Phillip St; Lots 399, 543 – 547 and 581 Pitt St; Lots 1, 560 – 564, 569, 570, 572 – 574, 579, 580 and 902 Kelvin Street; Lot 565 Parade St; Lot 392 Railway St; Lots 393 – 397, 551 – 556 and 674 Narducci St; Lot 398 Somerset St; Lot 548 Dhu St; Lots 549 and 550 Yenellin Rd; Lots 379, 382, 801 and 802 Marconi St; Lots 380 and 803 Realm St; Lots 381, 666 and 667 Review St; Lot 485 Parker St; Lot 2 on DP 65480; Lot 44 (No. 19) Harper St (northern portion of Rural Residential zoned land); and the parcel of Unallocated Crown Land bounded by Pitt St road reserve to the south, Balfour St road</p>
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				<p>reserve to the east, Lot 807 Balfour St to the north and Naylor St road reserve to the west (Land ID 3111878).</p> <p>RR3: Lot 44 (No. 19) Harper St (southern portion of Rural Residential zoned land), and Lot 46 Yenellin Rd, Pingelly.</p> <p>Modify the legend by replacing 'Waste Water Treatment Plant 500m Buffer' with 'SCA 2 – Waste Water Treatment Plant Odour Buffer'.</p> <p>Any text or mapping modification necessary to address administrative and typographic matters, including renaming zones and land use terms, and the renumber and cross-referencing of provisions, tables and indexes.</p> <p>Delete the preamble.</p>
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## **Scheme Details**

### **The Shire of Pingelly**

Local Planning Scheme No. 3.

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

## Table of Contents

<b>PART 1 - PRELIMINARY .....</b>	<b>10</b>
1 Citation .....	10
2 Commencement.....	10
3 Scheme Revoked.....	10
4 Notes do not form part of Scheme .....	10
5 Responsibility for Scheme .....	10
6 Scheme area.....	10
7 Contents of Scheme.....	10
8 Purposes of Scheme.....	11
9 Aims of Scheme.....	12
10 Relationships with local laws .....	13
11 Relationship with other local planning schemes .....	13
12 Relationship with region planning scheme .....	13
<b>PART 2 – RESERVES.....</b>	<b>14</b>
13 Regional Reserves.....	14
14 Local Reserves .....	14
Table 1: Reserve Objectives.....	14
15 Additional uses for local reserves.....	15
<b>PART 3 – ZONES AND THE USE OF LAND .....</b>	<b>16</b>
16 Zones .....	16
Table 2: Zone Objectives .....	16
17 Zoning Table .....	18
Table 3: Zoning Table .....	18
18 Interpreting the Zoning Table.....	20
19 Additional uses.....	21
Table 4: Specified additional uses for zoned land in the Scheme area.....	22
20 Restricted uses .....	22
21 Special use zones.....	22
22 Non-conforming uses.....	22
23 Changes to a non-conforming use.....	23
24 Register of non-conforming use.....	23
<b>PART 4 – GENERAL DEVELOPMENT REQUIREMENTS.....</b>	<b>25</b>
25 R-Codes .....	25
26 Modification of the R-Codes.....	25
27 State Planning Policy 3.6 to be read as part of Scheme .....	25
28 Modification of State Planning Policy 3.6.....	25
29 Other State planning policies to be read as part of Scheme .....	25
30 Modification of State planning policies.....	26
31 Environmental Conditions.....	26
32 Additional site and development requirements.....	26
33 Additional site and development requirements for areas covered by structure plan or local development plan.....	26
34 Variations to site and development requirements.....	26
35 Restrictive covenants .....	27
Table 5: Development Table - General.....	28
36 Development of land without constructed/dedicated road frontage or access .....	29
37 Derelict vehicles, machinery and objects.....	29
38 Use of setback areas .....	29



39	Commercial vehicle parking .....	29
40	Landscaping .....	30
41	Car Parking .....	31
	Table 6: Car Parking Requirements.....	32
42	Traffic management .....	33
43	Signage and advertising.....	33
44	Natural Resource Management .....	34
45	Waterway resource management and protection .....	34
46	Development in the Commercial zone .....	34
47	Development in the Mixed Use zone .....	35
48	Development in the Rural Residential zone.....	35
	Table 7: Rural residential zone site specific development standards and requirements .....	36
49	Development in the rural zone .....	36
50	Development in the General Industry zone.....	36
51	Development in the Urban Development zone .....	37
52	Development in all zones.....	38
53	Ancillary dwellings.....	38
54	Caretaker's dwellings .....	38
55	Workforce accommodation .....	38
56	Resource recovery centres and waste storage or disposal facilities .....	38
57	Dwellings without reticulated mains water supply.....	38
58	Mining Operations .....	39
<b>PART 5 – SPECIAL CONTROL AREAS .....</b>		<b>41</b>
59	Special control areas.....	41
	Table 8: Special control areas in the Scheme area .....	40
<b>PART 6 – TERMS REFERRED TO IN SCHEME.....</b>		<b>41</b>
60	Terms used .....	42
61	Land use terms used.....	43
<b>SCHEDULES .....</b>		<b>51</b>
SCHEDULE A	SUPPLEMENTAL PROVISIONS TO THE DEEMED PROVISIONS .....	51
SCHEDULE ONE	EXEMPTED SIGNAGE AND ADVERTISEMENTS .....	52
<b>ADOPTION .....</b>		<b>56</b>

# PART 1 - PRELIMINARY

AMD 6 GG 22/08/2024

## 1. Citation

This local planning scheme is the Shire of Pingelly Scheme No. 3.

## 2. Commencement

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

## 3. Scheme Revoked

The following local planning scheme is revoked —

Shire of Pingelly Local Planning Scheme No. 2 gazetted on 27 July 1993.

## 4. Notes do not form part of Scheme

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

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

## 5. Responsibility for Scheme

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

## 6. Scheme area

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

## 7. Contents of Scheme

- (1) In addition to the provisions set out in this document (the **scheme text**), this Scheme includes the following —
  - (a) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2);
  - (b) any supplemental provisions to the deemed provisions contained in Schedule A;  
and
  - (c) the Scheme Map.
- (2) This Scheme is to be read in conjunction with any local planning strategy for the Scheme area.

## **8. 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; and
- (b) set aside land as local reserves for public purposes; and
- (c) zone land within the Scheme area for the purposes defined in this Scheme; and
- (d) control and guide land use and development including processes for the preparation of structure plans and local development plans; and
- (e) set out procedures for the assessment and determination of development applications; and
- (f) set out procedures for contributions to be made for the costs of providing infrastructure in connection with development through development contribution plans; and
- (g) make provision for the administration and enforcement of this Scheme; and
- (h) address other matters referred to in Schedule 7 of the Act.

## 9. Aims of the Scheme

The aims of this Scheme are —

- (a) Maintain and protect valuable areas of agricultural production.
- (b) Provide opportunities for planned, contained and sustainable settlements in accordance with the regional settlement hierarchy.
- (c) Provide the opportunities to improve the economic base for the Scheme Area through the mixing of compatible uses as recognised in the zoning and development tables.
- (d) Encourage a better utilisation of existing infrastructure including the increased usage of sustainable energy sources.
- (e) Protect existing local heritage.
- (f) Maintain the positive aspects of a country lifestyle enjoyed by the inhabitants of the Scheme Area through appropriate control over the layout and design of developed areas.
- (g) Encourage the sustainable development and expansion of the Pingelly townsite to improve service viability while conserving or enhancing a strong sense of community.
- (h) Ensure that future subdivision and development within and near the Pingelly townsite provide a broad range of housing and lifestyle choices that enhance the environment and character of the townsite.
- (i) Provide opportunities for planned, contained and sustainable rural residential development with access to services and infrastructure within and abutting the Pingelly town site.
- (j) Assist employment and economic growth by facilitating the timely provision of suitable land for commercial, industrial and tourist development, as well as providing opportunities for home-based employment.
- (k) Encourage economic growth in rural areas by facilitating the more intensive and diversified use of rural land in appropriate areas for high value products which are compatible with surrounding farm practices and encouraging processing and value adding industries to be located within the Shire.
- (l) Protect good quality agricultural soils suitable for sustainable production from inappropriate subdivision and development for non-agricultural purposes.
- (m) Promote the sustainable management of natural resources including energy, water, land, minerals and basic raw materials by preventing land degradation and integrating land and catchment management with land use planning.
- (n) Protect the natural environment and biodiversity whilst ensuring appropriate development opportunities within the Shire are realised.
- (o) Manage the use and development of land by means of zoning and development controls to achieve compatibility between land uses, and the preservation, and where possible the enhancement of visual amenity of urban and rural uses.
- (p) Safeguard and enhance the character and amenity of the built and natural environment of the Scheme area.

## **10. Relationships with local laws**

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

## **11. Relationship with other local planning schemes**

There are no other local planning schemes of the Shire of Pingelly which apply to the Scheme area.

## **12. Relationship with region planning scheme**

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

## PART 2 – RESERVES

AMD 6 GG 22/08/2024

### 13. Regional reserves

There are no regional reserves in the Scheme area.

### 14. Local reserves

(1) In this clause —

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

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

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

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

**TABLE 1 – RESERVE OBJECTIVES**

Reserve name	Objectives
Public Open Space	<ul style="list-style-type: none"><li>To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s. 152.</li><li>To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.</li></ul>
Environmental Conservation	<ul style="list-style-type: none"><li>To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision.</li><li>To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves.</li></ul>
State Forest	<ul style="list-style-type: none"><li>To identify areas of State Forest.</li></ul>
Civic and Community	<ul style="list-style-type: none"><li>To provide for a range of community facilities which are compatible with surrounding development.</li><li>To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit.</li></ul>

Public Purposes	<ul style="list-style-type: none"> <li>To provide for a range of essential physical and community infrastructure.</li> </ul>
Medical Services	<ul style="list-style-type: none"> <li>Public Purposes which specifically provide for a range of essential medical services.</li> </ul>
Infrastructure Services	<ul style="list-style-type: none"> <li>Public Purposes which specifically provide for a range of essential infrastructure services.</li> </ul>
Education	<ul style="list-style-type: none"> <li>Public Purposes which specifically provide for a range of essential education facilities.</li> </ul>
Emergency Services	<ul style="list-style-type: none"> <li>Public Purposes which specifically provide for a range of essential emergency services.</li> </ul>
Government Services	<ul style="list-style-type: none"> <li>Public Purposes which specifically provide for a range of government services.</li> </ul>
Recreational	<ul style="list-style-type: none"> <li>Public Purposes which specifically provide for a range of public recreational facilities.</li> </ul>
Cemetery	<ul style="list-style-type: none"> <li>To set aside land required for a cemetery.</li> </ul>
Drainage / Waterway	<ul style="list-style-type: none"> <li>To set aside land required for significant waterways and drainage.</li> </ul>
Railways	<ul style="list-style-type: none"> <li>To set aside land required for passenger rail and rail freight services.</li> </ul>
Primary Distributor Road	<ul style="list-style-type: none"> <li>To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy.</li> </ul>
Local Distributor Road	<ul style="list-style-type: none"> <li>To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Road Hierarchy.</li> </ul>
Local Road	<ul style="list-style-type: none"> <li>To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.</li> </ul>
Special Purpose	<ul style="list-style-type: none"> <li>To set aside land for a special purpose.</li> <li>Purposes that do not comfortably fit in any other reserve classification.</li> </ul>

### 15. Additional uses for local reserves

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

## PART 3 – ZONES AND THE USE OF LAND

AMD 6 GG 22/08/2024

### 16. Zones

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

**TABLE 2 – ZONE OBJECTIVES**

Zone name	Objectives
Commercial	<ul style="list-style-type: none"> <li>• To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres.</li> <li>• To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.</li> <li>• To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.</li> </ul>
Mixed Use	<ul style="list-style-type: none"> <li>• To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels.</li> <li>• To allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents.</li> </ul>
Residential	<ul style="list-style-type: none"> <li>• To provide for a range of housing and a choice of residential densities to meet the needs of the community.</li> <li>• To facilitate and encourage high quality design, built form and streetscapes through residential areas.</li> <li>• To provide for a range of non-residential uses, which are compatible with and complementary to residential development.</li> </ul>
Rural Residential	<ul style="list-style-type: none"> <li>• To provide for lot sizes in the range of 1 ha to 4 ha.</li> <li>• To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the</li> </ul>



	<p>amenity of the locality and the conservation and landscape attributes of the land.</p> <ul style="list-style-type: none"> <li>• To set aside areas for the retention of vegetation and landform or other features which distinguish the land.</li> </ul>
Rural	<ul style="list-style-type: none"> <li>• To provide for the maintenance or enhancement of specific local rural character.</li> <li>• To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.</li> <li>• To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage.</li> <li>• To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.</li> <li>• To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.</li> </ul>
General Industry	<ul style="list-style-type: none"> <li>• To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses.</li> <li>• To accommodate industry that would not otherwise comply with the performance standards of light industry.</li> <li>• Seek to manage impacts such as noise, dust and odour within the zone.</li> </ul>
Urban Development	<ul style="list-style-type: none"> <li>• To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme.</li> <li>• To provide for a range of residential densities to encourage a variety of residential accommodation.</li> <li>• To provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development.</li> </ul>

## 17. Zoning table

The zoning table for this Scheme is as follows —

**TABLE 3 - ZONING TABLE**

LANDUSE	Commercial	Mixed Use	Residential	Rural Residential	Rural	General Industry	Urban Development
Abattoir	X	X	X	X	A	A	See Clause 51
Agriculture – extensive	X	X	X	X	P	X	
Agriculture – intensive	X	X	X	X	A	X	
Amusement parlour	D	A	X	X	X	X	
Ancillary dwelling <i>AMD 6 GG 22/8/24</i>	D	D	P	D	D	X	
Animal establishment	X	X	X	A	D	A	
Animal husbandry – intensive <i>AMD 6 GG 22/8/24</i>	X	X	X	A	A	X	
Art Gallery <i>AMD 6 GG 22/8/24</i>	D	D	X	A	D	D	
Bed and breakfast	P	P	P	P	P	X	
Betting agency	D	D	X	X	X	X	
Brewery <i>AMD 6 GG 22/8/24</i>	D	D	X	A	D	D	
Bulky goods showroom <i>AMD 6 GG 22/8/24</i>	A	D	X	X	X	A	
Caravan park	A	A	X	X	A	X	
Caretaker’s dwelling	D	D	X	A	D	D	
Car park	D	D	X	X	X	D	
Childcare premises <i>AMD 6 GG 22/8/24</i>	D	D	X	X	X	X	
Cinema/theatre	D	A	X	X	X	X	
Civic use	D	A	A	A	A	X	
Club premises	D	A	X	X	D	X	
Commercial vehicle parking <i>AMD 6 GG 22/8/24</i>	X	D	A	A	P	P	
Community purpose	D	D	A	D	D	X	
Consulting rooms	D	D	A	X	X	X	
Convenience store	D	A	A	X	X	X	
Corrective institution	X	X	X	X	A	X	
Educational establishment	D	A	A	X	A	A	
Exhibition centre <i>AMD 6 GG 22/8/24</i>	D	A	X	A	D	X	
Family day care <i>AMD 6 GG 22/8/24</i>	D	D	D	D	X	X	
Fast food outlet <i>AMD 6 GG 22/8/24</i>	A	A	X	X	X	X	
Fuel depot	A	A	X	X	D	D	
Funeral parlour <i>AMD 6 GG 22/8/24</i>	D	D	X	X	X	D	
Garden centre <i>AMD 6 GG 22/8/24</i>	D	D	X	A	D	D	
Grouped dwelling	D	P	P	A	X	X	
Holiday accommodation <i>AMD 6 GG 22/8/24</i>	A	A	X	X	A	X	
Holiday house <i>AMD 6 GG 22/8/24</i>	D	D	A	A	D	X	
Home business	D	D	A	A	A	X	
Home occupation	D	D	A	A	P	X	
Home office	P	P	P	P	P	X	

LANDUSE	Commercial	Mixed Use	Residential	Rural Residential	Rural	General Industry	Urban Development
Home store	D	D	A	X	X	X	See Clause 51
Hospital	D	D	X	X	X	X	
Hotel <i>AMD 6 GG 22/8/24</i>	A	A	X	X	X	X	
Independent living complex <i>AMD 6 GG 22/8/24</i>	X	X	D	X	X	X	
Industry <i>AMD 6 GG 22/8/24</i>	X	X	X	X	A	D	
Industry – cottage <i>AMD 6 GG 22/8/24</i>	P	D	A	A	D	D	
Industry – extractive	X	X	X	X	D	A	
Industry – light	D	D	X	X	X	P	
Industry – rural <i>AMD 6 GG 22/8/24</i>	X	X	X	X	D	D	
Liquor store – large <i>AMD 6 GG 22/8/24</i>	A	A	X	X	X	X	
Liquor store – small <i>AMD 6 GG 22/8/24</i>	D	A	X	X	X	X	
Lunch bar	P	D	X	X	X	D	
Market	D	D	X	X	D	X	
Medical centre	P	D	A	X	X	X	
Mining operations	D	D	D	D	D	D	
Motel	D	A	X	X	X	X	
Motor vehicle, boat or caravan sales <i>AMD 6 GG 22/8/24</i>	A	D	X	X	X	A	
Motor vehicle repair	A	A	X	X	X	P	
Motor vehicle wash <i>AMD 6 GG 22/8/24</i>	A	A	X	X	X	P	
Nightclub <i>AMD 6 GG 22/8/24</i>	A	A	X	X	X	X	
Office	P	D	X	X	X	X	
Park home park <i>AMD 6 GG 22/8/24</i>	X	A	X	X	X	X	
Place of worship	P	A	A	A	X	X	
Reception centre	A	A	X	A	A	X	
Recreation – private	D	A	A	D	D	A	
Renewable energy facility <i>AMD 6 GG 22/8/24</i>	X	X	X	X	A	A	
Repurposed dwelling <i>AMD 6 GG 22/8/24</i>	D	D	D	D	D	X	
Residential building	D	D	A	X	A	X	
Residential aged care facility <i>AMD 6 GG 22/8/24</i>	A	D	D	X	X	X	
Resource recovery centre <i>AMD 6 GG 22/8/24</i>	X	A	X	X	X	D	
Restaurant/café <i>AMD 6 GG 22/8/24</i>	P	D	X	X	D	X	
Restricted premises	D	X	X	X	X	X	
Rural home business	X	X	X	A	D	X	
Rural pursuit/hobby farm <i>AMD 6 GG 22/8/24</i>	X	X	X	D	P	X	
Service station	D	A	X	X	X	A	
Shop <i>AMD 6 GG 22/8/24</i>	P	D	X	X	X	X	
Single house <i>AMD 6 GG 22/8/24</i>	D	P	P	P	P	X	
Tavern <i>AMD 6 GG 22/8/24</i>	D	A	X	X	X	X	
Telecommunications infrastructure <i>AMD 6 GG 22/8/24</i>	D	D	A	D	D	D	
Trade display <i>AMD 6 GG 22/8/24</i>	A	D	X	X	X	D	
Trade supplies <i>AMD 6 GG 22/8/24</i>	A	D	X	X	X	D	

LANDUSE	Commercial	Mixed Use	Residential	Rural Residential	Rural	General Industry	Urban Development
<b>Transport depot</b> AMD 6 GG 22/8/24	X	X	X	X	X	D	
<b>Tree Farm</b> AMD 6 GG 22/8/24	X	X	X	A	A	X	
<b>Veterinary centre</b> AMD 6 GG 22/8/24	D	A	X	X	A	A	
<b>Warehouse/storage</b> AMD 6 GG 22/8/24	A	D	X	X	X	D	
<b>Waste disposal facility</b> AMD 6 GG 22/8/24	X	X	X	X	A	X	
<b>Waste storage facility</b> AMD 6 GG 22/8/24	D	D	X	X	A	D	
<b>Winery</b>	X	X	X	A	A	X	
<b>Workforce accommodation</b> AMD 6 GG 22/8/24	A	A	X	X	D	X	

## 18. Interpreting the zoning table

(1) The permissibility of uses of land in the various zones in the Scheme area is determined by cross-reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.

(2) The symbols used in the zoning table have the following meanings —

P means that the use is permitted if it complies with any relevant development standards and requirements of this Scheme;

I means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme;

D means that the use is not permitted unless the local government has exercised its discretion by granting development approval;

A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after advertising the application in accordance with clause 64 of the deemed provisions;

X means that the use is not permitted by this Scheme.

Notes for this clause:

1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the carrying out of works on, and the use of, land.
2. Under clause 61 of the deemed provisions and Schedule A, certain works and uses are exempt from the requirement for development approval.
3. Clause 67 of the deemed provisions deals with the consideration of applications for development approval by the local government. Under that clause, development approval cannot be granted for development that is a class X use in relation to the zone in which the development is located, except in certain circumstances where land is being used for a non-conforming use.

- (3) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.
- (4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table —
  - (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
  - (b) determine that the use may be consistent with the objectives of a particular zone and advertise under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
  - (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.
- (5) If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.
- (6) If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land —
  - (a) a structure plan;
  - (b) a local development plan.

## **19. Additional Uses**

- (1) Table 4 sets out —
  - (a) classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and
  - (b) the conditions that apply to the additional use.

**TABLE 4 – SPECIFIED ADDITIONAL USES FOR ZONED LAND IN THE SCHEME AREA**

No.	Description of land	Additional use	Conditions
AU1	Lots 10 and 11 on P24266, Milton Road, East Pingelly	Transport depot Warehouse/storage	1. The land uses specified shall be 'D' uses for the purposes of the Scheme. 2. Warehouse/storage shall be restricted to the storage of grains.
AU2	Portion of Lot 3524 (No. 50) Aviation Street, Pingelly	Transport depot	The land use specified shall be a 'D' use for the purposes of the Scheme.

- (2) Despite anything contained in the zoning table, land that is specified in Table 4 to subclause (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.

## 20. Restricted Uses

There are no restricted uses which apply to this Scheme.

## 21. Special use zones

There are no special use zones which apply to this Scheme.

## 22. Non-conforming uses

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

- (3) Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government —
- (a) purchases the land; or
  - (b) pays compensation to the owner of the land in relation to the non-conforming use.

### **23. Changes to non-conforming uses**

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

### **24. Register of non-conforming uses**

- (1) The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.
- (2) A register prepared by the local government must set out the following —
- (a) a description of each area of land that is being used for a non-conforming use;
  - (b) a description of any building on the land;
  - (c) a description of the non-conforming use;
  - (d) the date on which any discontinuance of the non-conforming use is noted.
- (3) If the local government prepares a register under subclause (1) the local government —
- (a) must ensure that the register is kept up-to-date; and
  - (b) must ensure that an up-to-date copy of the register is published in accordance

with clause 87 of the deemed provisions.

- (3A) Subclause (3)(b) is an ongoing publications requirement for the purposes of clause 87(5)(a) of the deemed provisions.
- (4) Subclause (3)(b) is an ongoing publishing requirement for the purposes of clause 87(5)(a) of the deemed provisions.



## **PART 4 – GENERAL DEVELOPMENT REQUIREMENTS**

AMD 6 GG 22/08/2024

### **25. R-Codes**

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

### **26. Modification of the R-Codes**

Where on the Scheme Map an area is identified as having a dual density coding in the form of a split R-Code (e.g. R10/20), when considering an application for development approval, or when making a recommendation to the Commission in respect of subdivision, the local government may only apply the greater of the two R-Codes if —

- (a) the lot is connected to reticulated sewerage; and
- (b) the proposal is consistent with all relevant planning instruments governing the control of the development, to the satisfaction of the local government.

### **27. State Planning Policy 3.6 to be read as part of Scheme**

- (1) State Planning Policy 3.6 - Development Contributions for Infrastructure, modified as set out in clause 28, is to be read as part of this Scheme.
- (2) The local government must ensure that State Planning Policy 3.6 is published in accordance with clause 87 of the deemed provisions.
- (3) Subclause (2) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.

### **28. Modification of State Planning Policy 3.6**

There are no modifications to State Planning Policy 3.6.

### **29. Other State planning policies to be read as part of Scheme**

There are no other State planning policies that are to be read as part of the Scheme.

### **30. Modification of State planning policies**

There are no modifications to a State planning policy that, under clause 29 is to be read as part of the Scheme.

### **31. Environmental Conditions**

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

### **32. Additional site and development requirements**

- (1) Tables 5 to 7 and clauses 36 to 58 set out requirements relating to development that are additional to those set out in the R-Codes, precinct structure plans, local development plans or State or local planning policies.
- (2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes, a precinct structure plan, a local development plan or a State or local planning policy the requirement referred to in subclause (1) prevails.

### **33. Additional site and development requirements for areas covered by structure plan or local development plan**

There are no additional requirements that apply to the Scheme.

### **34. Variations to site and development requirements**

- (1) In this clause —  
***additional site and development requirements*** means requirements set out in Tables 5 to 7 and clauses 36 to 58.
- (2) The local government may approve an application for a development approval that does not comply with an additional site and development requirement.
- (3) An approval under subclause (2) may be unconditional or subject to any conditions the local government considers appropriate.
- (4) If the local government is of the opinion that the non-compliance with an additional site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must —
  - (a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64(4) of the deemed provisions; and
  - (b) have regard to any expressed views prior to making its determination to grant development approval under this clause.
- (5) The local government may only approve an application for development approval under this clause if the local government is satisfied that —
  - (a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67(2) of the deemed

provisions; and

- (b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

### **35. Restrictive covenants**

- (1) A restrictive covenant affecting land in the Scheme area that would have the effect of limiting the number of residential dwellings which may be constructed on the land is extinguished or varied to the extent that the number of residential dwellings that may be constructed is less than the number that could be constructed on the land under this Scheme.
- (2) If subclause (1) operates to extinguish or vary a restrictive covenant —
  - (a) development approval is required to construct a residential dwelling that would result in the number of residential dwellings on the land exceeding the number that would have been allowed under the restrictive covenant; and
  - (b) the local government must not grant development approval for the construction of the residential dwelling unless it advertises the application for development approval in accordance with clause 64 of the deemed provisions.

**TABLE 5: DEVELOPMENT TABLE - GENERAL**

Zones	Min Lot Area (m <sup>2</sup> )	Min Effect Frontage (m)	Min Boundary Setbacks (m) <sup>(1)</sup>			Maximum Plot Ratio	Min Landscaping (% of Site)
			Front	Rear	Side <sup>(2)</sup>		
<b>Commercial</b>	-	-	As determined by the local government			0.8	As determined by the local government.
<b>Mixed Use</b>	1000	20	5	3	5	0.75	15
<b>General Industry</b>	4000	50	15	5	3	0.70	15
<b>Residential</b>	In accordance with the R-Codes as varied by Scheme provisions						
<b>Rural Residential</b>	1ha	25	15	10	10	-	As determined by the local government
<b>Rural</b>	-	-	50	50	50	-	As determined by the local government
<b>Urban Development</b>	See Clause 51						

Notes:

- (1) Development in the General Industry Zone is to achieve sufficient separation distance from sensitive land uses.
- (2) Side setbacks in the General Industry Zone and the Mixed Use Zone may be reduced to zero subject to note (1) above and the agreement of the adjoining owner and the construction of a parapet wall to the satisfaction of the local government.

### **36. Development of land without constructed/dedicated road frontage or access**

- (1) Notwithstanding any other provision of the Scheme, development approval is required for any development on land abutting an un-constructed road or a lot or location which does not have frontage to a dedicated road. In considering such an application, the local government may —
  - (a) place conditions on any development approval granted requiring the construction of and/or access by means of a dedicated road is provided; or
  - (b) require other legal arrangements to be made for permanent legal access, to the satisfaction of the local government; or
  - (c) where dedicated road access is available, grant development approval subject to a condition requiring the applicant to pay a sum of money for the cost of constructing the road or part thereof or construct the road to the local government's road construction standards.
- (2) The local government is to be satisfied that vehicular access points are suitable for the existing or proposed land use, including —
  - (a) the location and construction, with regard to the impact of the proposed land use and expected traffic volume and composition on local traffic flow and safety;
  - (b) the character and function of the road;
  - (c) the volume of traffic on the road and the width of the carriageway and visibility;
  - (d) the ultimate volume and type of traffic generated by the development.

### **37. Derelict vehicles, machinery and objects**

The storage of any materials, including derelict vehicles, sea containers or machinery, is not permitted without the development approval of the local government. The local government shall generally not approve the storage of any materials where it is visible from any road or public open space area and/or where, in the opinion of the local government, it detracts from the amenity of the landscape.

### **38. Use of setback areas**

- (1) No person shall use the setback area between the building line and the street alignment for any purpose other than one or more of the following —
  - (a) a means of access;
  - (b) the daily parking of vehicles;
  - (c) loading and unloading of vehicles;

- (d) trade display only with the approval of the local government;
  - (e) alfresco or other uses approved by the local government;
  - (f) gardens and other landscaping;
  - (g) maintenance of facades.
- (2) Outdoor displays, industrial hire services, storage facilities, depots, lay-down areas and any other open area shall be sealed, paved or landscaped, and maintained in good condition, to the satisfaction of the local government.

### **39. Commercial vehicle parking**

- (1) In the Residential, Commercial, Mixed Use, Urban Development and Rural Resident zones the parking of a commercial vehicle in excess of 4.5 tonnes tare weight on a lot requires development approval.
- (2) A development application which includes commercial vehicle parking shall comply with the following requirements —
- (a) no part of the vehicle is parked on any portion of a right-of-way or public road contiguous with the lot;
  - (b) the vehicle forms an essential part of the lawful occupation of an occupant of the lot and that occupation if undertaken upon the lot does not contravene the Scheme;
  - (c) the vehicle is not to be used to carry livestock, hazardous materials, or controlled waste as it is defined by the *Environmental Protection (Controlled Waste) Regulations 2004*;
  - (d) the vehicle is parked behind the front building line;
  - (e) any noise created by the vehicle within the lot does not contravene the *Environmental Protection (Noise) Regulations 1997*;
  - (f) major repairs to the vehicle are not undertaken on the lot;
  - (g) any minor repairs, servicing or cleaning of the vehicle are carried out in an area which is effectively screened from view from the public road system or a public place;
  - (h) the vehicle is not brought to or taken from the lot between the hours of midnight and 6.00 am.

#### **40. Landscaping**

- (1) In considering applications for development approval the local government shall require landscaping to be provided in accordance with Table 5 – Site and development standards, or as otherwise varied by the provisions of this Scheme.
- (2) The landscaping requirement shown in Table 5 – Site and development standards or referred to in the Scheme means an open area designed, developed and maintained as garden planting and areas for pedestrian use. At the discretion of the local government natural bushland, swimming pools and areas under covered ways may be included within the landscaping requirement, however garbage collection and handling spaces, and other open storage areas shall not be included.
- (3) Access driveways between a street alignment and any buildings may be included in the landscaping requirement but other car parking areas and driveways shall not be included.
- (4) Landscaping required pursuant to this Scheme or pursuant to a conditional development approval shall be carried out at the time of the development or at such other time as may be agreed in writing between the developer and the local government and shall thereafter be permanently maintained to the satisfaction of the local government.
- (5) No person shall, unless the local government otherwise approves, occupy any buildings forming part of an approved development until the required landscaping has been constructed and planted.
- (6) To improve the environmental amenity of areas that the local government considers deficient in tree cover, it may require as a condition of development approval the planting of such trees and/or groups of trees and species as specified by the local government and may include native vegetation re-establishment and/or drainage measures where considered necessary by the local government or relevant public agency.
- (7) No retaining wall shall be constructed which alters the contours of the natural surface by more than 0.5 metres without the approval of the local government.

#### **41. Car parking**

- (1) In considering applications for development approval the local government shall require off-street car parking to be provided in accordance with Table 6 – Car parking requirements, or as otherwise varied by the provisions of this Scheme.
- (2) Where land is to be development or used for purposes not mentioned in Table 6 – Car parking requirements, or where a standard or requirement is not specified in the Scheme, the local government shall determine in each case the number of off-street car parking spaces to be provided on the land having due regard to the —

- (a) nature of the proposed development;
  - (b) number of employees or others likely to be employed or engaged in the use of the land;
  - (c) anticipated demand for visitor parking;
  - (d) orderly, proper and sustainable planning of the area.
- (3) Where off-street car parking is required it shall be provided on the site the subject of the proposed development or land use, or in the immediate vicinity thereof provided that arrangements for the permanent retention of that parking can be set in place to the satisfaction of the local government.
- (4) Where an applicant can demonstrate to the satisfaction of the local government that there is not the demand for the number of off-street car parking spaces specified in Table 6 – Car parking requirements, or that other off-street parking facilities are available and that these facilities can be shared with a nearby land use, the local government may vary this standard and/or require that an equivalent area of landscaping be provided in lieu.
- (5) Where the local government is satisfied that an application for development approval cannot provide the minimum off-street car parking requirements on site, the local government may accept a cash payment in lieu of the provision of car parking spaces.
- (6) Where it can be demonstrated that other off-street parking facilities are available to be shared with other land uses operating at different times, the local government may approve a development with less than the required number of off-street car bays provided that —
- (a) it is satisfied that no conflict will occur in the operation of land uses for which the joint use of parking facilities is proposed; and
  - (b) the landowners who request sharing of parking facilities enter into a legal agreement to the local government's satisfaction for reciprocal rights to parking facilities.
- (7) All off-street car parking spaces and manoeuvring areas shall be designed in accordance with Australian Standard *AS 2890.1 Off-street parking*, and paved, kerbed, drained and marked to the satisfaction of the local government.
- (8) All off-street car parking, loading and access areas shall be constructed prior to occupation of the development or at such time as may be agreed in writing between the local government and the proponent. Such areas shall be maintained by the landowner to the satisfaction of the local government.
- (9) Where a development provides eight (8) or more off-street car parking spaces, one (1) large canopy shade tree, with sufficient soil and soft landscaping to permit water absorption and root growth, shall be provided for every four (4) car parking bays.



**TABLE 6 – CAR PARKING REQUIREMENTS**

<b>Use</b>	<b>Minimum Number of Parking Spaces to be Provided</b>
Bed and Breakfast	1 per bedroom
Caravan Park	1.25 per unit, bay or tent site
Civic Use	1 per 40m <sup>2</sup> Gross Floor Area (GFA)
Club Premises	1 per 50m <sup>2</sup> GFA, or where licenced: 1 per 5m <sup>2</sup> and other activity area
Consulting Rooms / Medical Centre	4 per practitioner for the first practitioner and 2 bays for each practitioner thereafter
Family Day Care	In addition to spaces required under the R-Codes, 1 per staff member + 2 extra spaces for the picking up and setting down of persons
Fast Food Outlet / Lunch Bar	1 per 4 seated patrons or 1 bay per 40m <sup>2</sup> GFA (whichever is the greater) plus a car queuing area sufficient to accommodate 5 cars where drive through facilities are included
Recreation – private	1 per 40m <sup>2</sup> GFA
Hotel	1 per 5m <sup>2</sup> of public area + 1 per bedroom
Industry	1 per 100m <sup>2</sup> GFA
Industry – light	1 per 50m <sup>2</sup> GFA
Liquor Store	1 per 40m <sup>2</sup> GFA
Motel	1.25 per unit
Office	1 per 40m <sup>2</sup> GFA
Cinema / Theatre	1 per 4 seats provided
Place of Worship	1 per 4 seats provided
Residential	In accordance with the R-Codes
Restaurant/Café	1 per 40m <sup>2</sup> GFA
Service Station	1.5 per service bay plus 1 per staff member
Shop	1 per 40m <sup>2</sup> GFA
Bulky Goods Showroom	1 per 50m <sup>2</sup> GFA
Holiday Accommodation	1 per unit or dwelling + 1 space per staff member
Tavern	1 per 5m <sup>2</sup> of public area
Veterinary Centre	4 per practitioner
Warehouse/Storage	1 per 100m <sup>2</sup> GFA
Other uses not listed	Determined by the local government after consideration of the parking need generated by the use and/or outlined in a local planning policy.

## **42. Traffic management**

- (1) Parking, loading, 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. Such areas shall be maintained to the satisfaction of the local government.
- (2) In regard to traffic entrances —

- (a) the local government may limit access to a lot to a single entry/exit point or may require separate entrances and exits, or may require that entrances and exits be placed in positions nominated by it, if it considers such provision necessary to avoid or to reduce traffic hazards;
  - (b) access to a lot for vehicles shall not be permitted directly to or from major roads where access is available from side or rear streets;
  - (c) where access to a lot abutting a major road outside of the Commercial zone is available only from that road, parking, servicing, and circulation areas within the lot shall be designed and constructed so as to allow unhindered movement within the lot and to enable vehicles to enter and leave the site in forward gear;
  - (d) in the case of access to any road which is the responsibility of the Department of Main Roads, that department is to be consulted prior to the construction/modification or closure of any vehicular access to such road.
- (3) Except with the approval of the local government, no building, or fence or other form of visual obstruction greater than 0.75 metres in height, measured from the natural ground level at the boundary, shall be constructed or placed on a lot within a 15 metres truncation of a street corner or within a 3 metre by 1.5 metre truncation of a vehicular access way.
- (4) In non-residential zones access for loading and unloading vehicles shall ensure the following —
- (a) No land or buildings shall be developed unless provision is made for an area clear of the street for the purpose of loading and/or unloading goods or materials.
  - (b) The local government may require vehicle access and circulation to be designed so that all vehicles can leave the site in forward gear.
  - (c) Access ways shall be not less than 4.5 metres wide. The local government may in exceptional circumstances permit an access way of lesser width, to a minimum of 3.0 metres, only when a one-way system can be established.

### **43. Signage and advertising**

- (1) All advertisements require an application for development approval, unless exempted by deemed provisions (Schedule 2) contained in the Planning and Development (Local Planning Schemes) Regulations 2015 or in Schedule 1 – Exempted Signage and Advertisements in this Scheme.
- (2) Advertisements that advertise goods or services which are not produced, displayed or offered for sale, or which are otherwise not relevant to, the land upon which the advertisement is located, are prohibited.
- (3) Despite subclause (1) and (2), the local government will consider applications for development approval for advertisements on ‘third party land’ for a temporary period. The local government will have regard to the relevant local planning policy.

### **44. Natural Resource Management**

- (1) Notwithstanding the specific provisions of the Scheme or any local planning policy, the local government shall in considering any development proposal have regard to remnant vegetation, threatened and priority flora, and threatened and priority ecological community including as identified under the *Biodiversity and Conservation Act 2016* which relates to land within the Scheme area.
- (2) In granting approval for a development application the local government may require, as a condition of approval, an applicant to retain and/or manage remnant vegetation.
- (3) In order to improve the environmental amenity of areas that the local government considers deficient in tree cover, it may require as a condition of development approval, the planting of such trees and/or groups of trees and species as specified by the local government.

#### **45. Waterway resource management and protection**

- (1) In considering a development application which may have an impact on any water resources including waterways such as rivers, creeks, drainage lines, swamps and other wetlands, the local government shall have regard to —
  - (a) managing water balance;
  - (b) maintaining and where possible enhancing water quality;
  - (c) encouraging water conservation;
  - (d) maintaining and where possible enhancing water related environmental values, recreational and cultural values;
  - (e) advice from relevant government agencies;
  - (f) stormwater capture;
  - (g) the distance between on-site wastewater disposal systems and waterways.
- (2) The local government may require proponents to —
  - (a) prepare a foreshore management plan, drainage strategy or other document to manage impacts of proposed development and subdivision and will require the proponent, or other agreed party, to appropriately implement the plan or strategy to the satisfaction of the local government;
  - (b) undertake appropriate pre-development and post development monitoring and undertake measures deemed appropriate by the local government to address water management and protection issues.

#### **46. Development in the Commercial zone**

- (1) Residential development in the Commercial zone shall be in accordance with the density code (R-Code) depicted on the Scheme Map. Where the Scheme map does not indicate an R-Code, residential development shall be in accordance with the R40 density code, unless otherwise indicated by a provision of this Scheme.

- (2) For mixed use development comprising a combination of residential and non-residential uses, the relevant provisions of the R-Codes shall apply to the residential component of the development in accordance with the applicable density code, and the provisions of this Scheme to the non-residential component of the development.
- (3) Notwithstanding the development standards set out in Table 5, when considering an application for development approval for non-residential development in the Commercial zone the following variations may be considered —
  - (a) an increase in plot ratio of 20% may be granted where the local government is satisfied that the functioning of public open space areas, courtyards or colonnades, or setback areas, or the preservation of heritage buildings, warrants an increase to the permissible plot ratio;
  - (b) site coverage of up to 100% where the local government is satisfied that adequate arrangements have been made in regard to access, car parking, circulation of traffic, safety, servicing, loading and unloading, stormwater drainage, effluent disposal and any other matter which the local government deems necessary;
  - (c) a zero building setback from the front boundary where landscape and paved pedestrian areas are existing or are to be provided adjacent to the front boundary (within the road reserve) and the local government is satisfied that adequate arrangements have been made in regard to access, car parking, circulation of traffic, safety, servicing, and loading and unloading.

#### **47. Development in the Mixed Use zone**

- (1) Residential development in the Mixed Use zone shall be in accordance with the density code (R-Code) depicted on the Scheme Map. Where the Scheme Map does not indicate an R-Code, residential development shall be in accordance with the R40 density code, unless otherwise indicated by a provision of this Scheme.
- (2) For mixed use development, comprising a combination of residential and non-residential uses, the relevant provisions of the R-Codes shall apply to the residential component of the development in accordance with the applicable density code, and the provisions of this Scheme to the non-residential component of the development.

#### **48. Development in the Rural Residential zone**

- (1) The local government may approve the development of one (1) ancillary dwelling on a lot in the Rural Residential zone providing it is located within the same building envelope as the primary dwelling or, where there is no building envelope, within 50 metres of the primary dwelling unless suitably justified by the applicant to the satisfaction of the local government.
- (2) The local government may approve the development of an outbuilding on a vacant lot in the Rural Residential zone subject to —
  - (a) the outbuilding is not proposed to be used for habitable purposes; and

- (b) notwithstanding any other clause in the Scheme, the local government may impose a condition of development approval requiring the payment of a bond. The value of the bond is to reflect the estimated cost of removing the outbuilding and remediating the site, to the satisfaction of the local government, if the dwelling is not substantially commenced in the agreed timeframe. The bond shall be refunded when the dwelling is substantially commenced to the satisfaction of the local government.
- (3) Table 7 sets out requirements which are Rural Residential zone site specific development standards and requirements, additional to those set out in subclauses (1) and (2).

**TABLE 7 – RURAL RESIDENTIAL ZONE  
SITE SPECIFIC DEVELOPMENT STANDARDS AND REQUIREMENTS**

No.	Description of Land	Requirements
RR1	As depicted on the Scheme Map	All lots of less than 2 ha shall be connected to a reticulated public water supply as a condition of subdivision.
RR2	As depicted on the Scheme Map	No additional lots shall be created unless with a minimum area of 1.5 ha but the local government may recommend approval for the adjustment of boundaries between lots or the amalgamation of lots.
RR3	As depicted on the Scheme Map	<ol style="list-style-type: none"> <li>1. All lots are required to be connected to a reticulated water supply by a licensed provider.</li> <li>2. Approved dwellings need to be connected to alternative onsite effluent disposal systems to prevent pollution of groundwater. Prospective purchasers should be advised of this requirement.</li> <li>3. No lots shall have direct vehicular access to Bullaring-Pingelly Road.</li> <li>4. A Revegetation Implementation Plan is to be prepared with a minimum of ten percent (10%) of the development area revegetated with native species to the satisfaction of the local government and the Department of Biodiversity, Conservation and Attractions.</li> </ol>

**49. Development in the Rural zone**

- (1) In considering a subdivision or development application in the Rural zone, the local government shall have due regard to the —
- (a) availability of services required to support the proposed development or subdivision and the economic impact of the provision of, extension or upgrading of those services that may be required;

- (b) adequacy of the roads, existing or proposed in the area which may be needed to support the amount of road traffic expected to be generated by the development or subdivision; and
  - (c) need to enforce such conditions as the local government deems appropriate in order to minimise any adverse effect the development or subdivision may have on the amenity of the area.
- (2) The local government may grant approval for a maximum of either —
- (a) two grouped dwellings; or
  - (b) one single house plus either one ancillary dwelling or one caretaker's dwelling;
- on any lot, provided the lot exceeds 40ha in area, where the land is managed for agricultural production, tourism, or education purposes and where the occupants are engaged in those specified predominant land uses or activities.
- (3) The existence of more than one dwelling on a lot in the Rural zone shall not be construed as a basis for the local government's support to the subdivision of the lot.

## **50. Development in the General Industry zone**

- (1) In considering a development application in the General Industry zone, the local government shall have regard for the —
- (a) compatibility of the proposed use(s) with other surrounding uses;
  - (b) potential impact of the proposal on the efficient and effective operations of existing and planned industry, infrastructure or public purposes; and
  - (c) risks, hazards, health and amenity associated with the proposed use being located in proximity to existing and planned industry, infrastructure or public purpose or any other use.
- (2) Notwithstanding the provisions of Table 5, buildings may abut one side boundary provided a sufficient separation distance from any sensitive land use is achieved, and vehicular access to the rear of the lot is maintained.

## **51. Development in the Urban Development zone**

- (1) Prior to the commencement of subdivision or development in the Urban Development zone, the local government may require a structure plan to be prepared and approved in accordance with Part 4 of the deemed provisions.
- (2) In considering a subdivision or development application in the Urban Development zone, the local government shall have regard to the —
- (a) availability of services to accommodate the proposed land use; and

- (b) where it is demonstrated that connection to the reticulated sewerage network is not available or feasible, the adequate and appropriate provision of on-site wastewater disposal, having particular regard to the comments or requirements specified by the Department of Health.
- (3) Development standards and land uses permitted in the Urban Development zone will accord with those applying to the equivalent zone for the designated primary use, unless varied by the provisions of an approved structure plan.

**52. Development in all zones**

Development proposals shall recognise the —

- (a) preservation of areas or buildings of architectural or historic interest; and
- (b) development of land abutting the site of the development proposal.

**53. Ancillary dwellings**

- (1) On all land where the R-Codes do not apply, an ancillary dwelling shall —
  - (a) be no greater than 100m<sup>2</sup> in area; and
  - (b) be collocated with the single house; and
  - (c) be constructed to a standard that ensures the visual amenity of the area is not adversely impacted.
- (2) In the Rural zone an ancillary dwelling shall be located so that adequate separation distances are achieved, to allow for the continuation of land uses on the subject and any neighbouring land.

**54. Caretaker's dwellings**

A caretaker's dwelling shall —

- (a) be limited to one (1) per lot; and
- (b) have a maximum total area of 100m<sup>2</sup>; and
- (c) be collocated with an existing, predominant land use.

**55. Workforce accommodation**

In addition to the matters listed in clause 67 of the deemed provisions, in considering a development application for workforce accommodation the local government shall also have due regard for the following matters —

- (a) the siting of the development to avoid land use conflict, including impacts associated with noise, dust, odour and light spill; and
- (b) facility design and use that integrates with surrounding areas where possible, or, if remote from a townsite, makes provision and/or access to recreation, entertainment and community services.

**56. Resource recovery centres and waste storage or disposal facilities**

In considering a development application for a resource recovery centre, waste disposal facility or waste storage facility, the local government shall have due regard for the following matters —

- (a) facilities shall be located on a main road or on a road that is of a suitable standard and treatment, to accommodate significant increase in traffic volumes and freight tasks which may be generated by the proposal;
- (b) facilities shall contain, or satisfactorily manage, potential environmental noise, amenity, water resource, and air quality impacts within the landholding without affecting nearby land uses;
- (c) facilities shall not be visually dominant within key viewsheds, and should be visually compatible with surrounding land uses and development;
- (d) facilities shall be provided with essential services commensurate with the intended land use.

#### **57. Dwellings without reticulated mains water supply**

- (1) Where a dwelling is proposed to be constructed on a lot which cannot be connected to a reticulated mains water supply, that dwelling shall be provided with —
  - (a) sufficient roof catchment or other methods acceptable to the local government; and
  - (b) the provision of a rainwater tank with a minimum capacity of 135,000 litres;  
prior to occupation unless alternative arrangements are made to the satisfaction of the local government for a supply of potable water.
- (2) Where water supplies are required for fire-fighting purposes, a separate tank of at least 10,000 litres is provided per habitable building with a required connection for emergency vehicles.
- (3) Water supply tanks for firefighting purposes are to be provided with a metal 50mm male camlock coupling with full flow valve fitting.

#### **58. Mining Operations**

In considering proposals to commercially extract minerals, the local government may, in keeping with section 120 of the *Mining Act 1978*, exercise its discretion to inform the Minister for Mines and the Minister for Planning in writing that the granting of a mining lease or general purpose lease is contrary to the provisions of the Scheme and the Local Planning Strategy.



## PART 5 – SPECIAL CONTROL AREAS

AMD 6 GG 22/08/2024

### 59. Special control areas

- (1) Special control areas are marked on the Scheme Map according to the legend on the Scheme Map.
- (2) The purpose, objectives and additional provisions that apply to each special control area are set out in Table 8.

**TABLE 8 – SPECIAL CONTROL AREAS IN THE SCHEME AREA**

Name of area	Purpose	Objectives	Additional provisions
SCA 1	Moorumbine Townsite and Dattening Townsite	<p>Guide development in a manner that is consistent with —</p> <ol style="list-style-type: none"> <li>1. the limitations of existing infrastructure;</li> <li>2. the local government settlement hierarchy;</li> <li>3. the land use allocations indicated in a local planning policy.</li> </ol>	<ol style="list-style-type: none"> <li>1. Development within SCA 1 requires the prior development approval of the local government.</li> <li>2. An application for development approval for any land use other than a residential use is required to demonstrate how its operation and location will be compatible with existing residential uses.</li> <li>3. An application for development approval will, where appropriate, be referred to the servicing agencies to establish the need for, or adequacy of, infrastructure to service the development.</li> <li>4. Notwithstanding the provisions of Table 5, the minimum lot area shall be 1.5 ha. The local government may recommend subdivision approval for a lot area of 1 ha which results from the adjustment of boundaries between lots, or the amalgamation of lots.</li> </ol>
SCA 2	Waste Water Treatment Plant Odour Buffer	<ol style="list-style-type: none"> <li>1. Protect the long-term operation of the water treatment plant which provides an essential service to the community through the treatment, re-use and safe disposal of the town's treated waste water.</li> <li>2. Recognise the potential impacts on amenity from the wastewater treatment plant, including odour and noise nuisance.</li> <li>3. Avoid the development of incompatible and odour sensitive land uses within the buffer area.</li> </ol>	<ol style="list-style-type: none"> <li>1. Development within SCA 2 requires the prior development approval of the local government.</li> <li>2. When determining applications for development in SCA 2, the local government shall —               <ol style="list-style-type: none"> <li>(a) Consider the compatibility of the development with waste water treatment infrastructure having regard to potential odour and noise emissions from the waste water treatment plant;</li> <li>(b) Consider whether the</li> </ol> </li> </ol>

		<p>4. Where necessary and appropriate control development and land use within the buffer area.</p>	<p>development would have a detrimental impact on the long-term operation of the waste water treatment plant;</p> <p>(c) Obtain and have regard to the advice and recommendations of the Water Corporation, Department of Water and Environmental Regulation, Western Australian Planning Commission, and any other relevant authorities, and any policies related thereto;</p> <p>(d) Impose conditions as appropriate to any development approval to attenuate or minimise odour and noise impacts; and</p> <p>(e) Notwithstanding any other clause in the Scheme, refuse any development application that, in the opinion of the local government, would suffer unacceptable impact from odour or noise emissions, or which by its nature may adversely impact on the continued operation of the waste water treatment plant.</p>
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## PART 6 – TERMS REFERRED TO IN SCHEME

AMD 6 GG 22/08/2024

### Division 1 – General definitions used in Scheme

#### 60. Terms used

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

“**building envelope**” – means 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;

“**cabin**” – means a dwelling forming part of a tourist development or caravan park that is —  
(a) an individual unit other than a chalet; and  
(b) designed to provide short-term accommodation for guests;

“**chalet**” – means a dwelling forming part of a tourist development or caravan park that is —  
(a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and  
(b) designed to provide short-term accommodation for guests;

“**commercial vehicle**” – means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including —  
(a) a utility, van, truck, tractor, bus or earthmoving equipment; and  
(b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a);

“**floor area**” – has the same meaning given in the Building Code;

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

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

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

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

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

“**Scheme commencement day**” – means the day on which this Scheme comes into effect under section 87(4) of the Act;

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

“**wholesale**” – means the sale of good or materials to be sold by others;

(2) A word or expression that is not defined in this Scheme —

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

## Division 2 – Land use terms used in Scheme

### 61. Land use terms used

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

**“abattoir”** – means premises used commercially for the slaughtering of animals for the purposes of consumption as food products;

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

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

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

**“amusement parlour”** – means premises —

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

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

**“animal husbandry – intensive”** – means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production) or other livestock feedlots, sheds or rotational pens;

**“art gallery”** – means premises —

- (a) that are open to the public; and
- (b) where artworks are displayed for viewing or sale;

**“bed and breakfast”** – means a dwelling—

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

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

**“brewery”** – means premises the subject of a producer’s licence authorising the production of beer, cider or spirits granted under the *Liquor Control Act 1988*;

**“bulky goods showroom”** – means premises —

- (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes —
  - (i) automotive parts and accessories;

- (ii) camping, outdoor and recreation goods;
- (iii) electric light fittings;
- (iv) animal supplies including equestrian and pet goods;
- (v) and window coverings;
- (vi) furniture, bedding, furnishings, fabrics, manchester and homewares;
- (vii) household appliances, electrical goods and home entertainment goods;
- (viii) party supplies;
- (ix) office equipment and supplies;
- (x) babies' and children's goods, including play equipment and accessories;
- (xi) sporting, cycling, leisure, fitness goods and accessories;
- (xii) swimming pools;

or

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

**“caravan park”** – means premises that are a caravan park as defined in the *Caravan Parks and Camping Grounds Act 1995* section 5 (1);

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

**“car park”** – means premises used primarily for parking vehicles whether open to the public or not but does not include

- (a) any part of a public road used for parking or for a taxi rank, ; or
- (b) any premises in which cars are displayed for sale;

**“child care premises”** – means premises where —

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

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

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

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

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

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

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

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

**“convenience store”** – means premises

- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, 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 300 square metres net lettable area;

**“corrective institution”** – means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility;

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

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

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

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

- (a) without further preparation; and
- (b) primarily off the premises, but does not include a lunch bar;

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

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

**“funeral parlour”** – means premises used —

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

**“garden centre”** – means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens;

**“holiday accommodation”** – means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot;

**“holiday house”** – means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast;

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

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

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

- (a) does not involve employing a person who is not a member of the occupier’s household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 20 m<sup>2</sup>; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2 m<sup>2</sup>; and
- (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (f) does not —
  - (i) require a greater number of parking spaces than normally required for a single dwelling; or
  - (ii) result in an increase in traffic volume in the neighbourhood;

and

- (g) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and
- (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

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

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

**“home store”** – means a shop attached to a dwelling that —

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

**“hospital”** – means premises used as a hospital as defined in the *Health Services Act 2016* section 8(4);

**“hotel”** – means premises the subject of a hotel license other than a small bar or tavern licence granted under the *Liquor Control Act 1988*, including any betting agency on the premises;

**“independent living complex”** – means a development with self-contained, independent dwellings for aged or dependent persons together with communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, but does not include a development which includes these features as a component of a residential aged care facility;

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

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

**“industry – cottage”** – means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which —

- (a) does not cause injury to or adversely affect the amenity of the neighbourhood;
- (b) where operated in a residential zone, does not employ any person other than a member of the occupier’s household;

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

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

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

**“industry – light”** – premises use for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed;

**“industry – rural”** – means premises used for an industry that —

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

**“liquor store – large”** – means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of more than 300 m<sup>2</sup>;

**“liquor store – small”** – means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of not more than 300 m<sup>2</sup>;

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

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

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

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

**“motel”** – means premises, which may be licensed under the *Liquor Licensing Act 1988* —

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

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

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

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

**“motor vehicle wash”** – means premises primarily used to wash motor vehicles;

**“night club”** – means premises primarily used to wash motor vehicles;

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



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

**“place of worship”** – means premises used for religious activities such as a chapel, church, mosque, synagogue or temple;

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

**“recreation – private”** – means premises that are —

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

**“renewable energy facility”** – means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or relating to, the generation of energy by a renewable resource. It does not include renewable energy electricity generation where the energy produced principally supplies a domestic and/or business premises and any on selling to the grid is secondary;

**“repurposed dwelling”** – means a building or structure not previously used as a single house which has been repurposed for use as a dwelling;

**“residential aged care facility”** – means a residential facility providing personal and/or nursing care primarily to people who are frail and aged or dependent persons which, as well as accommodation, includes —

- (a) appropriate staffing to meet the nursing and personal care needs of residents;
- (b) meals and cleaning services;
- (c) furnishings, furniture and equipment.

This may consist of multiple components that include communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, residential respite (short-term) care, and/or an independent living complex, but does not include a hospital, rehabilitation or psychiatric facility;

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

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

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

- (a) publications that are classified as restricted under the *Classification (Publications, Films and Computer Games) Act 1995* (Commonwealth); or

**“rural home business”** - means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or occupation if the carrying out of the business, service or occupation —

- (a) does not involve employing more than 2 people who are not members of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 200m<sup>2</sup>; and
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle of more than 30 tonnes gross weight;

- “rural pursuit/hobby farm”** – means any premises, other than premises used for agriculture — extensive or agriculture — intensive, that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier’s household —
- (a) the rearing, agistment, stabling or training of animals;
  - (b) the keeping of bees;
  - (c) the sale of produce grown solely on the premises;
- “second-hand dwelling”** – means a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a modular home or transportable dwelling;
- “serviced apartment”** – means a group of units or apartments providing —
- (a) self-contained short stay accommodation for guests; and
  - (b) any associated reception or recreational facilities;
- “service station”** – means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for —
- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature;
- or
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles;
- “shop”** – means premises other than a bulky goods showroom, a liquor store — large or a liquor store — small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;
- “small bar”** – means premises the subject of a small bar licence granted under the *Liquor Control Act 1988*;
- “tavern”** – means premises subject of a tavern licence granted under the *Liquor Control Act 1988*;
- “telecommunications infrastructure”** – means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network;
- “trade display”** – means premises used for the display of trade goods and equipment for the purpose of advertisement;
- “trade supplies”** – means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for the following purposes including goods which may be assembled or manufactured off the premises —
- (a) automotive repairs and servicing;
  - (b) building including repair and maintenance;
  - (c) industry;
  - (d) landscape gardening;
  - (e) provision of medical services;
  - (f) primary production;
  - (g) use by government departments or agencies, including local government;
- “transport depot”** – means premises used primarily for the parking or garaging of 3 or more commercial vehicles including —
- (a) any ancillary maintenance or refuelling of those vehicles; and
  - (b) any ancillary storage of goods brought to the premises by those vehicles; and
  - (c) the transfer of goods or persons from one vehicle to another;

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

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

**“warehouse/storage”** – means premises including indoor or outdoor facilities used for -  
(a) the storage of goods, equipment, plant or materials; or  
(b) the display or sale by wholesale of goods ;

**“waste disposal facility”** – means premises used —  
(a) for the disposal of waste by landfill; or  
(b) the incineration of hazardous, clinical or biomedical waste;

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

**“winery”** means premises used for the production of viticultural produce and associated sale of the produce.

**“workforce accommodation”** – means premises, which may include modular or relocatable buildings, used —  
(a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and  
(b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors

## SCHEDULE A – SUPPLEMENTAL PROVISIONS TO THE DEEMED PROVISIONS

AMD 6 GG 22/08/2024

These provisions are to be read in conjunction with the deemed provisions (Schedule 2, Part 7) contained in the *Planning and Development (Local Planning Schemes) Regulations 2015* (amended).

### 61. Development for which development approval not required (1)

	<b>Column 1 Works</b>	<b>Column 2 Conditions</b>
61(1) 21A	The erection or extension of a single house.	(a) The R-Codes do not apply; and (b) the single house is a permitted 'P' use in the zone; and (c) the development standards set out in Part 4 of the Scheme are satisfied; and (d) the works are not located in a heritage-protected place of a kind referred to in clause 1A(1)(a) to (c) of the deemed provisions.
61(1) 21B	The erection or extension of an external fixture, boundary wall or fence, patio, pergola, verandah, outbuilding, garage, carport, water tank or swimming pool.	(a) The R-Codes do not apply; and (b) a single house is a permitted 'P' use in the zone; and (c) the development standards set out in Part 4 of the Scheme are satisfied; and (d) the works are not located in a heritage-protected place of a kind referred to in clause 1A(1)(a) to (c) of the deemed provisions.
61(1) 21C	The erection of a windmill and the construction of water tanks, gully dams and soaks.	The works — (a) are located in the Rural zone; and (b) are incidental and complementary to existing or approved agricultural use(s); and (c) the development standards set out in Part 4 of the Scheme are satisfied.
61(1) 21D	The erection or extension of an outbuilding	The works — (a) are located in the Rural zone; and (b) the development standards set out in Part 4 of the Scheme are satisfied; and (c) the lot has legal and practical vehicle access, to the satisfaction of the local government.
61(1) 21E	The carrying out of works by the local government.	The works are wholly located on a reserve managed by the local government and would not result in the clearing of native vegetation.

### (2)

	<b>Column 1 Use</b>	<b>Column 3 Conditions</b>
61(2) (h) 1	The use of a local reserve managed by the local government for the	The use — (a) is consistent with the reserve

	provision of a service to the community.	objectives; and (b) complements the existing and predominant use of the reserve.
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## SCHEDULE 1 - EXEMPTED SIGNAGE AND ADVERTISEMENTS

AMD 6 GG 22/08/2024

Type of development	Exempted sign type	Maximum size
Dwellings	One professional nameplate	0.2m <sup>2</sup>
Bed and Breakfast, Home Occupation, Holiday House, Family Day Care, Industry – Cottage, and other land uses operating from a dwelling	One advertisement describing the nature of the land use operating from the premises.	0.2m <sup>2</sup>
Community Purpose, Place of Worship, and other community-related land uses	One advertisement detailing the function and/or the activities of the land use concerned.	0.2m <sup>2</sup>
Exhibition Centre	Two signs (illuminated or non-illuminated) advertising the materials being displayed.	5m <sup>2</sup> per sign
Bulky Goods Showroom, Shop, Convenience Store and other commercial land uses	All advertisements affixed to the building below the top of the awning, or, in the absence of an awning, below a line measured at 2.5 metres from the ground level of the building, subject to compliance with local planning policy.	N/A
Industry, Warehouse/Storage and other industrial land uses	(a) A maximum of 4 applied to or affixed to the walls of the building, but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building; (b) A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.	(a) The total area of signage affixed to the walls of the building shall not exceed 15m <sup>2</sup> ; and (b) The area of one free-standing advertising sign shall not exceed 6m <sup>2</sup> ; and the total area of two signs shall not exceed 10m <sup>2</sup> .
Public Places and Reserves	(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government, a public authority, or the local government of a municipality, excluding those of a promotional nature constructed or exhibited by, or	N/A

	<p>on behalf of any such body;</p> <p>(b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a government department, public authority or the local government of a municipality; and</p> <p>(c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.</p>	
Advertisements within buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A
All classes of buildings other than single house	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m <sup>2</sup>
Temporary Signs	<p>(a) Advertising signs associated with traffic management for events provided signs are –</p> <p>(i) not placed on the road reserve (with the exception of directional signs);</p> <p>(ii) displayed for a period not exceeding 8 weeks;</p> <p>(iii) located to promote the safety of motorists, pedestrians and cyclists.</p> <p>Advertising signs associated with traffic management for works on roads.</p>	N/A
Building construction sites (advertisement signs displayed only for the duration of construction as follows): All dwellings	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.	2m <sup>2</sup>

<p>Property transactions:  Advertisement signs displayed for the duration of a period over which property transactions are offered and negotiated as follows:  All dwellings</p>	<p>One sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed.</p>	<p>2m<sup>2</sup> per sign</p>
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**ADOPTION**

Adopted by resolution of the Council of the SHIRE OF PINGELLY at the meeting of the Council held on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ and the Seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:

PRESIDENT \_\_\_\_\_

CHIEF EXECUTIVE OFFICER \_\_\_\_\_

**FINAL APPROVAL**

Adopted for final approval by resolution of the Council of the SHIRE OF PINGELLY at the meeting of the Council held on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ and the Seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:

PRESIDENT \_\_\_\_\_

DATE: \_\_\_\_\_

CHIEF EXECUTIVE OFFICER \_\_\_\_\_

DATE: \_\_\_\_\_

Recommended for Final Approval

For Chairman of the Western Australian Planning Commission  
Delegated under S16 of PD Act 2005

SIGNED: \_\_\_\_\_

DATE: \_\_\_\_\_

Final Approval Granted

\_\_\_\_\_ A MACTIERNAN, Minister for Planning and Infrastructure

DATE: \_\_\_\_\_