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# SHIRE OF LAKE GRACE

## Local Planning Scheme No. 4 District Zoning Scheme

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Updated to include AMD 5 GG 15/09/2017

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Department of Planning,  
Lands and Heritage

Prepared by the  
Department of Planning, Lands and Heritage

Original Town Planning Scheme Gazettal  
12 November 2007

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## SHIRE OF LAKE GRACE LPS 4 - TEXT AMENDMENTS

AMD NO	GAZETAL DATE	UPDATED		DETAILS
		WHEN	BY	
	12/11/2007			Gazetted 12 November 2007
2	29/04/14	13/05/14	ML	Zoning amendment Lot 501 Stubbs Street from Special Use zone to Local Scheme Reserve-Public Purposes
4	27/05/16	30/05/16	RO	Re-classifying Lot 92 (No 50) and Lot 93 (No 52) Stubbs Street Lake Grace within Reserve 27942 from Local Scheme Reserve 'Public Purpose - Agriculture WA' to 'Commercial' zone as depicted on the Scheme Amendment map.
5	15/09/17	29/09/17	GM	<p>Preamble - inserted reference to the deemed provisions.</p> <p>Clause 1.4 – Inserted new sub-clauses (b) and (c) and updated the reference numbers in the Note.</p> <p>Deleted references to the following terms and replaced them with the corresponding term throughout the scheme:</p> <ul style="list-style-type: none"> <li>• 'planning approval' replaced with 'development approval';</li> <li>• 'council' replaced with 'local government';</li> <li>• 'Town Planning Act' replaced with 'Planning and Development Act'.</li> </ul> <p>Deleted the following parts and clauses from the Scheme Text, as they have been superseded by the deemed provisions set out in the Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2:</p> <ul style="list-style-type: none"> <li>• Parts 2, 7, 8, 9, 10 and 11 in their entirety;</li> <li>• Clauses 5.15.2, 5.15.3, 5.18, 5.21 and 5.22 in their entirety;</li> <li>• Schedules 6, 7, 8 and 9 in their entirety.</li> </ul> <p>Deleted clauses 5.19.2 to 5.19.14 from the Scheme Text as they have been superseded by the deemed to comply with provisions of the R-Codes.</p> <p>Amended the following clauses by removing the cross reference to the clause deleted by the amendment and replacing them with cross reference to deemed provisions set out in the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule 2:</p> <ul style="list-style-type: none"> <li>• Clause 3.4.1(b): Part 7 of the deemed provisions;</li> <li>• Clause 3.4.2(a): Clause 67 of the deemed provisions;</li> <li>• Clause 4.3.2 'A': Clause 64 of the deemed provisions;</li> <li>• Clause 4.3.3 Note 3: Clause 67 of the deemed provisions;</li> <li>• Clause 4.4.2(b): Clause 64 of the deemed provisions;</li> <li>• Clause 4.8(c): Clause 80 of the deemed provisions;</li> <li>• Clause 4.9.2: Clause 64 of the deemed provisions;</li> <li>• Clause 5.4.2: Clause 64 of the deemed provisions;</li> <li>• Clause 5.5.2(a): Clause 64 of the deemed provisions;</li> <li>• Clause 5.5.3(a): Clause 67 of the deemed provisions;</li> <li>• Clause 5.10.2: Clause 4 of the deemed provisions;</li> <li>• Clause 5.36.4: Clause 4 of the deemed provisions.</li> </ul> <p>Inserted as Clause 3.4.3, Clause 18(7) of the model provisions, to provide clarity to the interpretation of the Table 1 – Zoning Table.</p> <p>Corrected Schedule references throughout text.</p> <p>Table 1 – Zoning Table modified by:</p> <ul style="list-style-type: none"> <li>• Deleting the following use classes – aged person's hostel, agroforestry, communications antennae – domestic, communications antennae – commercial, hobby farm, landscape supplies, museum, nursing home, piggery, plant nursery, plantation, poultry farm, aged and dependent persons dwelling, showroom, storage yard.</li> <li>• Modifying the following land use class terms - Art &amp; Craft Centre to Art Gallery; Hotel / Tavern to Hotel and Tavern respectively as separate land use classes; Industry – General to Industry; Industry – Rural to Industry – Primary Production; Restaurant to Restaurant / Cafe; Rural Pursuit to Rural Pursuit / Hobby Farm; Warehouse to Warehouse / Storage.</li> <li>• Inserted the land use classes 'Bulky goods showroom', 'Garden centre', 'Residential aged care facility', 'Tavern', 'Tree Farm' with their corresponding permissibilities, and also modified the permissibility of 'Warehouse / Storage'.</li> <li>• Deleted the "Special Use" column.</li> <li>• Deleted text "Special Use: Use in accordance with the conditions specified in Schedule 4. # Subject to the specific</li> </ul>

				<p>requirements of clause 5.17.’</p> <p>Inserted Clause 61(1) into Schedule A – Supplemental Provisions.</p> <p>Schedule 1 – Dictionary of Defined Words and Expressions:</p> <ul style="list-style-type: none"> <li>Deleted the following definitions as they have been superseded by the definitions in the deemed provisions set out in the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule 2: Advertisement, Amenity, Ancillary Use, Cultural Heritage Significance, Heritage Area, Heritage List, Local Government, Local Planning Strategy, Owner, Place, Premises, Residential Design Codes, Substantially Commenced, Zone, Town Planning Act, Aged and Dependent Persons Dwelling, Aged Persons Hostel, Agroforestry, Aquaculture, Art and Craft Centre, Café, Communications Antennae – Domestic, Communications Antennae – Commercial, Hobby Farm, Industry – General, Industry – Rural, Landscape Supplies, Museum, Nursing Home, Piggery, Plant Nursery, Plantation, Poultry Farm, Restaurant, Rural Pursuit, Showroom, Storage, Warehouse.</li> <li>Amended the following definitions to be consistent with the model provisions set out in Part 6 Schedule 1 of the Regulations: Gazettal date, Lot, Incidental use, Abattoir, Agriculture – Extensive, Amusement Parlour, 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, Dwelling, Educational Establishment, 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 Repair, Night Club, Office, Park Home, Park, Reception Centre, Recreation – Private, Restricted Premises, Roadhouse, Service Station, Shop, Tavern Telecommunications Infrastructure, Transport Depot.</li> <li>Inserted new land use terms and definitions for superseded land use terms consistent with the model provisions set out in the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>: Tree Farm, Residential Aged Care Facility, Art Gallery, Bulky Goods Showroom, Industry – Primary Production, Garden Centre, Restaurant / Café, Rural Pursuit / Hobby Farm, Warehouse / Storage.</li> </ul> <p>Added a close bracket to all sub-clauses. Example: (i) and (a).</p> <p>Inserted new Clause 4.18 – Amenity of non-residential development.</p> <p>Renumbered the remaining scheme provisions and schedules sequentially and updating any cross referencing to the new clause numbers as required.</p>

**SHIRE OF LAKE GRACE  
LOCAL PLANNING SCHEME NO.4  
DISTRICT PLANNING SCHEME**

**Prepared for**

**SHIRE OF LAKE GRACE**

**by**

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**JUNE 2007**

## Preamble

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

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

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

Queries regarding any aspect of the Scheme and how it may affect proposals for the future development and use of land within the local government district should be directed to the Shire of Lake Grace Administration Centre, Stubbs Street, Lake Grace [Tel: (08) 9865 1105 Fax: (08) 9865 1109].

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## **Scheme Details**

### **The Shire of Lake Grace Local Planning Scheme No. 4 District Zoning Scheme**

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

## Table of Contents

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

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## PART 1 — PRELIMINARY

### 1.1. CITATION

1.1.1. The Shire of Lake Grace Scheme No. 4 (“**the Scheme**”) comes into operation on its Gazettal date.

1.1.2. The following Scheme is revoked —

Shire of Lake Grace Town Planning Scheme No. 3 7<sup>th</sup> July 1992

### 1.2. RESPONSIBLE AUTHORITY

The Shire of Lake Grace is the responsible authority for implementing the Scheme.

### 1.3. SCHEME AREA

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

### 1.4. CONTENTS OF SCHEME

The Scheme comprises —

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- (a) the Scheme Text;
- (b) the deemed provisions (set out in the Planning and Development (*Local Planning Schemes*) Regulations 2015 Schedule 2);
- (c) the supplemental provisions contained in Schedule A; and
- (d) the Scheme Map (sheets 1 – 9).

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

*Note: The Scheme Map comprises nine (9) separate map sheets. Maps 1 to 5 are at a scale of 1:250,000 and cover all of the local government district of the Shire. Maps 6 to 9 are at a scale of 1:15,000 and cover the Lake Grace, Newdegate, Lake King and Varley townsites.*

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### 1.5. PURPOSES OF SCHEME

The purposes of the Scheme are to —

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

## 1.6. THE AIMS OF THE SCHEME

The aims of the Scheme are —

- to secure the amenity, health and convenience of the Scheme area and the inhabitants thereof;
- to ensure there is a sufficient supply of suitable serviced land for housing, employment, commercial activities, community facilities, recreation and open space;
- to provide for housing choice and variety in neighbourhoods with a community identity and high levels of safety, accessibility and visual amenity;
- to preserve, protect and enhance townscapes and places, buildings and objects of heritage value, historic interest, natural beauty or scientific interest which exist throughout the Shire;
- to promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities;
- to protect, conserve and enhance the environmental values and natural resources of the Scheme area including the protection of remnant vegetation and the rehabilitation and revegetation of degraded land while providing appropriate development opportunities to promote the local economy;
- to promote ecologically sustainable land use and development;
- to assist the effective implementation of the State Planning Strategy, State Planning Framework (SPP No.1) and other adopted strategies and policies as these apply to the Wheatbelt Region; and
- to make provision for other matters necessary or incidental to town planning and development generally.

## 1.7. DEFINITIONS

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

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

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

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

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

**1.8. RELATIONSHIP WITH LOCAL LAWS**

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

**1.9. RELATIONSHIP WITH OTHER SCHEMES**

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

## **PART 2 — RESERVES**

### **2.1. RESERVES**

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

### **2.2. REGIONAL RESERVES**

There are no regional reserves in the Scheme area.

### **2.3. LOCAL RESERVES**

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

### **2.4. USE AND DEVELOPMENT OF LOCAL RESERVES**

2.4.1. A person must not —

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

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

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

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

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

## PART 3 — ZONES AND THE USE OF LAND

### 3.1. ZONES

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

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

### 3.2. OBJECTIVES OF THE ZONES

The objectives of the zones are —

#### **Residential Zone**

- To achieve a high standard of residential development in accordance with contemporary planning and development practice for the benefit of the community of the Shire of Lake Grace.
- To enhance the character and amenity of residential areas.
- To provide for residential development at a range of densities with a variety of housing types to meet the needs of the community.
- To provide an opportunity for residents to undertake occupations ancillary to the use of their dwelling that are compatible in character, scale and operation with the residential use and which will not have an adverse affect upon the existing character and amenity of these areas.

#### **Commercial Zone**

- To ensure that the zone develops and continues to function effectively as the principal place for retail shopping, commercial, civic and administrative activity within each townsite and the District generally.
- To encourage a high standard of development which serves to enhance the character of the zone.
- To encourage the retention and development of features which enhance the appearance of the zone, give it character or provide a sense of identity.
- 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.
- To maintain safety and efficiency of traffic flows and ensure that adequate provision is made for the circulation and parking of vehicles.
- To preclude the storage of bulky and unsightly goods where they may be in public view.
- To provide for residential uses only where such uses are combined with a commercial use.
- To encourage and assist the restructuring of the built environment of the zone to enhance:
  - pedestrian movement systems;
  - the appearance of buildings, car parking areas and open spaces;
  - user convenience and safety; and
  - traffic management.

### **Service Commercial Zone**

- To provide for a range of uses which complement the Commercial zone.
- To accommodate wholesaling, retail warehouses, showrooms, trade centres and professional services that provide for the needs of the community but due to their nature are generally not appropriate or cannot be accommodated in the Commercial Zone.
- To achieve a high standard of development and presentation including buildings, landscaping and vehicle parking.

### **General Industry Zone**

- To provide a location for general, light and service industries which by the nature of their operations should be separated from residential areas.
- To ensure an adequate supply of suitably located land for future industrial development.
- To provide for a range of compatible general, light and service industries to support the needs and development of the district.
- To provide a range of employment opportunities for residents of the district.
- To ensure that development is in accordance with appropriate and satisfactory standards of function, amenity and safety.
- To ensure that appropriate buffers are provided and maintained between industrial uses and adjacent uses so as to avoid land use conflicts.
- To encourage the provision of additional landscaping to the established industrial areas to improve their visual appearance.

### **Townsite Development Zone**

- To allow a variety of uses such as may be found in a small country town but subject to the preservation of local amenities and character.
- To ensure that the subdivision and development of land in the zone proceeds in accordance with the details of a Structure Plan approved by the local government and the Commission.
- To allow a variety of uses in the zone without the need to rezone the area where minor modifications are required to an approved Structure Plan prior to final subdivision.

### **General Agriculture Zone**

The General Agriculture Zone is intended primarily for the preservation of agriculturally significant land. Land classified as General Agriculture Zone within the Scheme Area is capable of high levels of agricultural production and is therefore a valuable resource worthy of protection. The local government shall therefore seek to ensure that no action is taken to jeopardize this potential.

#### **Zone Objectives**

- To ensure the continuation of broad-acre farming as the principal land use in the District and encouraging where appropriate the retention and expansion of agricultural activities;
- To protect the potential of agricultural land for primary production and to preserve the landscape and character of the rural areas;

- To provide for a range of rural pursuits such as broad-acre and diversified farming which are compatible with the capability of the land and retain the rural character and amenity of the locality;
- To control the fragmentation of broad-acre farming properties through the process of subdivision;
- To consider non-rural uses where they can be shown to be of benefit to the District and not detrimental to the natural resources or the environment;
- To protect broad-acre agricultural land from land degradation and any further loss of biodiversity by:
  - (i) minimising the clearing of remnant vegetation on public and private lands;
  - (ii) encouraging the retention and protection of existing remnant vegetation;
  - (iii) encouraging the development and protection of corridors of native vegetation;
  - (iv) encouraging the development of environmentally acceptable surface and sub-surface drainage works;
  - (v) encouraging the rehabilitation of salt affected land;
  - (vi) controlling the introduction and spread of alien species of flora and fauna;
  - (vii) encouraging soil conservation through the application of cultural vegetational land management measures.

### **Rural Residential Zone**

- To permit the progressive rezoning and subdivision of land in close proximity to the established townsites which is of low agricultural production value subject to such proposals being consistent with the local government's overall planning requirements and objectives for the zone.
- To ensure that all development in the Rural Residential zone is conducted in a manner that preserves the rural character, amenity and viability of surrounding properties.
- To provide for a variety of land uses of a rural-residential nature such as hobby farms, equestrian activities and cottage industries.
- To ensure that the more intensive use of land makes provision for the retention or improvement of the rural landscape and environment and achieves a high standard of visual amenity in a manner consistent with the proper and orderly planning of such areas.
- To reduce or eliminate the detrimental affect of keeping of livestock in the zone by limiting stock numbers to those kept for hobby purposes and not for commercial gain.
- To ensure that all applications for new Rural Residential zone areas comply with the local government's requirements for the preparation and submission of proposals.

### **Special Use Zone**

- To provide for special categories of land use which are not fully compatible with other zones in the Scheme.

## **3.3. ZONING TABLE**

- 3.3.1. The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones. The permissibility of any uses is determined by cross reference between the list of use classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.



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

**'P'** means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;

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

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

**'X'** means a use that is not permitted by the Scheme.

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

(a) the local government has exercised its discretion by granting development approval;

(b) the change is to a use which is designated with the symbol 'P' in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and any requirements of the Scheme;

(c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or

(d) the change is to an incidental use that does not change the predominant use of the land.

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

### **3.4. INTERPRETATION OF THE ZONING TABLE**

3.4.1. Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.

3.4.2. If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may —

(a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;

(b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 64 of the deemed provisions in considering an application for development approval; or

(c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

3.4.3 If the Zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land -  
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- (a) a structure plan;
- (b) an activity centre plan;
- (c) a local development plan.

# Table 1 – Zoning Table

P - Permitted D - Discretionary A - Special Notice X - Not Permitted

USE CLASSES	ZONES*						
	Residential	Commercial	Service Commercial	General Industry	Townsite Development	General Agriculture	Rural Residential
1 Abattoir	X	X	X	X	X	A	X
2 Aged Persons Hostel	DELETED BY AMD 5 GG 15/09/17						
3 Agriculture – Extensive	X	X	X	X	X	P	X
4 Agriculture – Intensive	X	X	X	X	X	D	X
5 Agroforestry	DELETED BY AMD 5 GG 15/09/17						
6 Amusement Parlour	X	D	D	D	D	X	X
7 Animal Establishment	X	X	X	X	X	P	X
8 Animal Husbandry – Intensive	X	X	X	X	X	D	X
9 Art Gallery AMD 5 GG 15/09/17	A	P	D	D	D	D	D
10 Auction Mart	X	D	P	D	D	X	X
11 Bed & Breakfast	D	D	X	X	D	D	D
12 Betting Agency	X	P	D	X	A	X	X
13 Bulky Goods Showroom AMD 5 GG 15/09/17	X	D	D	D	D	X	X
14 Caravan Park	X	X	X	X	D	X	X
15 Caretakers Dwelling	X	D	D	D	D	X	X
16 Car Park	X	D	D	D	D	D	D
17 Child Care Premises	A	A	A	X	D	A	D
18 Cinema / Theatre	X	P	X	X	D	X	X
19 Civic Use	X	D	A	A	A	D	D
20 Club Premises	X	D	D	D	A	D	X
20 Communications Antennae – Domestic	DELETED BY AMD 5 GG 15/09/17						
21 Communications Antennae – Commercial	DELETED BY AMD 5 GG 15/09/17						
22 Community Purpose	D	D	A	A	D	D	D
23 Consulting Room(s)	A	P	D	X	D	X	X
24 Convenience Store	X	D	X	X	D	X	A
25 Corrective Institution	X	X	X	X	X	A	X
26 Drive-in-Cinema	X	X	X	X	A	D	X
27 Dry Cleaning Premises	X	P	P	P	D	X	X
28 Educational Establishment	X	D	D	A	D	A	X
29 Equestrian Activity	X	X	X	X	X	P	A
30 Exhibition Centre	X	P	D	D	D	D	X
31 Family Day Care	A	A	X	X	A	A	A
32 Farm Supply Centre	X	D	D	D	D	A	X
33 Fast Food Outlet	X	D	D	X	D	X	X
34 Feedlot	X	X	X	X	X	A	X
35 Fuel Depot	X	X	X	D	X	A	X
36 Funeral Parlour	X	D	D	D	A	X	X
36 Garden Centre AMD 5 GG 15/09/17	X	A	D	P	D	D	X
37 Hobby Farm	DELETED BY AMD 5 GG 15/09/17						
38 Home Business	A	D	X	X	D	A	A
39 Home Occupation	A	P	X	X	D	A	A
40 Home Office	P	P	X	X	P	P	P
41 Home Store	A	D	X	X	A	A	A
42 Hospital	X	X	X	X	A	X	X
43 Hotel AMD 5 GG 15/09/17	X	A	X	X	D	X	X
44 Industry – Cottage	X	P	P	P	D	P	P
45 Industry – Extractive	X	X	X	X	X	D	X
46 Industry AMD 5 GG 15/09/17	X	X	X	D	X	X	X
47 Industry – Light	X	X	A	P	X	X	X
48 Industry – Primary production AMD 5 GG 15/09/17	X	X	X	D	X	D	X
49 Industry - Service	X	A	D	P	D	X	X
50 Landscape Supplies	DELETED BY AMD 5 GG 15/09/17						

USE CLASSES	ZONES*							
	Residential	Commercial	Service Commercial	General Industry	Townsite Development	General Agriculture	Rural Residential	
51	Laundromat	X	P	P	P	D	X	X
52	Lunch Bar	X	P	D	D	D	X	X
53	Market	X	D	D	D	D	D	X
54	Medical Centre	X	P	X	X	D	X	X
55	Motel	X	A	D	X	D	X	X
56	Motor Vehicle, Boat or Caravan Sales	X	D	D	D	D	X	X
57	Motor Vehicle Repairs	X	A	P	P	D	X	X
58	Motor Vehicle Wrecking	X	X	D	D	A	X	X
59	Museum	DELETED BY AMD 5 GG 15/09/17						
60	Nursing Home	DELETED BY AMD 5 GG 15/09/17						
61	Office	X	P	D	X	D	X	X
62	Park Home Park	X	X	X	X	D	X	X
63	Piggery							
64	Place of Worship	A	D	D	X	D	A	A
65	Plant Nursery	DELETED BY AMD 5 GG 15/09/17						
66	Plantation	DELETED BY AMD 5 GG 15/09/17						
67	Poultry Farm	DELETED BY AMD 5 GG 15/09/17						
68	Public Utility	D	D	D	D	D	D	D
69	Reception Centre	A	D	D	X	A	A	X
70	Recreation – Private	X	P	D	D	D	A	X
71	Recreation – Public	X	P	D	D	D	A	A
72	Residential - Grouped Dwelling	D	D	X	X	D	X	X
	Multiple Dwelling	D	D	X	X	D	X	X
	Single House	P	D	X	X	P	P	D
73	Residential Aged Care Facility <i>AMD 5 GG 15/09/17</i>	D	D	X	X	D	X	D
74	Restaurant/Café <i>AMD 5 GG 15/09/17</i>	X	P	D	X	D	A	X
75	Restricted Premises	X	D	D	D	D	X	X
76	Retirement Village	D	X	X	X	D	X	D
77	Rural Pursuit/Hobby farm <i>AMD 5 GG 15/09/17</i>	X	X	X	A	X	P	D
78	Roadhouse	X	A	A	X	D	X	X
79	Salvage Yard	X	X	X	D	X	D	X
80	Sawmill	X	X	X	A	X	D	X
81	Service Station	X	A	A	X	A	X	X
82	Shop	X	P	D	X	D	X	X
83	Showroom	DELETED BY AMD 5 GG 15/09/17						
84	Stable	X	X	X	X	X	P	D
85	Stock Yards	X	X	X	X	X	P	X
86	Storage Yard	DELETED BY AMD 5 GG 15/09/17						
87	Tavern <i>AMD 5 GG 15/09/17</i>	X	A	X	X	D	X	X
88	Telecommunications Infrastructure	A	D	D	D	D	D	D
89	Trade Display	X	P	P	P	D	X	X
90	Transport Depot	X	X	X	A	X	D #	X
91	Tree farm <i>AMD 5 GG 15/09/17</i>	X	X	X	X	X	P	X
92	Veterinary Centre	X	D	D	D	D	D	D
93	Warehouse/Storage <i>AMD 5 GG 15/09/17</i>	X	A	D	D	X	A	X
94	Winery	X	X	X	D	X	D	X

### **3.5 ADDITIONAL USES**

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

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

### **3.6. RESTRICTED USES**

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

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

### **3.7. SPECIAL USE ZONES**

3.7.1. Special use zones are set out in Schedule 4 and are in addition to the zones in the Zoning Table.

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

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

### **3.8. NON-CONFORMING USES**

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

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

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

### **3.9. EXTENSIONS AND CHANGES TO A NON-CONFORMING USE**

3.9.1. A person must not —

- (a) alter or extend a non-conforming use;
- (b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or
- (c) change the use of land from a non-conforming use to another non-conforming use,

without first having applied for and obtained development approval under the Scheme.

- 3.9.2. An application for development approval under this clause is to be advertised in accordance with clause 64 of the deemed provisions.
- 3.9.3. Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the local government is not to grant its development approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the local government, closer to the intended purpose of the zone.

### **3.10. DISCONTINUANCE OF NON-CONFORMING USE**

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

### **3.11. TERMINATION OF A NON-CONFORMING USE**

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

*Note: Sections 190 and 191 of the Planning and Development Act enables the local government to purchase, or, with the consent of the Governor, compulsorily acquire land for the purpose of a local planning scheme, subject to Part 9 of the Land Administration Act 1997, that section and the Scheme.*

### **3.12. DESTRUCTION OF NON-CONFORMING USE BUILDINGS**

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

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

### **4.1. COMPLIANCE WITH DEVELOPMENT STANDARDS AND REQUIREMENTS**

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

### **4.2. RESIDENTIAL DESIGN CODES**

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

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

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

### **4.3. SPECIAL APPLICATION OF RESIDENTIAL DESIGN CODES**

There are no exclusions or variations to the Residential Design Codes which apply to the Scheme.

### **4.4. RESTRICTIVE COVENANTS**

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

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

### **4.5. VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS**

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

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

- (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 64 of the deemed provisions; and
- (b) have regard to any expressed views prior to making its determination to grant the variation.

- 4.5.3. The power conferred by this clause may only be exercised if the local government is satisfied that —
- (a) approval of the proposed development would be appropriate having regard to the matters set out in clause 67 of the deemed provisions; and
  - (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

#### **4.6 ENVIRONMENTAL CONDITIONS**

- 4.6.1. Environmental conditions to which the Scheme is, or amendments to the Scheme are, subject are incorporated into the Scheme by Schedule 6 of the Scheme.
- 4.6.2. Where appropriate, the environmental conditions are indicated on the Scheme Map by the symbol EC to indicate that environmental conditions apply to the land.
- 4.6.3. The local government is to —
- (a) maintain a register of all relevant statements published under sections 48F and 48G of the EP Act; and
  - (b) make the statements available for public inspection at the offices of the local government.

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

#### **4.7 SITE AND DEVELOPMENT REQUIREMENTS**

- 4.7.1 Table 2 sets out the site and development requirements for various land uses which may be supplemented by the local government's specific requirements.
- 4.7.2 The local government in determining applications for any development may require such development to comply generally with the standards required for various land uses as required in Table 2 to ensure that the scale, nature, design, general appearance and impact of such uses is compatible with the objectives of the zone in which the development is proposed and the general purposes and aims of the Scheme.
- 4.7.3 The site and development requirements for the development of uses not referred to in Table 2 shall be in accordance with the local government's specific requirements in each particular case.



**Table 2: Site and Development Requirements Table \*\***

Controls Use	Minimum Boundary Setback (metres)			Maximum Plot Ratio	ΦMinimum Landscape Area %	Minimum Number of Car Parking Bays
	Front	Rear Average	Sides			
Club	*	*	*	0.5	*	1 for every 45sqm of gross lettable area.
Consulting Room	*	*	*	0.4 in Res Zone 0.5 elsewhere	30 in Res Zone	1 for every 30sqm of gross lettable area, plus 1 per employee
Day Care Centre	7.5	7.5	*	*	*	1 for every 4 children plus 1 per employee.
Educational Establishment	9.0	7.5	5.0	*	30	1 per full time employee, plus bays for students as determined by the local government
f	*	*	*	*	*	*
Funeral Parlour	*	*	*	*	10	As determined by the local government(minimum 6).
Hall	*	*	*	*	10	1 to every 4 persons whom the building is designed to accommodate.
Hospital	9.0	7.5	5.0	0.5	20	1 per 4 beds and 1 per employee.
Hostel	7.5	7.5	*	*	30	1 per room plus 1 per 2 employees
Hotel / Tavern	*	*	*	*	10	1 for every bedroom plus 3 per 25 sqm bar and lounge area plus 1 space per 2 employees
Industrial Service	7.5	7.5	*	*	10	1 per 2 employees.
Industrial Light	7.5	7.5	*	*	10	1 per 2 employees.
Industrial General	7.5	7.5	*	*	10	1 per 2 employees
Motel	9.0	7.5	3 per storey	1.0	15	1 per unit, plus 3 spaces per 25sqm of service area plus 1 space per 2 employees
Office	*	*	*	*	*	1 for every 10sqm gross lettable area.
Professional Office	*	*	*	0.5	*	1 for every 10sqm gross lettable area.
Reception Centre	*	*	*	0.5	15	1 for every 4 persons whom the building is designed to accommodate.
Restaurant	*	*	*	*	*	10 for every 100sqm of gross lettable area or 1 for every 4 seats provided, whichever is the greater.
Service Station / Roadhouse	7.5	7.5	*	*	5	1 for every working bay, plus 1 for each person employed on site.
Shop	*	*	*	*	*	5 for every 100sqm of gross lettable area.
Showroom	*	*	*	*	10	2 for every 100sqm of gross lettable area.
Vehicle Sales	*	*	*	*	5	1 for every 250msq of sales area, plus 1 for every person employed on site.
Veterinary Consulting Rooms	*	*	*	*	15	1 for every 10msq gross floor area, plus 1 for each person employed.

**NOTES:**

1. This table is intended as a guideline and may be varied at the discretion of the local government.
2. \* means 'to be determined by the local government in each particular case.
3. Φ Landscaping to be generally at street frontage.

## **4.8 COMMERCIAL & SERVICE COMMERCIAL DEVELOPMENT**

- 4.8.1 Development in the Commercial and Service Commercial zones shall comply with the requirements of Table 2 and the objectives for each of these zones as outlined in Part 3.
- 4.8.2 The front façade of all buildings in the Commercial and Service Commercial zones shall be orientated to the street and constructed in brick, concrete or masonry, provided however, that an owner or his/her agent may apply to the local government for permission to vary these requirements where the local government is satisfied that such variation will not detract from the amenity of the area.
- 4.8.3 The front façade of all buildings in the Commercial and Service Commercial zones shall reflect and be compatible with the predominant existing streetscape and architectural style and the local government may impose conditions relating to building setbacks, design, scale, materials and finish to ensure compatibility with the existing streetscape and general architectural style.
- 4.8.4 In considering any application for development approval within the Commercial and Service Commercial zones the local government shall have regard to and may require the provision of loading docks and/or rear access. In particular, the local government may impose conditions relating to:
- (a) the size and location of loading docks; and
  - (b) the means of providing rear access of adequate width and design so as to ensure that transport vehicles shall be able to proceed in a forward gear.
- 4.8.5 All on-site vehicle access ways and parking areas in the Commercial and Service Commercial zones are required to be sealed and drained to the specifications and satisfaction of the local government.
- 4.8.6 The minimum standard fence for lots used for commercial or service commercial purposes shall be a 1.8 metre high colorbond/neetascreen style fence unless otherwise approved by the local government.
- 4.8.7 Fencing shall be provided to all boundaries abutting reserved land to prevent vehicular ingress and egress. Such fencing shall be of a uniform design, colour, material and height, to the satisfaction of the local government, so as to not detract from the amenity of the reserved land and the general amenity of the surrounding area.
- 4.8.8 Landscaping shall be provided generally in accordance with the requirements of Table 2 and should be located in such positions on a site so as to enhance the appearance of any development or screen from view any open storage area, drying areas and any other space which, by virtue of its use, is likely to detract from the visual amenity of the surrounding area.
- 4.8.9 All advertising signage shall be provided in accordance with the requirements specified in Schedule 5.

## **4.9 INDUSTRIAL DEVELOPMENT**

- 4.9.1 Development in the General Industry zone shall comply with the requirements of Table 2 and the objectives for that zone as outlined in Part 3.
- 4.9.2 Prior to issuing development approval for an industry in the General Industry zone the local government will ascertain the appropriate buffer for that industry as specified in the Environmental Protection Authority's Buffer Distance Guidelines, and such industry may only be granted development approval if the relevant buffer does not impact upon existing or proposed residential development.

- 4.9.3 In considering proposals for industries which would generate industrial liquid, solid or gaseous wastes the local government may refer such proposals to the Department of Environment, and the granting of development approval for such industries shall be subject to wastes being treated and disposed of in accordance with advice / guidelines received.
- 4.9.4 Where a comprehensive reticulated sewerage system is not available to a proposed industrial use the local government may grant development approval which permits on-site effluent disposal provided such usage does not generate a daily volume of wastewater exceeding 540 litres per 2000m<sup>2</sup> of lot size and site conditions are suitable for on-site wastewater disposal.
- 4.9.5 The front façade of all buildings in the General Industry zone shall be orientated to the street and constructed in brick, concrete or masonry, provided however, that an owner or his/her agent may apply to the local government for permission to vary these requirements where the local government is satisfied that such variation will not detract from the amenity of the area.
- 4.9.6 Industrial buildings occupied or intended to be occupied by more than one separate business establishment (i.e. factory tenement buildings) shall be constructed so that every occupancy:
- (a) has a floor area of at least 100 square metres and neither its width or length is less than eight metres;
  - (b) has an adjacent open yard area no smaller than one-third of the floor area of the occupancy;
  - (c) has an open yard with direct access to a service access road not less than 6 metres in width;
  - (d) is separated from every other occupancy by a suitable distance or an internal wall or walls constructed of brick, stone, concrete or other material of equal or greater fire rating approved by the Building Code of Australia.
- 4.9.7 All on-site vehicle access ways and parking areas in the General Industry zone are required to be sealed and drained to the specifications and satisfaction of the local government.
- 4.9.8 The minimum standard fence for lots used for industrial purposes shall be a 1.8 metre high link mesh security fence unless otherwise approved by the local government.
- 4.9.9 Fencing shall be provided to all boundaries abutting reserved land to prevent vehicular ingress and egress. Such fencing shall be of a uniform design, colour, material and height, to the satisfaction of the local government, so as to not detract from the amenity of the reserved land and the general amenity of the surrounding area.
- 4.9.10 Landscaping shall be provided generally in accordance with the requirements of Table 2 and should be located in such positions on a site so as to enhance the appearance of any development or screen from view any open storage area, drying areas and any other space which, by virtue of its use, is likely to detract from the visual amenity of the surrounding area.
- 4.9.11 All advertising signage shall be provided in accordance with the requirements specified in Schedule 5.

#### **4.10 TOWNSITE DEVELOPMENT ZONE**

- 4.10.1 Development in the Townsite Development zone shall comply with the requirements of Table 2 and the objectives for that zone as outlined in Part 3.

- 4.10.2 Development of land within the Townsite Development zone shall be in accordance with the details of a Structure Plan approved by the local government and the Commission and adopted as a Local Planning Policy under the provisions of Clause 4 of the deemed provisions or any approved variation therefrom.
- 4.10.3 Development proposals including subdivision for land zoned Townsite Development will not be considered by the local government until such time as a Structure Plan for all land within the zone has been prepared in accordance with the requirements of Clause 4.10.2 and approved by the local government and the Commission.

#### **4.11 GENERAL AGRICULTURE ZONE**

- 4.11.1 Development in the General Agriculture zone shall comply with the objectives of the Commission's planning policies applicable at the time and the objectives for that zone as outlined in Part 3.
- 4.11.2 The minimum setback from all lot boundaries for any building on a lot classified as General Agriculture zone shall be 20 metres.
- 4.11.3 Within the General Agriculture zone the local government will not generally support the erection of more than one (1) single house per lot. The local government may only consider granting approval to additional dwelling(s) under the following circumstances:
- (i) where the land owner clearly demonstrates that the development is required for farm management or tourist development purposes;
  - (ii) the additional dwelling(s) will only accommodate a family member, workers employed for agricultural activities on that lot or tourists;
  - (iii) the additional dwelling(s) are clustered in one location so as to avoid future subdivision pressure and minimise constraints on adjoining uses; and
  - (iv) all essential services to the additional dwelling(s) from the lot boundary (including access roads) are to be shared with any existing dwelling(s) where practicable.
- 4.11.4 The existence of more than one dwelling house on a lot classified General Agriculture zone shall not be construed as a basis for the local government's support to the subdivision of the lot.
- 4.11.5 All proposals for development in the General Agriculture zone must have regard to both on-site and off-site impacts and, where deemed necessary by the local government, such proposals shall be accompanied by information identifying:
- (a) environmental values and any environmental risks;
  - (b) the potential for land use conflict;
  - (c) the potential impacts and restrictions on approved uses on adjacent or nearby locations; and
  - (d) the separation distances and/or buffers relating to a potentially incompatible land use which need to be provided on-site.
- 4.11.6 Prior to issuing development approval for an industry in the General Agriculture zone the local government will ascertain the appropriate buffer for that industry as specified in the Environmental Protection Authority's Buffer Distance Guidelines, and such industry may only be granted development approval if the relevant buffer does not impact upon existing or proposed residential development.
- 4.11.7 The local government, in issuing development approval to development in the General Agriculture zone, may impose condition/s to avoid land use conflict.

- 4.11.8 The local government in respect of land zoned General Agriculture that is the subject of an application for subdivision approval may request the Commission to impose condition/s on subdivision approval to avoid land use conflict.
- 4.11.9 The development of tourist activities in the General Agriculture zone including farm stay, chalets and bed and breakfast accommodation will only be supported by the local government where they are complementary to the agricultural use of the land and any impacts associated with these activities are contained on-site.
- 4.11.10 The development of feedlots in the General Agriculture zone will only be supported by the local government where they comply with all relevant legislation, policies, guidelines and codes of practice applicable at the time and any impacts associated with such usage are contained on-site.
- 4.11.11 The local government does not recognise precedent resulting from subdivision created in the early days of settlement of the District as a reason for it to support further subdivision in the General Agriculture zone.
- 4.11.12 Having regard to the prime agricultural importance of land in the General Agriculture zone the local government will only recommend to the Commission support for further subdivision of existing rural lots where the proposed subdivision accords with the provisions of the Scheme, Local Planning Strategy, Local Planning Policies and any relevant Commission Policies applicable at the time.
- 4.11.13 In order to ensure the safe and convenient passage of farm machinery and vehicles the minimum width of any battleaxe leg on a lot classified as General Agriculture zone shall be 20 metres.
- 4.11.14 The local government may support subdivision in the General Agriculture zone to excise land containing an existing farm residence for the purposes of a homestead lot subject to:
- (a) there having been a decline in population over two intercensal periods in the Census Collector District in which the land is located;
  - (b) the proposed homestead lot having an area of between four (4) and twenty (20) hectares excluding any battleaxe leg;
  - (c) the proposed homestead lot having its own frontage and constructed vehicular access to a dedicated and constructed road;
  - (d) the proposed homestead lot being served by a potable water supply and an adequate means of effluent disposal to the satisfaction of the local government and the Department of Health; and
  - (e) the proposed homestead lot not generating demand for additional government and community services.
- 4.11.15 In considering applications for development approval in the General Agriculture zone where scheme water is not available the local government may require the provision of a drinking water supply to the standards specified in the *Australian Drinking Water Guidelines 1996* published by the National Health and Medical Research Council and the Agriculture and Resource Management Council of Australia and New Zealand.
- 4.11.16 With the intention of preventing overstocking, erosion and any other practice detrimental to the amenity of the zone, the local government may take any action which in the opinion of the local government is necessary to reduce or eliminate adverse effects on the environment caused wholly or partly by the stocking of animals and any costs incurred by the local government in taking such action shall be recoverable by the local government from the landowner.

4.11.17 For the purposes of Clause 4.11.16 the local government may consult with any authority it considers has expertise on the issue of overstocking, erosion or other environmental impacts to help determine what action may be necessary to reduce or eliminate adverse environmental impacts.

#### **4.12 RURAL RESIDENTIAL DEVELOPMENT**

4.12.1 In considering applications for subdivision, rezoning and development approval in the Rural Residential zone the local government shall have regard to the objectives for that zone as outlined in Part 3.

4.12.2 Having regard for the size of the district and the difficulties faced by the local government in providing services outside the established townsites, the local government will consider only those proposals for the creation of Rural Residential zones on land which is located within a 5 kilometre radius of the Lake Grace and Newdegate townsites and a 2 kilometre radius of the Lake King and Varley townsites.

4.12.3 Before making provision for a Rural Residential zone the local government will require the owner(s) of the land to prepare a submission supporting the creation of the new zone and such submission shall include:

- (i) Preparation of a subdivision guide plan demonstrating how the land is to be subdivided and developed;
- (ii) A statement as to the purpose or intent for which the zone is being created and the reasons for selecting the particular area of the proposed zone;
- (iii) Information identifying:
  - (a) the potential for conflict between the existing agricultural use and proposed use;
  - (b) the potential impacts and restrictions on future areas on adjacent or nearby locations;
  - (c) the separation distances and/or buffers relating to a potentially incompatible land use which need to be provided on-site and any appropriate conditions relating to subdivision and development;
  - (d) the potential disruption to existing uses arising from such impacts as the introduction of domestic animals, weeds and pests, environmental problems arising from clearing, storm water drainage and changes to rural amenity; and
  - (e) the potential for salinity encroachment.
- (iv) A plan or plans showing contours at such intervals as to adequately depict the landform of the area and physical features such as existing buildings, rock outcrops, trees or groups of trees, lakes, rivers, creeks, swamps, wells, and significant improvements;
- (v) A detailed land capability analysis of the site demonstrating the land's suitability for rural residential development;
- (vi) Information regarding the methods whereby it is proposed to provide road access, a potable water supply and effluent disposal to each lot;
- (vii) The proposed staging of subdivision (where relevant); and
- (viii) Any other matter the local government considers relevant.

4.12.4 All future lots in the Rural Residential zone shall have a minimum area of one (1) hectare and a maximum area of four (4) hectares depending on local conditions.

- 4.12.5 No more than one single dwelling shall be constructed and occupied on any lot classified Rural Residential zone however the local government may, at its discretion, approve ancillary accommodation.
- 4.12.6 The local government may grant permission for the occupation of an outbuilding on a Rural Residential zoned lot for a period not exceeding twelve months if a building licence for a dwelling is concurrently in force or an application for such is before the local government.
- 4.12.7 The minimum setback from lot boundaries for any building on a lot zoned Rural Residential shall be 15 metres to any front and rear boundary and 10 metres to any side boundary.
- 4.12.8 All buildings to be constructed in the zone shall be finished in non-reflective materials. The use of zincalume or other reflective building materials is not permitted.
- 4.12.9 All buildings, service roads and firebreaks constructed in the zone shall be designed and sited so as to minimise any adverse impacts on the environment, landscape and scenic values.
- 4.12.10 Each dwelling house must be connected to a reticulated potable water supply to an appropriate standard as determined by the licence holder.
- 4.12.11 On-site effluent disposal shall be the responsibility of the individual landowners with no more than one effluent disposal system permitted per lot.
- 4.12.12 The disposal of liquid and/or solid wastes shall be carried out with an effluent disposal system approved by the local government and/or the Department of Health.
- 4.12.13 No unsightly material or equipment which could detract from the amenity of the zone is permitted to be stored on-site unless it is screened in a manner acceptable to the local government.
- 4.12.14 In order to conserve the rural environment or features of natural beauty all trees shall be retained unless their removal is authorized by the local government.
- 4.12.15 In order to enhance the rural amenity of the land in areas the local government considers deficient in tree cover it may require as a condition of any development or subdivision approval the planting of such trees and/or groups of trees and species as specified by the local government.
- 4.12.16 Any person who keeps an animal or animals or who uses any land for the exercise or training of an animal or animals shall be responsible for appropriate measures to prevent noise, odour or dust pollution or soil erosion to the satisfaction of the local government.
- 4.12.17 With the intention of preventing overstocking, erosion and any other practice detrimental to the amenity of the zone, the local government may take any action which in the opinion of the local government is necessary to reduce or eliminate adverse effects on the environment caused wholly or partly by the stocking of animals and any costs incurred by the local government in taking such action shall be recoverable by the local government from the landowner.
- 4.12.18 For the purposes of Clause 4.12.17 the local government may consult with any authority it considers has expertise on the issue of overstocking, erosion or other environmental impacts to help determine what action may be necessary to reduce or eliminate adverse environmental impacts.
- 4.12.19 Firebreaks shall be maintained to the specifications and satisfaction of the local government.
- 4.12.20 A 20 metre wide fuel free zone clear of all flammable material / vegetation is required to be established and maintained around all buildings.

#### **4.13 SPECIAL USE DEVELOPMENT**

4.13.1 Where the local government considers a particular development or use to be incompatible with the predominant use in other zones, it may require such a development or use be restricted to the Special Use zone.

4.13.2 In controlling development within a Special Use zone the local government may at its discretion specify conditions relating to lot area, minimum effective frontage, development type and style, plot ratio, car parking, landscaping, setbacks and any other provision affecting the development of a Special Use zoned lot, for the purpose permitted and set against that land in Schedule 4.

#### **4.14 EXTRACTIVE INDUSTRIES**

4.14.1 The development of extractive industries in the Scheme area will only be supported by the local government under the following circumstances:

- (a) where the extraction of minerals or basic raw materials does not adversely affect the environment or amenity in the locality of the operation during or after excavation;
- (b) where due consideration is given to the rehabilitation and sequential use of extraction areas early in the planning process; and
- (c) where proposals comply with all relevant legislation, policies, guidelines and codes of practice applicable at the time including the Shire of Lake Grace Extractive Industries Local Law.

4.14.2 All applications for development approval for the establishment of extractive industry operations in the Scheme area are to be accompanied by a management plan and report which:

- (a) describes the physical characteristics of the excavation site including significant environmental features;
- (b) demonstrates that sensitive land uses within 1,000 metres of the proposal will not be adversely affected by the extractive industry operations;
- (c) identifies appropriate buffer distances required for extraction that are needed to buffer the impact of operations to adjacent land uses;
- (d) provides details of the proposed use, development and management of the site including the nature and estimated duration of excavation works, environmental and water resource management standards, excavation areas, stock piles, machinery maintenance areas, processing plants, fuel storage and on-site access roads, parking for cars and other vehicles used on the site, and proposals for landscaping to screen activities on the site from public view;
- (e) describes arrangements for access to the site, including the roads which are proposed to be used to provide the main vehicular access and likely traffic volumes;
- (f) provides details of proposed decommissioning and rehabilitation works;
- (g) describes future land use and development proposals following completion of decommissioning and rehabilitation works; and
- (h) any other information the local government considers relevant.



4.14.3 In determining applications for development approval for the establishment of extractive industry operations in the Scheme area the local government may impose conditions relating but not limited to the following matters:

- (i) hours and methods of operation;
- (ii) siting of internal access thoroughfares, buildings and plant;
- (iii) vehicle access arrangements including road upgrade and maintenance contributions;
- (iv) measures to minimise air, water, noise and visual pollution;
- (v) location and depth of extraction areas;
- (vi) stabilisation of extraction areas, stock piles and overburden dumps;
- (vii) drainage;
- (viii) protection of the amenity of adjoining land uses including visual screening and buffer requirements;
- (ix) restoration and rehabilitation of excavation areas; and
- (x) rehabilitation to ensure consistency with long term planning objectives including sequential land use proposals.

#### **4.15 HOME BUSINESSES AND HOME OCCUPATIONS**

4.15.1 An approval to conduct a home business or home occupation is issued to a specific occupier of a particular parcel of land. It shall not be transferred or assigned to any other person and shall not be transferred from the land in respect of which it was granted. Should there be a change of the occupier of the land in respect of which a home business or home occupation approval is issued the approval is cancelled.

#### **4.16 CARETAKERS DWELLINGS**

4.16.1 A caretaker's dwelling shall not be constructed on any lot until an approved predominant use for that lot has been established and the local government has resolved that the dwelling is incidental to the predominant use of the lot and the future inhabitants will not be placed in an unduly hazardous position.

4.16.2 Where the local government approves the development of a caretakers dwelling such dwelling is required to be located at the rear of the lot and screened from the road frontage unless otherwise approved by the local government.

4.16.3 The total floor area measurement of a caretakers dwelling from the external face of walls (including verandahs) shall not be greater than one hundred square metres.

4.16.4 Only one caretakers dwelling is permitted on a given lot. This includes the provision of only one caretakers dwelling on a lot with existing and/or proposed strata lots.

4.16.5 The use of a caravan as a caretakers dwelling is not permitted.

4.16.6 A caretakers dwelling shall not be occupied by any person other than the owner or manager or an employee of the use established on the land.

4.16.7 The local government will not support the subdivision or development of land that will:

- (a) allow a caretakers dwelling to be sold separately from the predominant use of the land; or
- (b) restrict the future potential use of the land.

#### **4.17 OUTDOOR STORAGE AREAS**

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Any open storage area, drying area or any other space used in connection with a commercial or industrial use which, by virtue of its location and use is likely to detract from the visual amenity of the surrounding area, shall be screened from public view by a closed wall or fence no less than 1.8 metres in height, or screen landscaping approved by the local government.

#### **4.18 AMENITY OF NON-RESIDENTIAL DEVELOPMENT**

The amenity of non-residential development shall be determined in the context of each proposed development and site conditions, but shall generally be in accordance with the following:

- (a) the form and scare of the development is to be compatible with surrounding land uses;
- (b) buildings are to have co-ordinated or complimentary materials, colours and styles and be reflective of the character of the locality;
- (c) visual impacts are to be minimised by the use of vegetation screening and tree retention.

#### **4.19 DEVELOPMENT OF OUTBUILDINGS IN THE RESIDENTIAL ZONE**

4.19.1 The erection of an outbuilding on any residential zoned lot is not permitted unless a residence has been constructed on the lot.

#### **4.20 RADIO MASTS, TELEVISION ANTENNAE AND SATELLITE DISHES**

Radio masts, television antennae, and satellite dishes whether for commercial or domestic purposes shall be located so that in the opinion of the local government they do not detract from or adversely affect local amenities.

#### **4.21 MAXIMUM BUILDING HEIGHT**

4.21.1 No site shall be developed or building constructed to contain more than two storeys or exceed 10 metres in height measured to the highest proportion of the building from mean natural ground level, or such other ground level, as may be determined by the local government.

4.21.2 The local government may vary this requirement if it can be satisfied the development can comply with the development standards and:

- (a) Will not restrict light, sunshine and natural ventilation enjoyed by surrounding properties;
- (b) Will not intrude upon the privacy enjoyed by surrounding properties by virtue of overview;
- (c) Will not diminish views or outlook available from surrounding properties; and
- (d) Is sympathetic with the scale and character of the surrounding built environment.

## **4.22 USE OF SETBACK AREAS**

4.22.1 No person shall in any zone use the land between a street alignment and the distance that buildings are required to be set back from such 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) the loading and unloading of vehicles;
- (d) open air display where approved by the local government; or
- (e) gardens and other landscaping which only in the Commercial Zone and then only with the specific approval of the local government may include an awning, pergola, or similar structure and when in front of a take-away food outlet or restaurant may provide for alfresco dining.

4.22.2 The setback area shall not be used for the parking of vehicles which are being wrecked or repaired, nor for the stacking or storage of fuel, raw materials, products or by-products, or waste of manufacture.

## **4.23 LANDSCAPING**

4.23.1 The landscaping requirement specified in Table 2 or generally 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.

4.23.2 Landscaping required pursuant to this Scheme or pursuant to a conditional planning consent 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.

4.23.3 Failure to maintain approved landscaping is an offence under the scheme.

4.23.4 The local government may, after giving due notice to the owner of the property, undertake remedial works at the expense of the owner.

4.23.5 Landscaping shall generally be located in such positions on a site or sites so as to enhance the appearance of the streetscape and screen from view or soften the impact of parking areas, open storage areas, drying areas and any other space which, by virtue of its use, is likely to detract from the visual amenity of the townscape.

## **4.24 CAR PARKING REQUIREMENTS**

4.24.1 A person shall not develop or use any land or erect, use or adapt any building unless a suitable number of car parking spaces are provided in accordance with the requirements specified in Table 2.

4.24.2 Car parking spaces for residential development shall be provided in accordance with the Residential Design Codes.

4.24.3 Except for car parking spaces required for residential purposes, car parking shall be laid out and constructed generally in accordance with the parking layouts depicted in Schedule 7.

4.24.4 For uses not mentioned in Table 2 the number of car parking spaces to be provided shall be determined by the local government.

- 4.24.5 All driveways and parking areas shall be constructed and maintained to the specifications and satisfaction of the local government with appropriate measures for drainage and disposal of surface water.
- 4.24.6 The layout of car parking shall have regard for traffic circulation in existing car parking areas and shall be integrated with any existing and adjoining car park.
- 4.24.7 The local government may approve an application for development where the number of car parking spaces proposed to be provided is less than the number specified in Table 2 provided that the applicant can demonstrate that there is not the demand for the number of parking spaces required pursuant to the Scheme.
- 4.24.8 Where the developer can demonstrate to the satisfaction of the local government that there is not the demand for the number of parking spaces specified in the Scheme landscaping may be provided in lieu of car parking spaces not constructed and the said landscaping shall be included in calculations as car parking but not as landscaping
- 4.24.9 The local government at its discretion may accept the payment of cash in lieu of car parking spaces.

#### **4.25 TRAFFIC ENTRANCES**

- 4.25.1 The local government may refuse to permit more than one vehicular entrance or exit to or from any lot.
- 4.25.2 The local government 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 reduce traffic hazards.
- 4.25.3 Access to a lot for vehicles may not be permitted directly to or from major roads where access is available from side or rear streets.
- 4.25.4 Where access to a lot abutting a major road is available only from that road, vehicle 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.
- 4.25.5 In the case of access to any road which is the responsibility of Main Roads Western Australia, that department shall be consulted prior to the construction, modification or closure of any vehicular access to such road.

#### **4.26 VISUAL TRUNCATION – CORNER LOTS AND VEHICULAR ACCESS WAYS**

Except with the approval of the local government, no building, wall, 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 metre truncation of a street corner or within a 3 metre by 1.5 metre truncation of a vehicular access way as depicted in Schedule 8.

#### **4.27 DEVELOPMENT OF LOTS WITH MORE THAN ONE STREET FRONTAGE**

In the case of all zones except the Residential zone the local government shall decide to which street frontage the street setback shall be applied and allow up to a 50% reduction in the street frontage setback to the other street provided that adequate sight lines for traffic are maintained and the requirements of Clause 4.24 are complied with.

#### **4.28 DEVELOPMENT OF LOTS ABUTTING UNDEDICATED AND/OR UNCONSTRUCTED ROADS**

Notwithstanding anything else appearing in the Scheme development approval is required for development of land abutting an undedicated and/or unconstructed road or a lot which does not have direct frontage to a dedicated and/or constructed road. In considering an application for development approval in these circumstances the local government shall:

- (a) refuse the application until the road has been dedicated and/or constructed or access by means of a dedicated and constructed road is provided as the case may be;
- (b) grant the application subject to a condition requiring the applicant to pay a sum of money in or towards payment of the cost or estimated cost of dedicating and/or constructing the road or part thereof and any other conditions it thinks fit to impose; or
- (c) require such other arrangements are made for permanent access as shall be to the satisfaction of the local government.

#### **4.29 DEVELOPMENT OF LOTS ABUTTING MAJOR ROADS RESERVE**

In considering any rezoning request or application for development approval with respect to land abutting a Major Road Reserve the local government may consult with and consider the advice and recommendations of Main Roads WA.

4.29.1 The use and/or development of land within view of a Major Road Reserve will be subject to the provisions and policies applicable to the zone in which the land is located as well as any additional conditions or standards imposed by the local government for the purpose of maintaining the visual amenity of these areas.

4.29.2 In considering any rezoning request or application for development approval with respect to land abutting a Major Road Reserve the local government may consult with and consider the advice and recommendations of Main Roads WA prior to determining the rezoning request or application for development approval.

#### **4.30 EFFLUENT DISPOSAL**

4.30.1 The local government will generally require the provision of reticulated sewerage to residential and other developments within the Lake Grace and Newdegate townsites which exceed the R5 density code. The local government may however permit further development in these townsites without the need to connect to reticulated sewerage if it can be demonstrated that reticulated sewerage cannot be provided at reasonable cost and an alternative means of effluent disposal can be provided to the satisfaction of the local government and the Department of Health.

4.30.2 In considering applications for unsewered development in Lake King, Varley and other areas of the Shire where reticulated sewerage is not available the local government will have regard for the provisions of the Country Sewerage Policy applicable at the time. Unless minimum lot sizes, site suitability for on-site wastewater disposal and density of developments are acceptable, the local government may specify that such development is not permitted without the provision of and connection to reticulated sewerage.

#### **4.31 WASTE DISPOSAL**

4.31.1 No land within the Scheme Area shall be used for the purposes of storage and/or the disposal of rubbish, refuse, car bodies, industrial waste (whether liquid or solid) or any recycled materials or buildings without the development approval of the local government.

4.31.2 Notwithstanding anything elsewhere appearing in the Scheme, the development approval of the local government is required to construct any residential buildings or to establish any other odour sensitive land use within 500 metres of the boundaries of an approved or licensed waste disposal, storage or recycling site.

#### **4.32 CONTAMINATED LAND**

- 4.32.1 Notwithstanding anything elsewhere appearing in the Scheme, any proposal for the development or change of use of land that has potential to cause land contamination will not be supported by the local government unless it can be demonstrated to the satisfaction of the local government that the proposed activities will not result in the contamination of land or adverse affects on future land use.
- 4.32.2 In considering any application to commence development on land identified as suffering from land contamination the local government may require, as a condition of development approval, the remediation and validation of the area of contaminated land.
- 4.32.3 In considering any application to subdivide land identified as suffering from land contamination the local government may request the Commission require, as a condition of subdivision approval, the remediation and validation of the area of contaminated land.

#### **4.33 DRAINAGE**

- 4.33.1 Prior to issuing development approval for the development of a lot the local government may require satisfactory evidence that the drainage conditions of the locality will not be impaired or contribute to rising groundwater or increased salinity.
- 4.33.2 In order to ensure effective and efficient stormwater drainage the local government may require, as a condition of development approval, preparation of a suitable drainage management plan, tree planting and/or the carrying out of appropriate site work to the local government's satisfaction.
- 4.33.3 The local government may require that any development in or immediately adjacent to townsite areas that increases the area of impermeable surfaces incorporate water sensitive urban design principles to improve the quality of stormwater runoff.

#### **4.34 LAND LIABLE TO FLOODING**

- 4.34.1 Notwithstanding anything elsewhere appearing in the Scheme, the development approval of the local government is required to construct any building or to construct or carry out any works, including a single house, farm sheds, outbuildings, solid fences, landfill, clearing and excavation for land identified by the local government as being liable to flooding or inundation.
- 4.34.2 Development applications for land identified by the local government as being liable to flooding or inundation will not be approved where the development may result in obstruction to major stormwater flows and increase flood levels upstream.
- 4.34.3 Development applications for land located within the flood fringe of areas identified by the local government as being liable to flooding or inundation will be subject to a minimum habitable floor level of 0.50 metre above the predicted 1 in 100 year flood level as determined by the Department of Environment to provide adequate protection from major floods.
- 4.34.4 For the purposes of Clause 4.34.1 the local government shall prepare and adopt as a Local Planning Policy under the provisions of Clause 4 of the deemed provisions a map showing the location of land identified as being liable to flooding or inundation.

#### **4.35 WETLAND AREAS**

- 4.35.1 Notwithstanding anything elsewhere appearing in the Scheme, the development approval of the local government is required to construct any building or to construct or carry out any works, including a single house, farm sheds, outbuildings, solid fences, landfill, clearing and excavation for land within the area of influence of a wetland.

- 4.35.2 All applications for development approval must be accompanied by a statement or report which clearly demonstrates that the relevant wetland will not be significantly impacted upon by the proposed development or activity.
- 4.35.3 In considering any rezoning request, subdivision or development application the local government will have regard to the Environmental Protection (South West Agricultural Zone Wetlands) Policy Approval Order 1998 and any other relevant policies of the Department of Environment.
- 4.35.4 Where the local government is not satisfied that a rezoning request or development application follows best management practices that will minimise potential impacts on nearby wetland/s the local government will refer such proposals to the Department of Environment for comment prior to making a final determination.

#### **4.36 GENERAL TOWNSCAPE, LANDSCAPE AND DEVELOPMENT IMPROVEMENT**

Notwithstanding the specific provisions of the Scheme or any general policies detailed within the same, the local government shall in considering any development proposal have regard to any systems areas designated by the Environmental Protection Authority and/or any Landscape Plan, Townscape Plan or Soil Conservation Plan which relates to land within the Shire and may impose conditions relating to the following:

- (a) The need to protect and rehabilitate water courses and catchment areas;
- (b) The need for the preservation of existing trees and nature corridors and the planting of additional trees and other vegetation within all zones and reservations within the Scheme Area in order to provide shade, aesthetic pleasure, reduce roadside noise, provide habitats for natural fauna, reduce salinity in soil, prevent erosion and assist in the proper balancing of the greenhouse effect;
- (c) The community's desire to preserve a streetscape, local landscape character and the visual amenity and character of the Scheme area generally; and
- (d) The preservation of areas or buildings of architectural or historic interest and the development of land abutting the same.

#### **4.37 REHABILITATION OF DEGRADED LAND**

- 4.37.1 Where in the opinion of the local government, and with the advice of Agriculture WA and/or the Department of Environment, land the subject of an application to commence development, is degraded, the local government may require the land owner, as a condition of development approval, to undertake such measures to rehabilitate the land to a satisfactory standard and to protect it from further degradation.
- 4.37.2 Where in the opinion of the local government, and with the advice of Agriculture WA and/or the Department of Environment, land the subject of an application to subdivide is degraded, the local government may request the Commission require the land owner, as a condition of subdivision approval, to undertake such measures to rehabilitate the land to a satisfactory standard and to protect it from further degradation.
- 4.37.3 Where land is degraded as a result of development and use the local government may require the landowner to implement soil conservation measures in accordance with the requirements and specifications of the local government in the interests of preventing further land degradation.
- 4.37.4 With the intention of preventing soil erosion, salinity, flooding or any other land degradation the local government may, with the advice of Agriculture WA and/or the Department of Environment, take any soil conservation action necessary to reduce or eliminate the adverse affects of any land use or development on the environment, and any costs incurred by the local government in taking such action shall be recoverable by the local government from the landowner.

For the purposes of this Clause “Land Degradation” means:

- (a) Wind and water erosion of soil, salinity and flooding; and
- (b) The removal or deterioration of natural and introduced vegetation that may be detrimental to the present or future.

“Soil Conservation” means the application to land of cultural vegetational land management measures, either individually or in combination, to attain and maintain an appropriate level of land use and stability of that land in perpetuity and includes the use of measures to prevent or mitigate the effects of land degradation.

#### **4.38 CLEARING OF LAND INCLUDING REMNANT VEGETATION**

The clearing of any native vegetation within the Scheme Area is not permitted unless a clearing permit is obtained from the Department of Environment and Conservation under the provisions of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* or the clearing is of a type that does not require a permit i.e. the clearing is for an exempt purpose as prescribed in the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.

#### **4.39 FENCING OF REMNANT VEGETATION**

4.39.1 In considering any application to commence development the local government may require, as a condition of development approval, the erection of fencing around areas of remnant native vegetation to assist in the retention of such vegetation and to preserve and enhance the visual character of the immediate locality.

4.39.2 In considering any application to subdivide land the local government may request the Commission require, as a condition of subdivision approval, the erection of fencing around areas of remnant native vegetation to assist in the retention of such vegetation and to preserve and enhance the visual character of the immediate locality.

#### **4.40 REVEGETATION**

4.40.1 In considering any application to commence development the local government may require, as a condition of development approval, the planting of additional endemic native tree species in areas the local government considers to be deficient in tree cover. Such revegetation areas shall be maintained to the satisfaction of the local government for a minimum of two (2) years.

4.40.2 In considering any application to subdivide land the local government may request the Commission to require, as a condition of subdivision approval, the planting of additional endemic native tree species in areas the local government considers to be deficient in tree cover. Such revegetation areas shall be maintained to the satisfaction of the local government for a minimum of two (2) years.

#### **4.41 FIRE PROTECTION**

All subdivision and/or development proposals within the Scheme Area must meet the standards and specifications as laid down by the local government, the Western Australian Planning Commission and State Authorities responsible for fire protection.

#### **4.42 WASTEWATER TREATMENT PLANT BUFFER AREAS**

The development and/or use of land within the buffer area to any existing or proposed wastewater treatment plant in the Scheme Area will only be supported by the local government where it can be demonstrated to the satisfaction of the local government that such development is compatible with the ongoing use of the wastewater treatment plant.



## **PART 5 — SPECIAL CONTROL AREAS**

### **5.1 OPERATION OF SPECIAL CONTROL AREAS**

5.1.1 There are no special control areas which apply to the Scheme.

## SCHEDULES

Schedule 1	Dictionary Of Defined Words And Expressions
	- General Definitions
	- Land Use Definitions
Schedule 2	Additional Uses
Schedule 3	Restricted Uses
Schedule 4	Special Use Zones
Schedule 5	Exempted Advertisements
Schedule 6	Environmental Conditions
Schedule 7	Car Parking Layout Specifications
Schedule 8	Visual Truncation Specifications
Schedule A	Supplemental Provisions To The Deemed Provisions

## SCHEDULE 1 — DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

### 1. General definitions

In the Scheme —

“**advertisement**” *DELETED BY AMD 5 GG 15/09/17*

“**amenity**” *DELETED BY AMD 5 GG 15/09/17*

“**ancillary use**” *DELETED BY AMD 5 GG 15/09/17*

“**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;

“**Commission**” means the Western Australian Planning Commission;

“**conservation**” has the same meaning as in the *Heritage of Western Australia Act 1990*;

“**cultural heritage significance**” *DELETED BY AMD 5 GG 15/09/17*

“**floor area**” has the same meaning as in the *Building Code of Australia 1996* published by the Australian Building Codes Board;

“**frontage**”, when used in relation to a building that is used for —

- (a) residential purposes, has the same meaning as in the Residential Planning Codes; and
- (b) purposes other than residential purposes, means the road alignment at the front of a lot and, if a lot abuts 2 or more roads, the one to which the building or proposed building faces;

“**Gazettal date**”, in relation to a Scheme, means the date on which the Scheme is published in the *Gazette* under Section 87 of the *Planning and Development Act*;

*AMD 5 GG 15/09/17*

“**height**” when used in relation to a building that is used for —

- (a) residential purposes, has the same meaning as in the Residential Planning Codes; or
- (b) purposes other than residential purposes, means the maximum vertical distance between the ground level and the finished roof height directly above;

“**heritage area**” *DELETED BY AMD 5 GG 15/09/17*

“**heritage list**” *DELETED BY AMD 5 GG 15/09/17*

“**incidental use**” means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use;

*AMD 5 GG 15/09/17*

“**local government**” *DELETED BY AMD 5 GG 15/09/17*

“**Local Planning Strategy**” *DELETED BY AMD 5 GG 15/09/17*

“**lot**” has the same meaning as in the Planning and Development Act but does not include a strata or survey strata lot;

*AMD 5 GG 15/09/17*

“**minerals**” has the same meaning as in the *Mining Act 1978*;

**“net lettable area (nla)”** means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas —

- (a) all stairs, toilets, cleaner’s cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
- (b) lobbies between lifts facing other lifts serving the same floor;
- (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
- (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building;

**“non-conforming use”** has the same meaning as it has in section 172 of the *Planning and Development Act 2005*;  
*AMD 5 GG 15/09/17*

**“owner”**, *DELETED BY AMD 5 GG 15/09/17*

**“place”**, *DELETED BY AMD 5 GG 15/09/17*

**“plot ratio”**, in the case of residential dwellings has the same meaning as in the Residential Planning Codes;

**“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 subordinate, incidental or ancillary;

**“premises”** *DELETED BY AMD 5 GG 15/09/17*

**“Residential Design Codes”** *DELETED BY AMD 5 GG 15/09/17*

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

**“substantially commenced”** *DELETED BY AMD 5 GG 15/09/17*

**“Town Planning Act”** *DELETED BY AMD 5 GG 15/09/17*

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

**“zone”** *DELETED BY AMD 5 GG 15/09/17*

## 2. Land use definitions

In the Scheme —

**“abattoir”** means premises used commercially for the slaughtering of animals for the purposes of consumption as food products;  
*AMD 5 GG 15/09/17*

**“aged and dependent persons dwelling”** *DELETED BY AMD 5 GG 15/09/17*

**“aged persons hostel”** *DELETED BY AMD 5 GG 15/09/17*

**“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;  
*AMD 5 GG 15/09/17*

**“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;

**“agroforestry”** *DELETED BY AMD 5 GG 15/09/17*

**“amusement parlour”** means premises open to the public, and that are used predominant for amusement by means of amusement machines, including computer and where there are more than 2 amusement machines operating; *AMD 5 GG 15/09/17*

**“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), rabbits (for either meat or fur production) and other livestock in feedlots, sheds or rotational pens; *AMD 5 GG 15/09/17*

**“aquaculture”** *DELETED BY AMD 5 GG 15/09/17*

**“art gallery ”** means premises:

*AMD 5 GG 15/09/17*

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

**“auction mart”** means premises on or in which goods are exposed or offered for sale by auction, but does not include a place used for the sale by auction of fresh food, fruit, vegetables or livestock.

**“bed and breakfast”** means a dwelling -

*AMD 5 GG 15/09/17*

- (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*;

*AMD 5 GG 15/09/17*

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

*AMD 5 GG 15/09/17*

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

**“café”** DELETED BY AMD 5 GG 15/09/17

**“caravan park”** means premises that are a caravan park as defined in the *Caravan Parks and Camping Grounds Act 1995* section 5(1); AMD 5 GG 15/09/17

**“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; AMD 5 GG 15/09/17

**“car park”** means premises used primarily for parking vehicles whether open to the public or not but does not include - AMD 5 GG 15/09/17

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

**“child care premises”** means premises where – AMD 5 GG 15/09/17

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

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

**“civic use”** means premises used by a government department, an instrumentality of the State, or the local government, for administrative, recreational or other purposes; AMD 5 GG 15/09/17

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

**“communications antennae-domestic”** DELETED BY AMD 5 GG 15/09/17

**“communications antennae-commercial”** DELETED BY AMD 5 GG 15/09/17

**“community purpose”** means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organizations involved in activities for community benefit; AMD 5 GG 15/09/17

**“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; AMD 5 GG 15/09/17

**“convenience store”** means premises — AMD 5 GG 15/09/17

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

**“drive-in cinema”** means premises used to make provision for an audience to view the entertainment while seated in motor vehicles.

**“dry cleaning premises”** means any land or buildings used for the cleaning of garments and other fabrics by chemical processes.

**“dwelling”** has the same meaning given to the term in the R-Codes; AMD 5 GG 15/09/17

**“educational establishment”** means premises used for the purposes of providing education and including premises used for a school, higher education institution, business college, academy or other educational institution; *AMD 5 GG 15/09/17*

**“equestrian activity”** means premises used for the showing, competition or training of horses and includes a riding school.

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

**“family day care”** means premises where a family day care serviced as defined in the *Education and Care Services National Law (Western Australia)* is provided; *AMD 5 GG 15/09/17*

**“farm supply centre”** means premises used for the sale of farm supplies including vegetable seed, fertilisers, agricultural chemicals, stock foods, tractors, farm equipment, implements or components, or irrigation equipment.

**“fast food outlet”** means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a lunch bar;

**“feedlot”** means a confined yard area with watering and feeding facilities where animals are completely hand or mechanically fed for the purpose of production. This does not include the feeding or penning of animals in this way for weaning, dipping or similar husbandry purposes or for drought or other emergency feeding, or at a slaughtering place or in recognised saleyards;

**“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 – *AMD 5 GG 15/09/17*

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

**“funeral parlour”** means premises used – *AMD 5 GG 15/09/17*

- (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; *AMD 5 GG 15/09/17*

**“grouped dwelling”** has the same meaning given to the term in the Residential Design Codes;

**“hobby farm”** *DELETED BY AMD 5 GG 15/09/17*

**“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 –

AMD 5 GG 15/09/17

- (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 square metres; and
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood and
- (f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

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

AMD 5 GG 15/09/17

- (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 square metres; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2 square metres; 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;
- (f) does not –
  - (i) require a greater number of parking spaces than normally required for a single house;
  - (ii) result in an increase in traffic volume in the neighbourhood; and
- (g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (h) does not include provision for the fuelling, repair or maintenance of motor vehicle; and
- (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

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

AMD 5 GG 15/09/17

- (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 –

AMD 5 GG 15/09/17

- (a) has a net lettable area not exceeding 100 square metres; and
- (b) is operated by a person residing in the dwelling;

**“hospital”** means premises used as a hospital as defined in the *Hospitals and Health Services Act 1972* section 2(1);

AMD 5 GG 15/09/17

**“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 premises;

AMD 5 GG 15/09/17



**“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 for any of the following purposes –

*AMD 5 GG 15/09/17*

- (a) the storage of goods;
- (b) the work of administration or accounting;
- (c) the selling of goods by wholesale or retail; or
- (d) the provision of amenities for employees;
- (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 a premises, other than premises used for mining operations, that area 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 –

*AMD 5 GG 15/09/17*

- (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 - general”** *DELETED BY AMD 5 GG 15/09/17*

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

*AMD 5 GG 15/09/17*

**“industry – primary production”** means premises used —

*AMD 5 GG 15/09/17*

- (a) to carry out a primary production business as that term is defined in the Income Tax Assessment Act 1997 (Commonwealth) section 995-1; or
- (b) for a workshop servicing plant or equipment used in primary production businesses;

**“industry - service”** means —

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

**“landscape supplies”** *DELETED BY AMD 5 GG 15/09/17*

**“laundromat”** means any land or building, open to the public in which washing machines, with or without provision for drying clothes, are available for use;

**“lunch bar”** means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial 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; *AMD 5 GG 15/09/17*

**“motel”** means premises, which may be licensed under the *Liquor Control Act 1988* – *AMD 5 GG 15/09/17*

- (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 – *AMD 5 GG 15/09/17*

- (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 is the wash motor vehicles;

**“motor vehicle wrecking”** means premises used for the storage, breaking up or dismantling of motor vehicles and includes the sale of second-hand motor vehicle accessories and spare parts.

**“multiple dwelling”** has the same meaning given to the term in the Residential Design Codes.

**“museum”** *DELETED BY AMD 5 GG 15/09/17*

**“night club”** means premises the subject of a nightclub licence granted under the *Liquor Control Act 1988*; means premises — *AMD 5 GG 15/09/17*

- (a) used for entertainment with or without eating facilities; and
- (b) licensed under the *Liquor Licensing Act 1988*;

**“nursing home”** *DELETED BY AMD 5 GG 15/09/17*

**“office”** means premises used for administration, clerical, technical, professional or similar business activities; *AMD 5 GG 15/09/17*

**“park home park”** means premises used as a park home park as defined in the *Caravan Parks and Camping Grounds Regulations 1997*; *AMD 5 GG 15/09/17*

**“piggery”** *DELETED BY AMD 5 GG 15/09/17*

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

**“plant nursery”** *DELETED BY AMD 5 GG 15/09/17*

**“plantation”** *DELETED BY AMD 5 GG 15/09/17*

**“poultry farm”** *DELETED BY AMD 5 GG 15/09/17*

**“public utility”** means any work or undertaking constructed or maintained by a public authority or the council as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.

**“reception centre”** means premises used for hosted functions on formal or ceremonial occasions; *AMD 5 GG 15/09/17*

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

AMD 5 GG 15/09/17

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

**“recreation – public”** means premises used for indoor and outdoor leisure, recreation and sport which are usually open to the public without charge.

**“residential building”** has the same meaning as in the Residential Design Codes;

**“residential aged care facility”** means a residential facility providing personal and/or nursing care primarily to people who are frail and aged and which, as well as accommodation, includes appropriate staffing to meet the nursing and personal needs of residents; meals and cleaning services; furnishings, furniture and equipment. May include residential respite (short term) care but does not include a hospital or psychiatric facility.

AMD 5 GG 15/09/17

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

AMD 5 GG 15/09/17

**“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 —

AMD 5 GG 15/09/17

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

**“retirement village”** means premises used to accommodate retirees together with ancillary facilities.

**“roadhouse”** means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services -

AMD 5 GG 15/09/17

- (a) a full range of automotive repair services;
- (b) wrecking, panel beating and spray painting services;
- (c) transport depot facilities;
- (d) short-term accommodation for guests;
- (e) facilities for being a muster point in response to accidents natural disasters and other emergencies;

**“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 -

AMD 5 GG 15/09/17

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

**“salvage yard”** means premises used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures including (but without limiting the generality of the foregoing) buildings, machinery, vehicles and boats.

**“sawmill”** means premises where logs or large pieces of timber are sawn.

**“service station”** means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for - *AMD 5 GG 15/09/17*

- (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 provide services of a personal nature including a hairdresser or beauty therapy services; *AMD 5 GG 15/09/17*

**“showroom”** *DELETED BY AMD 5 GG 15/09/17*

**“stable”** means premises used for the housing, keeping and feeding of horses, asses and mules and associated incidental activities.

**“stock yards”** means premises used for holding and/or sale of animal stock.

**“storage”** *DELETED BY AMD 5 GG 15/09/17*

**“tavern”** means premises the subject of a tavern license granted under the *Liquor Control Act 1988*; *AMD 5 GG 15/09/17*

**“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; *AMD 5 GG 15/09/17*

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

**“transport depot”** means premises used primarily for the parking or garaging of 3 or more commercial vehicles including - *AMD 5 GG 15/09/17*

- (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; *AMD 5 GG 15/09/17*

**“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 – *AMD 5 GG 15/09/17*

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

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

## SCHEDULE 2 — ADDITIONAL USES

No.	Description of land	Additional use	Conditions
A1.	Lot 66 Newdegate Road North, Newdegate	Rural Industry (Seed Cleaning Works)	<ol style="list-style-type: none"><li data-bbox="1034 376 1414 472">1. No extension or change of land use without local government approval.</li><li data-bbox="1034 501 1414 651">2. All development to be in accordance with plans and management requirements approved by the local government.</li></ol>

**SCHEDULE 3 — RESTRICTED USES**

[cl. 4.6]

<b>No.</b>	<b>Description of land</b>	<b>Restricted use</b>	<b>Conditions</b>

## SCHEDULE 4 — SPECIAL USE ZONES

No.	Description of land	Special use	Conditions
SU 1	Reserve No. 27740 (Lot 250) Stubbs Street, Lake Grace	Recreation & Club Premises	No extension or change of land use without local government approval.
SU 2	Lot 247 & 324 Dewar Street, Lake Grace	Caravan Park & Caretaker's Dwelling	No extension or change of land use without local government approval.
SU 3	Lot 143 cnr Elliot & Griffiths Street, Lake Grace	Motel	No extension or change of land use without local government approval.
SU 4	Lot 27 & 28 cnr Stubbs & South Road, Lake Grace	Roadhouse & Motel	No extension or change of land use without local government approval.
SU 5	Lot 201 Newdegate Road North, Newdegate	Caravan Park & Caretaker's Dwelling	No extension or change of land use without local government approval.
SU 6	Lots 63 - 68 Newdegate Road North, Newdegate	<p>Front half of each lot –</p> <ul style="list-style-type: none"> <li>• Residential &amp; Ancillary Outbuildings</li> <li>• Home Office</li> </ul> <p>Rear half of each lot –</p> <ul style="list-style-type: none"> <li>• Equestrian Activities</li> <li>• Farm Supply Centre</li> <li>• Home Business</li> <li>• Home Occupation</li> <li>• Industry – Cottage</li> <li>• Industry – Light</li> <li>• Industry – Service</li> <li>• Landscape Supplies</li> <li>• Motor Vehicle &amp; Farm Machinery Repairs</li> <li>• Motor Vehicle Wrecking</li> <li>• Plant Nursery</li> <li>• Salvage Yard</li> <li>• Stable</li> <li>• Storage Yard</li> <li>• Transport Depot</li> <li>• Veterinary Centre</li> <li>• Warehouse</li> </ul>	<ol style="list-style-type: none"> <li>1. Minimum lot size: 2.0 hectares</li> <li>2. Minimum front setback: 10m</li> <li>3. Minimum side &amp; rear setback: 5m</li> <li>4. Front half of each lot is only permitted to be used for residential, home office and landscaping purposes.</li> <li>5. The open storage of materials in the front building setback of each lot is not permitted.</li> <li>6. All other approved uses must be located in the rear half of each lot.</li> <li>7. No extension or change of land use without local government approval.</li> <li>8. All development to be in accordance with plans and management requirements approved by the local government.</li> </ol>
SU 7	Lot 198 & Closed Road cnr Newdegate - Ravensthorpe Road & Newdegate - Pingrup Road, Newdegate	Roadhouse	<ol style="list-style-type: none"> <li>1. No extension or change of land use without local government approval.</li> <li>2. All development to be in accordance with plans and management requirements approved by the local government.</li> </ol>

No.	Description of land	Special use	Conditions
SU 8	Reserve No. 39766 (Lot 162) Critchley Avenue, Lake King	Caravan Park & Caretaker's Dwelling	No extension or change of land use without local government approval.
SU 9	Lot 3152 cnr Newdegate – Ravensthorpe Road & Hyden- Lake King Road, Lake King	Roadhouse	<ol style="list-style-type: none"> <li>1. No extension or change of land use without local government approval.</li> <li>2. All development to be in accordance with plans and management requirements approved by the local government.</li> <li>3. All existing remnant vegetation in the western portion of Lot 3152 shall be retained and managed by the landowner in accordance with the local government's specific requirements.</li> </ol>
SU 10	Lot 34 cnr Arthur Street & Seward Avenue, Varley	Transport Depot	No extension or change of land use without local government approval.
SU 11	Lot 63 Seward Avenue, Varley	<p>Front half of each lot –</p> <ul style="list-style-type: none"> <li>• Residential &amp; Ancillary Outbuildings</li> <li>• Home Office</li> </ul> <p>Rear half of each lot –</p> <ul style="list-style-type: none"> <li>• Equestrian Activities</li> <li>• Farm Supply Centre</li> <li>• Home Business</li> <li>• Home Occupation</li> <li>• Industry – Cottage</li> <li>• Industry – Light</li> <li>• Industry – Service</li> <li>• Landscape Supplies</li> <li>• Motor Vehicle &amp; Farm Machinery Repairs</li> <li>• Motor Vehicle Wrecking</li> <li>• Plant Nursery</li> <li>• Salvage Yard</li> <li>• Stable</li> <li>• Storage Yard</li> <li>• Transport Depot</li> <li>• Veterinary Centre</li> <li>• Warehouse</li> </ul>	<ol style="list-style-type: none"> <li>1. Minimum lot size: 0.5 hectares</li> <li>2. Minimum front setback: 10m</li> <li>3. Minimum side &amp; rear setback: 5m</li> <li>4. Front half of each lot is only permitted to be used for residential, home office and landscaping purposes.</li> <li>5. The open storage of materials in the front building setback of each lot is not permitted.</li> <li>6. All other approved uses must be located in the rear half of each lot.</li> <li>7. No extension or change of land use without local government approval.</li> <li>8. All development to be in accordance with plans and management requirements approved by the local government.</li> </ol>



No.	Description of land	Special use	Conditions
SU 12	Western most portion of Lot 1 Griffin Street, Lake Grace	Roadhouse, Motel, Aged Persons Accommodation.	<ol style="list-style-type: none"> <li>1. All development shall be in accordance with plans and management requirements approved by the local government.</li> <li>2. All development shall be served by reticulated sewerage.</li> <li>3. The servicing and/or repair of vehicles on the land are not permitted.</li> <li>4. The design of the development shall have due regard for the need to minimise any possible adverse impacts (e.g. from vehicle movements, noise and exhaust fumes) on the existing adjacent residential and motel uses, and on the proposed new motel and aged persons accommodation, in accordance with the Environmental Protection Authority's draft Guidance Statement No. 3 Industrial Residential Buffer Areas (Separation Distances) EPA 1997.</li> <li>5. Compliance with the Australian Petroleum Institute Code of Practice for fuel storage is required to ensure that the proper practices and procedures relating to site contamination are adhered to.</li> </ol>

## SCHEDULE 5 — EXEMPTED ADVERTISEMENTS

[cl. 8.2(f)]

LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER (includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Dwellings	1 professional name plate as appropriate	0.2sqm
Home Occupation	1 advertisement describing the nature of the home occupation	0.2sqm
Places of Worship, Meeting Halls and Places of Public Assembly	1 advertisement detailing the function and/or the activities of the institution concerned.	0.2sqm
Cinemas, Theatres and Drive-in Theatres	2 signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed	Each advertisement sign not to exceed 5sqm
Shops, Showrooms and other uses appropriate to a Shopping Area	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to a compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.	N/A
Industrial and Warehouse Premises	<p>A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building.</p> <p>A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.</p>	<p>Total area of any such advertisements shall not exceed 15sqm</p> <p>Maximum permissible total area shall not exceed 10sqm &amp; individual advertisement signs shall not exceed 6sqm.</p>
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned, either from other private land or from public places and streets.	N/A
Public Places and Reserves	<p>a) Advertisement signs (illuminated or non-illuminated) relating to the functions of government, a public authority or council of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and</p> <p>b) Advertisement signs (illuminated or 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 council of a municipality, and</p> <p>c) Advertisement signs (illuminated or non-illuminated) required to be exhibited by or 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>	<p>N/A</p> <p>N/A</p> <p>N/A</p>
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2sqm in area

LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER (includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
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 family dwellings	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.	0.2sqm

## SCHEDULE 5 CONT. — EXEMPTED ADVERTISEMENTS

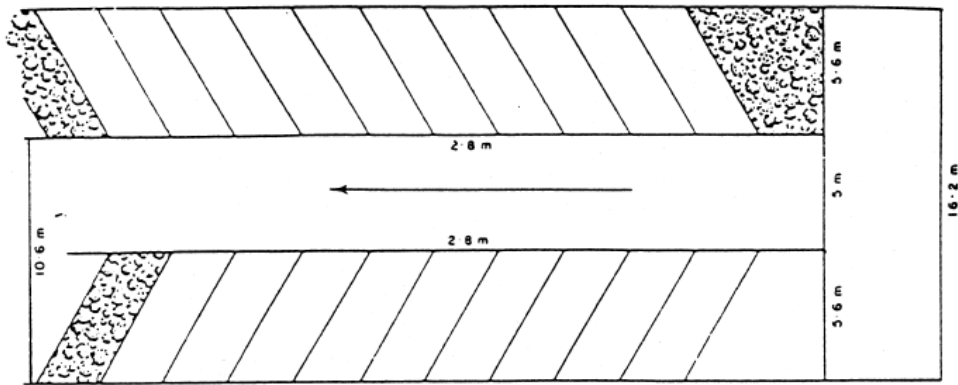
TEMPORARY SIGNS	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Building Construction Sites (advertisement signs displayed only for the duration of the construction as follows):		
i) Dwellings	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.	2sqm
ii) Multiple Dwellings, Shops, Commercial & Industrial projects	One sign as for (i) above.	5sqm
iii) Large development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height.	One sign as for (i) above. One additional sign showing the name of the project builder.	10sqm 5sqm
Sales of Goods or Livestock	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2sqm
Property Transactions  Advertisement signs displayed for the duration of a period over which property transactions are offered and negotiated as follows:		
a) Dwellings	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.	Each sign shall not exceed an area of 2sqm
b) Multiple dwellings, shops, Commercial & Industrial Properties	One sign as for (a) above.	Each sign shall not exceed an area of 2sqm
c) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5ha	One sign as for (a) above.	Each sign shall not exceed an area of 10sqm
Display Homes		
Advertisement signs displayed or the period over which homes are on display for public inspection.	i) One sign for each dwelling on display. ii) In addition to (i) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	2sqm 5sqm

**SCHEDULE 6 — ENVIRONMENTAL CONDITIONS**

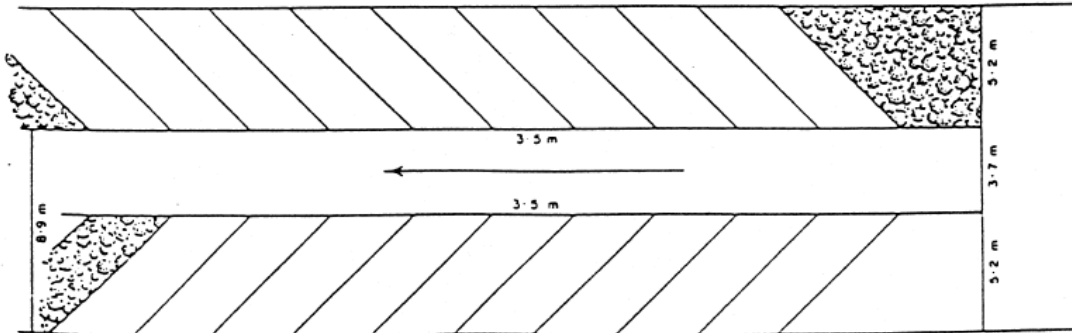
<b>Scheme or Amendment No.</b>	<b>Gazettal Date</b>	<b>Environmental Conditions</b>

**SCHEDULE 7 — CAR PARKING LAYOUT SPECIFICATIONS**

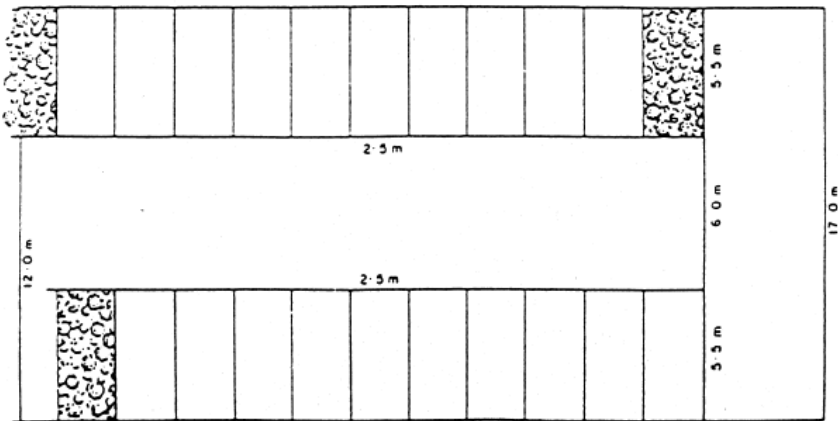
**60° PARKING**



**45° PARKING**

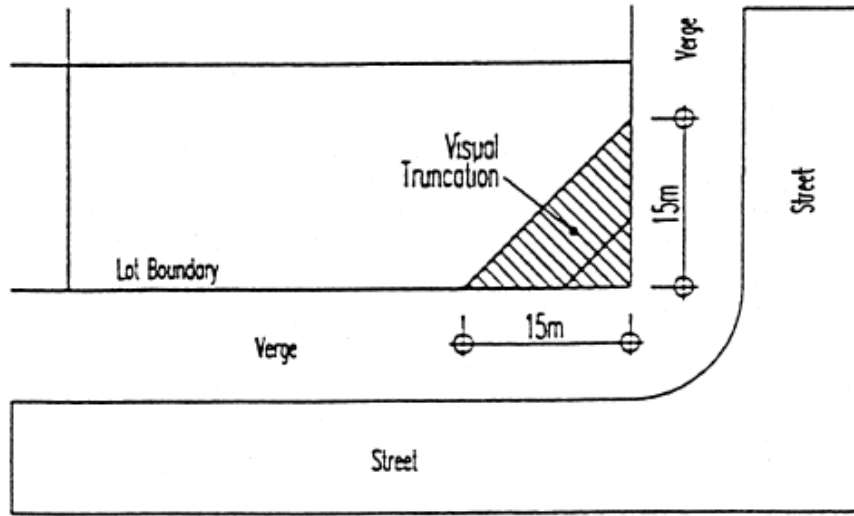


**90° PARKING**

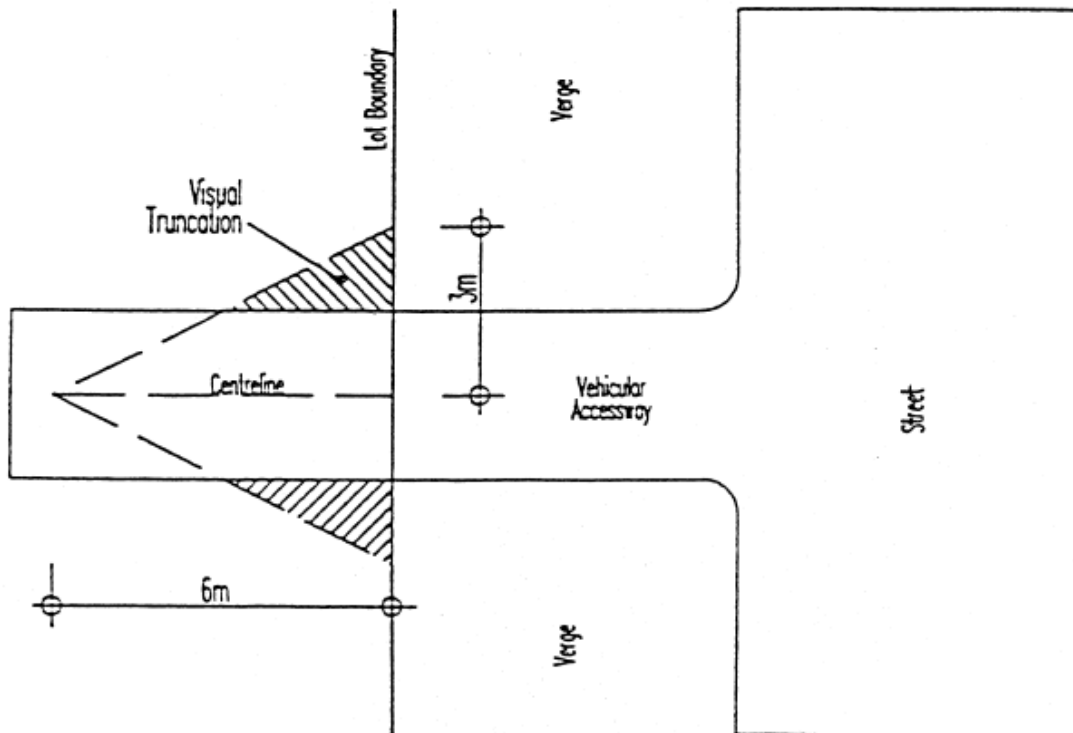


SCHEDULE 8 — VISUAL TRUNCATION SPECIFICATIONS

# Corner Lots



# Vehicular Accessways



## SCHEDULE A - SUPPLEMENTAL PROVISIONS TO THE DEEMED PROVISIONS

### ***Planning and Development (Local Planning Schemes) Regulations 2015 Deemed Provisions for Local Planning Schemes.***

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

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

- (k) the erection or installation of a sign or advertisement of a class specified in Schedule 5 of this Scheme that applies in respect of the sign unless the sign is to be erected or installed –
  - (i) on a place included on a heritage list prepared in accordance with this Scheme; or
  - (ii) on land located within an area designated under this Scheme as a heritage area.
- (l) the erection or extension of a single house on a lot of a single house is a permitted ("P") use in the zone (where the R Codes do not apply) in which that lot is located, where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
  - (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
  - (ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
  - (iii) included on a heritage list prepared in accordance with this Scheme; or
  - (iv) within an area designated under the Scheme as a heritage area; or
  - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29; or
  - (vi) proposed on a lot which does not have access to a dedicated and/or constructed road.
- (m) the erection or extension of an ancillary dwelling, outbuilding, external figure, boundary wall or fence, patio, pergola, veranda, garage, carport, or swimming pool on the same lot as a single house if a single house is a permitted ("P") in the zone (where the R Codes do not apply) where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
  - (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
  - (ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
  - (iii) included on a heritage list prepared in accordance with this Scheme; or
  - (iv) within an area designated under the Scheme as a heritage area; or
  - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29; or
  - (vi) proposed on a lot which does not have access to a dedicated and/or constructed road.



- (n) the demolition of any building or structure except where the building or structure is:
  - (i) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*; or
  - (ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
  - (iii) included on the Heritage List prepared in accordance with the scheme; or
  - (iv) located within a heritage area designated under the Scheme.
- (o) the erection or demolition of any farm sheds or outbuildings on any lot classified General Agriculture zone.

## ADOPTION

Adopted by resolution of the Council of the Shire of Lake Grace at the meeting of the Council held on the 26<sup>th</sup> day of February 2003.

..... 26<sup>th</sup> February 2003  
Shire President

..... 26<sup>th</sup> February 2003  
Chief Executive Officer

### Final Approval

1. Adopted by resolution of the Council of the Shire of Lake Grace at the meeting of the Council held on the 23<sup>rd</sup> day of March 2005 and the seal of the Municipality was pursuant to that resolution affixed in the presence of

.....  
Shire President

.....  
Chief Executive Officer

2. Submitted and recommended for final approval by the Western Australian Planning Commission.

..... 2007  
Delegated under S.16 of the PD Act 2005 Date

3. Final approval granted

..... 31/12/2007  
Minister for Planning and Infrastructure Date

## **APPENDIX 1 - SCHEME MAPS**