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SHIRE OF LAVERTON

LOCAL PLANNING SCHEME NO. 2

Updated to include AMD 3 GG 10/05/19



**Department of Planning,
Lands and Heritage**

Prepared by the
Department of Planning, Lands and Heritage

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

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AMD NO.	GAZETTAL DATE	UPDATED		DESCRIPTION
		WHEN	BY	
1	15/06/12	22/06/12	NM	Deleted Special Use No. 3 within Schedule 4. Inserted new Special Use No. 3 and 4 in Schedule 4. Inserted definition for 'mining workforce accommodation' into Schedule 1.
2	03/05/16	03/05/16	RO	Deleting and replacing Clause 4.2 (e) 'Settlement Zone' under 'Objectives of the Zone'. Deleting and replacing the incorrect cross reference in 'Table 1 - Zoning Table' under the 'Settlement' zone column to state 'See Schedule 5.17'. Deleting and replacing Clause 5.17(a) to Clause 5.17(f) in the 'Settlement Zone'. Rezoning a portion of Lot 37 (Plan 238200), Lot 47 (Plan 30881) known as Reserve 5175, Lot 55 (Plan 240377) known as Reserve 22032, Reserve 9881 and all of Lot 21 known as Reserve 19837 from 'Pastoral and Mining' to 'Settlement' zone.
3	10/05/19	13/05/19	HB	Text Amendment - To bring Scheme into conformance with the model and deemed provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .

SHIRE OF LAVERTON
LOCAL PLANNING SCHEME NO. 2

THE SHIRE OF LAVERTON, UNDER THE POWERS CONFERRED BY THE *PLANNING AND DEVELOPMENT ACT 2005*, MAKES THE FOLLOWING LOCAL PLANNING SCHEME.

This Local Planning Scheme of the Shire of Laverton consists of this Scheme Text and the Scheme Maps. This Scheme should be read with any Local Planning Strategy for the Shire and the deemed provisions set out in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
AMD 3 GG 10/05/19

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.
AMD 3 GG 10/05/19

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PART 1 - PRELIMINARY

1.1 CITATION

1.1.1 The Shire of Laverton Local Planning Scheme No. 2 ("the Scheme") comes into operation on its gazettal date. *AMD 3 GG 10/05/19*

1.1.2 The Shire of Laverton Town Planning Scheme No. 1 published in the *Government Gazette* of 19 July 1991 and all amendments thereto is revoked.

1.2 RESPONSIBILITY FOR SCHEME

AMD 3 GG 10/05/19

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

1.3 SCHEME AREA

The Scheme applies to the Scheme Area that covers the entire local government district of the Shire of Laverton as shown on the Scheme Map.

1.4 CONTENTS OF SCHEME

AMD 3 GG 10/05/19

1.4.1 The Scheme comprises:

- (a) the Scheme Text;
- (b) the deemed provisions (set out in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*);
- (c) the supplemental provisions contained in Schedule A; and
- (d) the Scheme Map (sheet numbers 1 to 8 inclusive).

1.4.2 The Scheme Text is to be read in conjunction with any Local Planning Strategy for the Scheme area.

1.5 PURPOSES OF SCHEME

The purposes of this Scheme are to:

- (a) set out the local government's planning aims and intentions for the Scheme area;
- (b) set aside land as local reserves for public purposes;
- (c) zone land within the Scheme area for the purposes defined in this Scheme;
- (d) control and guide land use and development including processes for the preparation of structure plans and local development plans;
- (e) set out procedures for the assessment and determination of development applications;
- (f) make provision for the administration and enforcement of this Scheme; and
- (g) address other matters referred to in Schedule 7 of the Act. *AMD 3 GG 10/05/19*

1.6 AIMS OF SCHEME

The aims of this Scheme are:

- (a) To assist the effective implementation of regional plans and policies including the State Planning Strategy.
- (b) To ensure there is a sufficient supply of serviced and suitable land for housing, employment, commercial activities, community facilities, recreation and open space.
- (c) To provide for housing choice and variety in townsites with a community identity and high levels of amenity.
- (d) To assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial, entertainment, and tourist developments, as well as providing opportunities for home-based employment.
- (e) To facilitate a diverse and integrated network of open space catering for both active and passive recreation, consistent with the needs of the community.
- (f) To promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities.
- (g) To protect and enhance the environmental values and natural resources of the Scheme area and to promote ecologically sustainable land use and development.
- (h) To safeguard and enhance the character and amenity of the built and natural environment of the Scheme area.
- (i) To protect the natural environment and biodiversity while ensuring appropriate development opportunities are realised.
- (j) To promote the sustainable management of natural resources including energy, water, land, minerals and basic raw materials by preventing land degradation and integrating land and catchment management with land use planning.

1.7 RELATIONSHIP WITH LOCAL LAWS

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

1.8 RELATIONSHIP WITH OTHER LOCAL PLANNING SCHEMES

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

AMD 3 GG 10/05/19

PART 2 - RESERVES

2.1 REGIONAL RESERVES

There are no regional reserves in the Scheme area.

2.2 LOCAL RESERVES

Local reserves are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

2.3 USE AND DEVELOPMENT OF LOCAL RESERVES

2.3.1 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.

2.3.2 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.

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

AMD 3 GG 10/05/19

PART 3 - ZONES AND 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 thereon.

3.2 OBJECTIVES OF THE ZONES

The objectives of the Zones are:

(a) Residential Zone

- (i) To provide for the predominant form of residential development to be single houses whilst providing for diversity with some higher density close to the Laverton town centre.
- (ii) To provide for lifestyle choice with a range of residential densities.
- (iii) To achieve a high standard of residential development having regard to the economic importance of tourism to the district.
- (iv) To allow for the establishment of non-residential uses which are compatible with the predominant residential use and which will not adversely affect local amenities.

(b) Commercial Zone

- (i) To ensure the established town centre in Laverton remains the principal place for retail, commercial, civic, and administrative functions in the district.
- (ii) To ensure development will not adversely affect local amenities, and will enhance the character of the town centre.
- (iii) To provide for the efficient and safe movement of vehicles (including trucks, buses, and caravans) and pedestrians in and around the town centre.
- (iv) To provide sufficient parking spaces for cars, caravans, and buses, without compromising pedestrian movements through the town centre.
- (v) To provide an increased level of public amenities including public toilets, shaded areas, and street furniture.
- (vi) To provide for expansion of the town centre to meet future demands.

(c) Industrial Zone

- (i) To provide for the needs of light and general industry to support the community.
- (ii) To provide appropriate buffers between industry and adjacent land uses, so as to avoid land use conflicts.
- (iii) To provide appropriate buffers to the industrial area along Beria Road and the main entry into Laverton.
- (iv) To avoid non-industry related uses establishing in the industrial areas.

(d) **Rural Zone**

- (i) To provide for closer subdivision where a suitable water supply is available to sustain agricultural and horticultural uses.
- (ii) To make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.
- (iii) Having regard for the size of the district, the fragile nature of the environment in many places, and the difficulties faced by the local government in providing services away from the town of Laverton, the local government will generally favour the Rural Zone be located close to the town of Laverton, and then only where the environmental impacts are manageable.

(e) **Settlement Zone**

AMD 2 GG 03/05/16

The purpose of the Settlement Zone is to identify existing and proposed Aboriginal settlements and to collaboratively plan for the orderly and proper development of those places by:

- (a) requiring preparation and endorsement of a Layout Plan; and
- (b) ensuring that development generally accords with a Layout Plan endorsed by the Commission.

(f) **Pastoral & Mining Zone**

- (i) To support the continuation of mining and the pastoral industry in the district.
- (ii) To protect the pastoral industry from land use conflicts by location of high intensity uses.
- (iii) To facilitate diversification for agriculture, horticulture, and aquaculture on pastoral properties in accordance with the terms of pastoral leases.
- (iv) To make provision for facilities for travellers.

3.3 ZONING TABLE

The zoning table for this Scheme is as follows -

TABLE 1 - ZONING TABLE

AMD 2 GG 03/05/16

USES	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	SETTLEMENT	RURAL	PASTORAL & MINING
abattoir	X	X	X	See clause 4.17	X	A
aged or dependent persons' dwelling	D	X	X		X	X
agriculture - intensive	X	X	X		P	P
caretaker's dwelling AMD 3 GG 10/05/19	X	X	D		D	D
civic use	D	D	X		X	X
educational establishment	A	A	X		X	A
fuel depot	X	X	D		X	D
garden centre AMD 3 GG 10/05/19	A	A	P		P	D
grouped dwelling	D	X	X		X	D
home business	D	X	X		D	D
hotel	X	A	X		X	A
industry AMD 3 GG 10/05/19	X	X	X		X	D
industry - extractive AMD 3 GG 10/05/19	X	X	D		X	X
industry - light	X	X	P		X	X
mining operations AMD 3 GG 10/05/19	X	X	X		X	P
motor vehicle repair	X	X	P		X	X
primary production AMD 3 GG 10/05/19	X	X	A		D	D
place of worship	D	D	X		X	X
repurposed dwelling AMD 3 GG 10/05/19	D	X	X		P	P
residential building	D	X	X		X	D
restaurant/café AMD 3 GG 10/05/19	X	D	X		X	X
roadhouse	X	A	D		X	D
rural pursuit/hobby farm AMD 3 GG 10/05/19	X	X	X		A	P
second hand dwelling AMD 3 GG 10/05/19	D	X	X		P	P
shop	X	D	X		X	X
single house	P	X	X		P	P
tavern	X	A	X		X	A
tourist development AMD 3 GG 10/05/19	A	D	X		D	D
transport depot	X	X	P		X	X
veterinary centre	X	A	A		A	D

3.4 INTERPRETING ZONING TABLE

AMD 3 GG 10/05/19

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

3.4.2 The symbols used in the zoning table have the following meanings -

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

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 that the use is not permitted by this Scheme.

Note: 1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the carrying out of works on, and the use of, land. For development on land that does not require development approval see clause 61 of the deemed provisions.

2. In considering an application for development approval, the local government will have regard to clause 67 of the deemed provisions.

3.4.3 A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.

3.4.4 The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table –

- (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
- (b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
- (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.

3.4.5 If a use of land is identified in a zone as being a class P use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.

3.4.6 If a use of land is identified in a zone as being a class X use, the local government must refuse an application for development approval for that use in that zone unless –

- (a) the development approval application relates to land that is being used for a non-conforming use; and
- (b) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use.

3.4.7 If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land -

- (a) a structure plan;
- (b) a local development plan.

3.5 ADDITIONAL USES

3.5.1 Despite anything contained in the zoning table, the land specified in Schedule 2 may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use. *AMD 3 GG 10/05/19*

3.5.2 There are no additional uses that apply to the Scheme.

3.6 RESTRICTED USES

3.6.1 Despite anything contained in the zoning table, land that is specified in Schedule 3 may be used only for the restricted class of use set out in respect of that land subject to the conditions that apply to that use. *AMD 3 GG 10/05/19*

3.6.2 There are no restricted uses that apply to the Scheme.

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 a class of use that is permissible in that zone and subject to compliance with any conditions that apply to that use as set out in Schedule 4.

Note: Special use zones apply to special categories of land use which do not comfortably sit within any other zone in the Scheme. AMD 3 GG 10/05/19

3.8 NON-CONFORMING USES

3.8.1 Unless specifically provided, this Scheme does not prevent -

- (a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or
- (b) the carrying out of development on land if -
 - (i) before the commencement of this Scheme, the development was lawfully approved; and
 - (ii) the approval has not expired or been cancelled.

3.8.2 Subclause 3.8.1 does not apply if -

- (a) the non-conforming use of the land is discontinued; and
- (b) a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.

3.8.3 Subclause 3.8.1 does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government -

- (a) purchases the land; or
- (b) pays compensation to the owner of the land in relation to the non-conforming use.

3.9 CHANGES TO A NON-CONFORMING USE

3.9.1 A person must not, without development approval-

- (a) alter or extend a non-conforming use of land; or
- (b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or
- (c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or
- (d) change the use of land from a non-conforming use to another use that is not permitted by the Scheme.

3.9.2 An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.

3.9.3 A local government may only grant development approval for a change of use of land referred to in subclause 3.9.1 (d) if, in the opinion of the local government, the proposed use -

- (a) is less detrimental to the amenity of the locality than the existing non-conforming use; and
- (b) is closer to the intended purpose of the zone in which the land is situated.

3.10 REGISTER OF NON-CONFORMING USES

3.10.1 The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.

3.10.2 A register prepared by the local government must set out the following -

- (a) a description of each area of land that is being used for a non-conforming use;
- (b) a description of any building on the land;
- (c) a description of the non-conforming use; and
- (d) the date on which any discontinuance of the non-conforming use is noted.

3.10.3 If the local government prepares a register under subclause 3.10.1 the local government -

- (a) must ensure that the register is kept up-to-date; and
- (b) must make a copy of the register available for public inspection during business hours at the offices of the local government; and
- (c) may publish a copy of the register on the website of the local government.

3.10.4 An entry in the register in relation to land that is being used for a non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.

PART 4 - GENERAL DEVELOPMENT REQUIREMENTS

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 (R-CODES)

4.2.1 The R-Codes, modified as set out in clause 4.3, are to be read as part of this Scheme.

4.2.2 The local government -

- (a) must make a copy of the R-Codes available for public inspection during business hours at the offices of the local government; and
- (b) may publish a copy of the R-Codes on the website of the local government.

4.2.3 The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.

4.2.4 The R-Codes apply to an area if the area has a coding number superimposed on it in accordance with subclause 4.2.3, or in the provision of the Scheme that applies the R-Codes.

4.3 MODIFICATION OF R-CODES

AMD 3 GG 10/05/19

4.3.1 The following variations to the R-Codes apply in the Scheme area.

4.3.2 The local government may permit an increase in residential density up to a maximum of R30 for more than 1 dwelling on a lot where:

- (a) the lot is connected to reticulated sewerage;
- (b) in the opinion of the local government the lot is suitably located close to services and facilities; and
- (c) an application involving an increase in residential density is advertised in accordance with clause 64 of the deemed provisions.

4.4 RESTRICTIVE COVENANTS

4.4.1 A restrictive covenant affecting land in the Scheme area that would have the effect of limiting the number of residential dwellings which may be constructed on the land is extinguished or varied to the extent that the number of residential dwellings that may be constructed is less than the number that could be constructed on the land under this Scheme.

4.4.2 If subclause 4.4.1 operates to extinguish or vary a restrictive covenant -

- (a) development approval is required to construct a residential dwelling that would result in the number of residential dwellings on the land exceeding the number that would have been allowed under the restrictive covenant; and
- (b) the local government must not grant development approval for the construction of the residential dwelling unless it gives notice of the application for development approval in accordance with clause 64 of the deemed provisions.

AMD 3 GG 10/05/19

4.5 ENVIRONMENTAL CONDITIONS

AMD 3 GG 10/05/19

- 4.5.1 The conditions set out in Schedule 6 are environmental conditions that apply to this Scheme as a result of an assessment carried out under *Environmental Protection Act 1986* Part IV Division 3.
- 4.5.2 The environmental conditions are indicated on the Scheme Map by the symbol EC to indicate that environmental conditions apply to the land.
- 4.5.3 The local government is to:
 - (a) must make available for public inspection during business hours at the offices of the local government all statements relating to this Scheme published under the *Environmental Protection Act 1986* Part IV Division 3; and
 - (b) may publish those statements on the website of the local government.
- 4.5.4 There are no environmental conditions imposed under the *Environmental Protection Act 1986* that apply to this Scheme.

4.6 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

- 4.6.1 Except for development in respect of which the R-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 this Scheme, the local government may, despite that non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.
- 4.6.2 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 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 pursuant to clause 64 of the deemed provisions; and
 - (b) have regard to any expressed views prior to making its determination to grant the variation.
- 4.6.3 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 criteria 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 or the inhabitants of the locality or upon the likely future development of the locality.

4.7 PARKING REQUIREMENTS

A person is not to develop or use any land or erect use or adapt any building unless parking spaces as specified by the local government are provided and such spaces are constructed and maintained in accordance with the requirements of the local government.

4.8 REPURPOSED OR SECOND HAND DWELLING

- 4.8.1 A person is not to transport a repurposed or second hand dwelling and place it on land in the Laverton townsite unless development approval has been granted by the local government. The local government is not to grant development approval if the land is within an area designated under this Scheme as a Heritage Area.

4.8.2 The local government must only grant development approval in accordance with clause 4.8.1 if the repurposed or second hand dwelling:

- (a) complies with the provisions of the Scheme, the R-Codes, and any local laws applicable both to the dwelling and the land on which it is to be situated; and
- (b) is, in the opinion of the local government, in a satisfactory condition and will not detrimentally affect the amenity of the locality.

4.9 USE OF SETBACK AREAS

4.9.1 A person is not to use any land between a street alignment and the distance that buildings are required to be setback 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) landscaping and then only with the specific approval of local government may include an awning, pergola, or similar structure and when in front of a fast food outlet or restaurant may provide for alfresco dining.

4.9.2 The setback area is not to 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.

4.10 HOME BUSINESS

4.10.1 An approval to conduct a home business 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.

4.10.2 In the Pastoral and Mining zone the local government may permit a home business with an area up to 200 square metres, with the presence, use or calling of up to 3 vehicles of more than 4.5 tonnes tare weight.

4.11 CARETAKER'S DWELLINGS

The provisions of this clause are to apply for all caretaker's dwellings in the Industrial zone.

- (a) a caretaker's dwelling is not to be developed and/or occupied on a lot unless that lot has been developed and is being used in accordance with the Scheme;
- (b) only one caretaker's dwelling is to be permitted on a lot; for the purposes of this clause "lot" excludes a strata lot or survey-strata lot created under the *Strata Titles Act 1985*;
- (c) a caravan or park home is not to be permitted as a caretaker's dwelling for either permanent or temporary occupation;
- (d) a caretaker's dwelling is to be screened and/or fenced from the street frontage of the lot to the satisfaction of the local government and wherever possible is to be sited at the rear of other buildings on the lot;
- (e) a caretaker's dwelling is to contain 1 bedroom only within a total floor area that does not exceed 100 square metres measured from the external face of walls;
- (f) open verandahs may be permitted but must not be enclosed by any means unless the total floor area remains within the 100 square metres referred to in paragraph (e);

- (g) a caretaker's dwelling may constitute a building or structure not previously used as a dwelling which has been repurposed for use as a caretaker's dwelling, or as a dwelling that has been in a different location and has been dismantled and transported to the lot for use as a caretaker's dwelling, provided that the caretaker's dwelling is on the same lot as a building, operation or plant used for industry and occupied by a supervisor of that building, operation or plant used for industry.

4.12 HEIGHT OF BUILDINGS

With the objective that the continued operations of the Laverton airport are not prejudiced by development in the vicinity, when determining an application for development approval the local government is to have regard for the height of any development in accordance with Department of Transport specifications and/or guidelines, and may refuse or approve with or without conditions such application having regard for those specifications and/or guidelines. For the purpose of this clause, 'development' includes all flagpoles, radio antennae, television towers, satellite dishes, and other structures that may intrude into the obstruction limitation area.

AMD 3 GG 10/05/19

4.13 RESIDENTIAL ZONE

4.13.1 Site Requirements

In accordance with the R-Codes.

4.14 COMMERCIAL ZONE

4.14.1 Site Requirements

At the discretion of the local government.

4.14.2 Development Requirements

- (a) Development is not to exceed 2 storeys in height except where the local government considers that particular circumstances may warrant an exception being made and provided the aims and purposes of this Scheme are not compromised.
- (b) In considering an application for development approval for a proposed development (including additions and alterations to existing development) the local government is to have regard to clause 67 of the deemed provisions.

AMD 3 GG 10/05/19

- (c) Landscaping is to be provided to complement the appearance of the proposed development and its setting.
- (d) The layout of car parking is to have regard for traffic circulation in existing parking areas and is to be integrated with any existing and adjoining parking area.

4.15 INDUSTRIAL ZONE

4.15.1 Site Requirements

- (a) The minimum lot size should be 2,500 square metres to provide for building envelope, on-site effluent disposal, landscaping (see clause 5.14.2), and manoeuvring area for all vehicles to enter and leave the lot in a forward gear.
- (b) The minimum building setbacks are:
- Front : 7.5m
Rear : 7.5m
Side : 2.0m

4.15.2 Development Requirements

- (a) The local government may require the first 5 metres of the front setback on any lot to be landscaped to the satisfaction of the local government. Where a lot has frontage to two streets the local government may vary the landscaping requirement only where the setback is reduced in which case the whole of the setback so reduced is to be landscaped to the satisfaction of the local government.
- (b) In addition to other requirements of this Scheme an application for development approval for an industry is to demonstrate compliance with the buffer distance separation from dwellings in accordance with guidelines of the Environmental Protection Authority.
- (c) In determining an application for development approval for an industry the local government may impose conditions to control industrial liquid, solid or gaseous wastes in accordance with Environmental Protection Authority guidelines and advice from the Department of Water and Environmental Regulation.
- (d) Where a proposed industry would generate industrial liquid, solid, or gaseous wastes such wastes are to be treated and disposed of in accordance with the Environmental Protection Authority and Department of Water and Environmental Regulation advice/guidelines.

AMD 3 GG 10/05/19

4.16 **RURAL ZONE**

4.16.1 Site Requirements

The minimum building setbacks are:

Front : 15.0m
Rear : 10.0m
Side : 10.0m

4.16.2 Keeping of Animals

- (a) A person who keeps an animal or animals or who uses any land for the exercise or training of an animal or animals is to be responsible for appropriate measures to prevent noise, odour, or dust pollution or soil erosion to the satisfaction of the local government.
- (b) With the intention of preventing overstocking, erosion and any other practice detrimental to the amenity of land in the Rural 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 is to be recoverable by the local government from the landowner in a Court of competent jurisdiction.

4.16.3 Setback from Skull Creek

All development is to be setback a minimum of 10 metres from the fringing vegetation along the northern side of Skull Creek.

4.17 SETTLEMENT ZONE

AMD 2 GG 03/05/16

Layout Plans may be prepared for the whole or part of any land within the Settlement Zone.

- (a) Layout Plans are to be prepared in accordance with *State Planning Policy 3.2 Aboriginal Settlements*.
- (b) Development within a Settlement Zone is to be generally in accordance with a Layout Plan endorsed by the Commission.

PART 5 - SPECIAL CONTROL AREAS

5.1 OPERATION OF SPECIAL CONTROL AREAS

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

- Mineral Prospectivity Area shown on the Scheme Map as “MP”.

5.1.2 In respect of a Special Control Area shown on the Scheme Map, the provisions applying to the Special Control Area apply in addition to the provisions applying to any underlying zone or reserve and any provisions of this Scheme.

5.2 MINERAL PROSPECTIVITY AREA

5.2.1 Purpose of Special Control Area

To protect the area from development of uses which may conflict with future mining activity.

5.2.2 Application and referral requirements

- (a) Development approval is required for the use or development of any land within the Mineral Prospectivity Area including a single house.
- (b) The local government is to refer any development application to the Department of Mines, Industry Regulation and Safety and may refuse or approve with or without conditions such application having regard for the advice and/or recommendations of that agency.

AMD 3 GG 10/05/19

SCHEDULE 1 - DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

(1) General definitions used in the Scheme

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

building envelope	means the area of land within which all buildings and effluent disposal facilities on a lot must be contained. <i>AMD 3 GG 10/05/19</i>
building height	in relation to a building - <i>AMD 3 GG 10/05/19</i> (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or (b) if the building is used for purposes other than residential purposes, means the maximum vertical distance between the natural ground level and the finished roof height directly above, excluding minor projections as that term is defined in the R-Codes.
cabin	means a dwelling forming part of a tourist development or caravan park that is – (a) an individual unit other than a chalet; and (b) designed to provide short-term accommodation for guests. <i>AMD 3 GG 10/05/19</i>
chalet	means a dwelling forming part of a tourist development or caravan park that is – (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and (b) designed to provide short-term accommodation for guests. <i>AMD 3 GG 10/05/19</i>
commencement day	means the day this Scheme comes into effect under section 87(4) of the Act. <i>AMD 3 GG 10/05/19</i>
commercial vehicle	means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including – (a) a utility, van, truck, tractor, bus or earthmoving equipment; and (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a). <i>AMD 3 GG 10/05/19</i>
floor area	has the meaning given in the Building Code. <i>AMD 3 GG 10/05/19</i>
frontage	in relation to a building – (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or (b) if the building is used for purposes other than residential purposes, means the line where a road reserve and the front of a lot meet and, if a lot abuts 2 or more road reserves, the one to which the building or proposed building faces. <i>AMD 3 GG 10/05/19</i>
incidental use	means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use. <i>AMD 3 GG 10/05/19</i>
minerals	has the meaning given in the <i>Mining Act 1978</i> section 8(1).

net lettable area or (nla)	means the area of all floors within the internal finished surfaces of permanent walls but does not include the following areas - (a) 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 those facilities are not for the exclusive use of occupiers of the floor or building.
non-conforming use	has the meaning given in the <i>Planning and Development Act 2005</i> section 172.
plot ratio	means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located. AMD 3 GG 10/05/19
precinct	means a definable area where particular planning policies, guidelines or standards apply.
predominant use	means the primary use of premises to which all other uses carried out on the premises are incidental.
retail	means the sale or hire of goods or services to the public.
short-term accommodation	means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12-month period. AMD 3 GG 10/05/19
wall height	in relation to a wall of a building - (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or (b) if the building is used for purposes other than residential purposes, means the vertical distance from the natural ground level of the boundary of the property that is closest to the wall to the point where the wall meets the roof or parapet. AMD 3 GG 10/05/19
wholesale	means the sale of goods or materials to be sold by others.

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

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

(3) Land use terms used in Scheme

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

abattoir	means premises used commercially for the slaughtering of animals for the purposes of consumption as food products. AMD 3 GG 10/05/19
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 3 GG 10/05/19

agriculture - intensive	<p>means premises used for commercial production purposes, including outbuildings and earthworks, associated with any of the following -</p> <ul style="list-style-type: none"> (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts; (b) the establishment and operation of plant or fruit nurseries; (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); (d) aquaculture. <p style="text-align: right;"><i>AMD 3 GG 10/05/19</i></p>
amusement parlour	<p>means premises -</p> <ul style="list-style-type: none"> (a) that are open to the public; and (b) that are used predominantly for amusement by means of amusement machines including computers; and (c) where there are 2 or more amusement machines. <p style="text-align: right;"><i>AMD 3 GG 10/05/19</i></p>
animal establishment	<p>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.</p>
animal husbandry - intensive	<p>means premises used for keeping, rearing or fattening of alpacas, beef and dairy cattle, goats, pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) or other livestock in feedlots, sheds or rotational pens.</p> <p style="text-align: right;"><i>AMD 3 GG 10/05/19</i></p>
art gallery	<p>means premises –</p> <ul style="list-style-type: none"> (a) that are open to the public; and (b) where artworks are displayed for viewing or sale. <p style="text-align: right;"><i>AMD 3 GG 10/05/19</i></p>
bed and breakfast	<p>means a dwelling -</p> <ul style="list-style-type: none"> (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. <p style="text-align: right;"><i>AMD 3 GG 10/05/19</i></p>
betting agency	<p>means an office or totalisator agency established under the <i>Racing and Wagering Western Australian Act 2003</i>.</p> <p style="text-align: right;"><i>AMD 3 GG 10/05/19</i></p>
brewery	<p>means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the <i>Liquor Control Act 1988</i>.</p> <p style="text-align: right;"><i>AMD 3 GG 10/05/19</i></p>
bulky goods showroom	<p>means premises -</p> <ul style="list-style-type: none"> (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes - <ul style="list-style-type: none"> (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 children's goods, including play equipment and accessories; (xi) sporting, cycling, leisure, fitness goods and accessories; (xii) swimming pools;

and

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

AMD 3 GG 10/05/19

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

AMD 3 GG 10/05/19

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

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

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

child care premises means premises where –

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

AMD 3 GG 10/05/19

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

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

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

commercial vehicle parking means premises used for parking of one or two commercial vehicles but does not include –

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

AMD 3 GG 10/05/19

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

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

AMD 3 GG 10/05/19

convenience store	means premises – (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and (b) operated during hours which include, but may extend beyond, normal trading hours; and (c) the floor area of which does not exceed 300m ² net lettable area.
corrective institution	means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility.
educational establishment	means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution. AMD 3 GG 10/05/19
exhibition centre	means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum.
family day care	means premises where a family day care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> is provided. AMD 3 GG 10/05/19
fast food outlet/ lunch bar	means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten – (a) without further preparation; and (b) primarily off the premises. AMD 3 GG 10/05/19
fuel depot	means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include premises used – (a) as a service station; or (b) for the sale of fuel by retail into a vehicle for the use by the vehicle. AMD 3 GG 10/05/19
funeral parlour	means premises used – (a) to prepare and store bodies for burial or cremation; (b) to conduct funeral services. AMD 3 GG 10/05/19
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 3 GG 10/05/19
holiday accommodation	means 2 or more dwellings on one lot used to provide short-term accommodation for persons other than the owner of the lot. AMD 3 GG 10/05/19
holiday house	means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast. AMD 3 GG 10/05/19
home business	means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession – (a) does not involve employing more than 2 people who are not members of the occupier's household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) does not occupy an area greater than 50m ² ; and

- (d) does not involve the retail sale, display or hire of 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 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.

AMD 3 GG 10/05/19

home occupation

means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation –

- (a) does not involve employing a person who is not a member of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 20m²; and
- (d) does not involve display on the premises of a sign with an area exceeding 0.2 m²; and
- (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (f) does not –
 - (i) require a greater number of parking spaces than normally required for a single dwelling; or
 - (ii) result in an increase in traffic volume in the neighbourhood; and
- (g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.

AMD 3 GG 10/05/19

home office

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

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

AMD 3 GG 10/05/19

home store

means a shop attached to a dwelling that –

- (a) has a net lettable area not exceeding 100m²; and
- (b) is operated by a person residing in the dwelling.

AMD 3 GG 10/05/19

hospital

means premises that are a hospital within the meaning given in the *Health Services Act 2016* section 8(4).

AMD 3 GG 10/05/19

hotel

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

AMD 3 GG 10/05/19

industry	<p>means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes –</p> <ul style="list-style-type: none"> (a) the storage of goods; (b) the work of administration or accounting; (c) the selling of goods by wholesale or retail; (d) the provision of amenities for employees; (e) incidental purposes. <p style="text-align: right;">AMD 3 GG 10/05/19</p>
industry - cottage	<p>means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which –</p> <ul style="list-style-type: none"> (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	<p>means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes –</p> <ul style="list-style-type: none"> (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. <p style="text-align: right;">AMD 3 GG 10/05/19</p>
industry - light	<p>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.</p> <p style="text-align: right;">AMD 3 GG 10/05/19</p>
industry - primary production	<p>means premises used –</p> <ul style="list-style-type: none"> (a) to carry out a primary production business as that term is defined in the <i>Income Tax Assessment Act 1997</i> (Commonwealth) section 995-1; or (a) for a workshop servicing plant or equipment used in primary production businesses. <p style="text-align: right;">AMD 3 GG 10/05/19</p>
liquor store - large	<p>means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of more than 300m².</p> <p style="text-align: right;">AMD 3 GG 10/05/19</p>
liquor store - small	<p>means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of not more than 300m².</p> <p style="text-align: right;">AMD 3 GG 10/05/19</p>
market	<p>means premises used for the display and sale of goods from stalls by independent vendors.</p>
medical centre	<p>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.</p> <p style="text-align: right;">AMD 3 GG 10/05/19</p>
mining operations	<p>means premises where mining operations, as that term is defined in the <i>Mining Act 1978</i> section 8(1) is carried out.</p> <p style="text-align: right;">AMD 3 GG 10/05/19</p>

motel	means premises, which may be licensed under the <i>Liquor Control Act 1988</i> - (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. <i>AMD 3 GG 10/05/19</i>
motor vehicle, boat or caravan sales	means premises used to sell or hire motor vehicles, boats or caravans.
motor vehicle repair	means premises used for or in connection with - (a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or (b) repairs to tyres other than recapping or re-treading of tyres. <i>AMD 3 GG 10/05/19</i>
motor vehicle wash	means premises primarily used to wash motor vehicles.
nightclub	means premises the subject of a nightclub licence granted under the <i>Liquor Control Act 1988</i> . <i>AMD 3 GG 10/05/19</i>
office	means premises used for administration, clerical, technical, professional or similar business activities.
park home park	means premises used as a park home park as defined in the <i>Caravan Parks and Camping Grounds Regulations 1997</i> Schedule 8. <i>AMD 3 GG 10/05/19</i>
place of worship	means premises used for religious activities such as a chapel, church, mosque, synagogue or temple.
reception centre	means premises used for hosted functions on formal or ceremonial occasions. <i>AMD 3 GG 10/05/19</i>
recreation - private	means premises that are - (a) used for indoor or outdoor leisure, recreation or sport; and (b) not usually open to the public without charge. <i>AMD 3 GG 10/05/19</i>
renewable energy facility	means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or in connection with, the generation of energy by a renewable resource. It does not include solar panels, or a wind turbine located on a lot with a single house where the energy produced only supplies that house or private rural use or anemometers. <i>AMD 3 GG 10/05/19</i>
repurposed dwelling	means a building or structure not previously used as a single house which has been repurposed for use as a dwelling. <i>AMD 3 GG 10/05/19</i>
resource recovery centre	means premises other than a waste disposal facility used for the recovery of resources from waste. <i>AMD 3 GG 10/05/19</i>
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 <i>Liquor Control Act 1988</i> . <i>AMD 3 GG 10/05/19</i>
restricted premises	means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of - (a) publications that are classified as restricted under the <i>Classification (Publications, Films and Computer Games) Act 1995</i> (Commonwealth); and

	<ul style="list-style-type: none"> (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or (c) smoking-related implements. <p style="text-align: right;"><i>AMD 3 GG 10/05/19</i></p>
roadhouse	means premises used for the predominant purpose of a service station but incidentally including a café, restaurant and/or shop.
rural pursuit/ hobby farm	<p>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 -</p> <ul style="list-style-type: none"> (a) the rearing, agistment, stabling or training of animals; (b) the keeping of bees; (c) the sale of produce grown solely on the premises. <p style="text-align: right;"><i>AMD 3 GG 10/05/19</i></p>
second hand dwelling	<p>means a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a new modular home or transportable dwelling.</p> <p style="text-align: right;"><i>AMD 3 GG 10/05/19</i></p>
serviced apartment	<p>means a group of units or apartments providing -</p> <ul style="list-style-type: none"> (a) self-contained short-stay accommodation for guests; and (b) any associated reception or recreational facilities. <p style="text-align: right;"><i>AMD 3 GG 10/05/19</i></p>
service station	<p>means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for -</p> <ul style="list-style-type: none"> (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; and/or (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles. <p style="text-align: right;"><i>AMD 3 GG 10/05/19</i></p>
shop	means premises other than a bulky goods showroom, a liquor store - large or a liquor store - small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services.
small bar	<p>means premises the subject of a small bar licence granted under the <i>Liquor Control Act 1988</i>.</p> <p style="text-align: right;"><i>AMD 3 GG 10/05/19</i></p>
tavern	<p>means premises the subject of a tavern licence granted under the <i>Liquor Control Act 1988</i>.</p> <p style="text-align: right;"><i>AMD 3 GG 10/05/19</i></p>
telecommunications infrastructure	<p>means premises used to accommodate the infrastructure used by in 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.</p> <p style="text-align: right;"><i>AMD 3 GG 10/05/19</i></p>
tourist development	<p>means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide -</p> <ul style="list-style-type: none"> (a) short-term accommodation for guests; and (b) onsite facilities for the use of guests; and (c) facilities for the management of the development. <p style="text-align: right;"><i>AMD 3 GG 10/05/19</i></p>
trade display	means premises used for the display of trade goods and equipment for the purpose of advertisement.

trade supplies	<p>means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for the following purposes including goods which may be assembled or manufactured off the premises -</p> <ul style="list-style-type: none"> (a) automotive repairs and servicing; (b) building including repair and maintenance; (c) industry; (d) landscape gardening; (e) provision of medical services; (f) primary production; (g) use by government departments or agencies, including local government. <p style="text-align: right;"><i>AMD 3 GG 10/05/19</i></p>
transport depot	<p>means premises used primarily for the parking or garaging of 3 or more commercial vehicles including –</p> <ul style="list-style-type: none"> (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. <p style="text-align: right;"><i>AMD 3 GG 10/05/19</i></p>
tree farm	<p>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 <i>Carbon Rights Act 2003</i> section 5.</p> <p style="text-align: right;"><i>AMD 3 GG 10/05/19</i></p>
veterinary centre	<p>means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders.</p>
warehouse/storage	<p>means premises including indoor or outdoor facilities used for -</p> <ul style="list-style-type: none"> (a) the storage of goods, equipment, plant or materials; or (b) the display or sale by wholesale of goods. <p style="text-align: right;"><i>AMD 3 GG 10/05/19</i></p>
waste disposal facility	<p>means premises used -</p> <ul style="list-style-type: none"> (a) for the disposal of waste by landfill; or (b) the incineration of hazardous, clinical or biomedical waste. <p style="text-align: right;"><i>AMD 3 GG 10/05/19</i></p>
waste storage facility	<p>means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale.</p> <p style="text-align: right;"><i>AMD 3 GG 10/05/19</i></p>
workforce accommodation	<p>means premises which may include modular or relocatable buildings, used –</p> <ul style="list-style-type: none"> (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries, on a temporary basis; and (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors. <p style="text-align: right;"><i>AMD 3 GG 10/05/19</i></p>

SCHEDULE 2 - ADDITIONAL USES

NO.	DESCRIPTION OF LAND	ADDITIONAL USE	CONDITIONS

SCHEDULE 3 - RESTRICTED USES

NO.	DESCRIPTION OF LAND	RESTRICTED USE	CONDITIONS

SCHEDULE 4 - SPECIAL USE ZONES

NO.	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS
1.	Lot 509 Spence Street, Laverton	Caravan park, workforce accommodation, and such similar or ancillary uses as may be approved by the local government.	As determined by the local government.
2.	Lot 201 and Part of Lot 211 Weld Drive and Augusta Street, Laverton	Caravan park, and such similar or ancillary uses as may be approved by the local government.	As determined by the local government.
3.	Lot 418 Weld Drive, Laverton	Community facilities and services for Aboriginal community members.	As determined by the local government.
4.	Lot 202 Weld Drive, Laverton <i>AMD 1 GG 15/06/12</i> <i>AMD 3 GG 10/05/19</i>	Caretaker's dwelling - D Civic use - D Community purpose - D Grouped dwelling - D Workforce accommodation - A Motel - A Office - A Residential building - D Tourist development - D Ancillary tourist uses - D Ancillary tourist uses are premises used for: (a) recreation or entertainment; (b) consumption of food and / or beverages; (c) the sale of produce, (d) the sale of arts and crafts; and / or (e) conducting excursions for tourists, where such use is incidental to and directly related to the predominant use of the land. Note: the symbols in this Schedule shall have the same meanings as per Clause 3.4.2.	The objectives of the Special Use Zone are to - (i) Maximise the potential to develop the site for a range of accommodation and other compatible uses consistent with the strategic planning direction of the Shire of Laverton. (ii) Ensure that all development is designed and constructed to a high standard that does not detract from the streetscape. (iii) Ensure that proposed land uses are designed or otherwise able to co-exist on the site without compromising the amenity of existing development on the site. (iv) Ensure that any workforce accommodation is designed to cater for people seeking short-stay accommodation or is able to be removed from the site. (v) Discourage subdivision unless it can be demonstrated that the objectives and conditions of the Zone will not be compromised. Conditions - (i) A minimum of 10% of the site shall be landscaped with particular regard to street frontages and outdoor recreation areas. Note: the use of indigenous species and 'water wise' design principles is encouraged.

NO.	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS
			<ul style="list-style-type: none"> <li data-bbox="932 245 1370 331">(ii) A maximum density of Residential R30 shall apply to grouped dwellings and residential buildings. <li data-bbox="932 359 1370 445">(iii) Grouped dwellings and residential buildings shall be assessed in accordance with the R-Codes. <li data-bbox="932 472 1370 762">(iv) Unless development has an appearance equivalent to the standard of a new building or structure and satisfies the relevant provisions contained within the Shire of Laverton Policy Manual, the use of a repurposed or second-hand dwelling, second-hand structures, or second-hand external materials is prohibited. <li data-bbox="932 789 1370 844">(v) All development must be connected to reticulated sewer. <li data-bbox="932 871 1370 1016">(vi) Car parking and manoeuvring areas shall be designed to facilitate the safe movement of the largest vehicle type likely to access the site. <li data-bbox="932 1043 1370 1129">(vii) Entry and/or advertising signage shall be integrated into the development.

SCHEDULE 5 - EXEMPTED ADVERTISEMENTS FOR WHICH DEVELOPMENT APPROVAL IS NOT REQUIRED

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN TYPE AND NUMBER (includes the change of posters or poster signs and applies to non-illuminated signs unless otherwise stated)	MAXIMUM AREA
Single house	One professional nameplate as appropriate.	0.2m ²
Home business Home occupation	One advertisement describing the nature of the home business or home occupation.	0.2m ²
Place of worship Meeting halls Place of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m ²
Cinema/theatre including drive-in theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m ²
Shop Bulky goods showroom 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 compliance with the requirements of the Signs Hoarding and Bill Posting Local Laws.	Not Applicable
Industrial and warehouse/storage premises	A maximum of four 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 and excluding signs which are connected to a pole, wall, or other building. A maximum of two freestanding advertisement signs not exceeding 5 metres in height above ground level.	Total area of such advertisements are not to exceed 15m ² . Maximum permissible total area is not to exceed 10m ² and individual advertisement signs are not to exceed 6m ² .
Bulky goods showroom Racecourse Major racing track 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.	Not Applicable
Public places and Reserves	(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of Government department, a public authority or local government excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and	Not Applicable
	(b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a	Not Applicable

	Government department, public authority or the local government, and	
	(c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any Statute or Regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	Not Applicable
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 is to exceed 2m ² in area.
Advertisements within buildings	All advertisements placed or displayed within buildings, which cannot ordinarily be seen by a person outside of those buildings.	Not Applicable
All classes of buildings other than single house	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²
TEMPORARY SIGNS	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA
Building construction sites (advertisement signs displayed only for the duration of the construction) as follows:		
(a) Single house	(a) One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.	2m ²
(b) Multiple dwellings, shop, commercial and industrial properties	(b) One sign as for (a) above.	5m ²
(c) Large development or redevelopment projects involving shopping centres, office or other buildings exceeding three (3) storeys in height	(c) One sign as for (a) above One additional sign showing the name of the project builder.	10m ² 5m ²
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	2m ²

	land is not normally used for that purpose	
<p>Property transactions</p> <p>Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows:</p> <p>(a) Single house</p> <p>(b) Multiple dwellings, shops, commercial and industrial properties</p> <p>(c) Large properties comprised of shopping centres, buildings in excess of four (4) storeys and rural properties in excess of five (5) hectares.</p>	<p>(a) One sign per street frontage for each property relating to the Sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed.</p> <p>(b) One sign as for (a) above.</p> <p>(c) One sign as for (a) above</p>	<p>Each sign is not to exceed an area of 2m²</p> <p>Each sign is not to exceed an area of 5m²</p> <p>Each sign is not to exceed an area of 10m²</p>
<p>Display Homes</p> <p>Advertisement signs displayed for the period over which homes are on display for public inspection</p>	<p>(a) One sign for each dwelling on display.</p> <p>(b) In addition to (a) 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.</p>	<p>2m²</p> <p>5m²</p>

SCHEDULE 6 - ENVIRONMENTAL CONDITIONS

SCHEME OR AMENDMENT NO.	GAZETTAL DATE	ENVIRONMENTAL CONDITIONS

Schedule A - Supplemental provisions to the deemed provisions

AMD 3 GG 10/05/19

Clause 61(1)

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

ADOPTION

Adopted by Resolution of the local government of the Shire of Laverton at the meeting of the local government held on the 21st day of September 2002.

.....
PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

FINAL APPROVAL

Adopted by Resolution of the local government of the Shire of Laverton at the meeting of the local government held on the 14th day of November 2002 and pursuant to that Resolution the Seal of the Municipality was hereunto affixed in the presence of:

.....
PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

The Scheme Text is to be read in conjunction with the approved maps of the Scheme described in clause 1.4 of the Scheme and to which formal approval was given by the Minister for Planning on the date shown below.

RECOMMENDED/SUBMITTED FOR FINAL APPROVAL

.....
DELEGATED UNDER S.20 OF THE
WESTERN AUSTRALIAN PLANNING COMMISSION ACT 1985

.....
DATE 17/8/03

FINAL APPROVAL GRANTED

.....
MINISTER FOR PLANNING AND INFRASTRUCTURE

.....
DATE