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SHIRE OF MOORA

Local Planning Scheme No. 4

Updated to include AMD 13 GG 09/02/2021



Department of Planning,
Lands and Heritage

Prepared by the
Department of Planning, Lands and Heritage

Original Town Planning Scheme Gazettal
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SHIRE OF MOORA TPS4 - TEXT AMENDMENTS

AMDT NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
1	9/4/99	14/4/99	DH	Schedule 2 - deleting references to "March 31, 1999" and substituting "31 March 2003".
3	16/11/01	15/11/01	DH	Table 1 - substitute the symbol 'AA' for the symbol 'P' against the use class 'single house'. Schedule 4 - adding Special Rural Zone "Part Lot 26 and Lot 4008 Atbara Street, Moora".
7	28/11/08	21/1/09	DH	Contents Page - inserting in numeric order "3.13 Development Zone" and "4.12 Structure plan". Part 3 - inserting new zone "Development" after entry for "Residential" Table 1 (Zoning Table) - inserting new column "Residential". Part 3 - inserting new Clause "3.13 Development Zone"/ Part 4 - inserting new Clause "4.12 Structure plan"
6	27/1/09	1/2/09	DH	Part 2 - deleting and replacing Clauses 2.1 and 2.2. Part 2 - adding new Clause 2.3 "Use and development of Local Reserves" and renumbering existing clause 2.3 to 2.4.
8	20/08/10	25/08/10	NM	Inserted "Lot 16 Ferguson Road, Moora" into Schedule 4 – Special Rural Zones.
09	11/03/11	21/03/11	NM	Replaced "Town Planning & Development Act 1928" and "Town Planning & Development Act 1928 (as amended)" wherever the terms occur with "Planning & Development Act 2005". Replaced "Town Planning Scheme" wherever the term occurs with "Local Planning Scheme". Replaced "Residential Planning Codes" wherever the term occurs with "Residential Design Codes". Replaced "Local government" with "local government" wherever the term occurs except for reference in Part 5 to the Heritage Local government of WA and where the word occurs in the term "Moora Shire Local government". Replaced "sub clause" with "clause" wherever the term occurs. Replaced "Notwithstanding" with "Despite" wherever the term occurs. Replaced "pursuant to" with "under" wherever the term occurs. Deleted "Arrangement" under the heading of "Scheme Text" and inserted a new table of Contents. Modified Clauses 1.1 and 1.6. Replaced Clauses 1.2 and 1.8. Inserted new clause 1.9. Replaced clauses 2.1 to 2.4. Replaced clause 3.2.2. Deleted clause 3.2.3, and re-numbered clauses 3.2.4 and 3.2.5 as 3.2.3 and 3.2.4 respectively. Replaced Clauses 3.4 to 3.12. Inserted new clauses 3.13, 3.14 and 3.15. Replaced Table 1 – Zoning Table. Renamed Part 4. Modified Clauses 4.1.1 and 4.1.3. Replaced clause 4.1.4 Inserted a new clause 4.2 and renumbered existing clauses 4.2 to 4.12 inclusive as clauses 4.3 to 4.13 inclusive. Modified Clauses 4.4.2, 4.6, 4.7.1 and 4.7.2. Deleted the clause numbering for clause 4.5.1, and deleted clause 4.5.2. Deleted clauses 4.7.3, 4.7.4 and 4.8. Inserted new clause 4.8. Replaced clause 4.11. Modified clauses 4.12.1(a), 4.12.1(b), 4.12.2(a), 4.12.2(b) and 4.12.4. Replaced clause 4.12.7(c). Modified clauses; 4.12.8, 4.12.9, 4.13.1, 4.13.3, 4.13.6, 4.13.8(a), 4.13.7, 5.1, 5.2.2, 5.3.2, 5.3.3, 5.3.4(a) 5.3.4(b) 5.3.5, 5.4.4, 5.4.5, 5.5.1(e), 5.8.3. Deleted clauses 5.9 and 5.10. Replaced clauses 6.1 to 6.5, 7.1.2(b), 7.1.2(d) and 7.1.3 to 7.6. Modified clause 7.1.2(a). Inserted clause 7.1.2(h). Inserted clauses 7.7 to 7.13. Modified clauses 8.1, 8.1(b), 8.1(c) and 8.1(e). Replaced clauses 8.2 to 8.7. Replaced Schedules 1 to 5. Inserted Schedules 6 to 12.
10	11/05/12	29/05/12	NM	Inserted a new clause 4.11 – deleted the old clause 4.11. Replaced clause 7.1.2(b)(iv). Modified clause 4.2. Replaced the existing Flood Zone Classifications Map in Schedule 12.

				Deleted point '2' in Rural Residential Zone 7 within Schedule 10 and renumbered the following numbers accordingly.
11	05/06/15	12/10/16	AC	<p>Rezoned a portion of Lot 965 Cooper Street, Moora from 'Development' zone to 'General Agriculture' zone as depicted on the Scheme Amendment map.</p> <p>Rezoned a portion of Lot 1216 Airstrip Road and Lot 48 on an unnamed road, Moora from 'General Agriculture' zone to 'Special Use' zone (SU8) as depicted on the Scheme Amendment map.</p> <p>Schedule 4 - Special Use zones - Listed a portion of Lot 1216 Airstrip Road and a portion of Lot 48 on an unnamed road, Moora as Special Use No. 8 (SU8) for 'airfield' with conditions.</p> <p>'Schedule 1 Dictionary of defined words and expressions', 3. Land Use Definitions – Inserted a definition for 'airfield'.</p>
12	27/7/17	22/8/17	AT	<p>Inserting reference to the deemed provisions and supplemental provisions in Part 1.5 by inserting new sub-clauses (b) and (c) and renumbering the sub-clauses accordingly</p> <p>Deleting the following text from clause 1.6:</p> <ul style="list-style-type: none"> Part 5 - Heritage Protection Part 7 - Planning Approval Part 8 - Administration <p>Inserting clause 18(7) of the Model Provisions as new clause 3.2.5 of the model provisions to ensure guidance is provided for when considering application within a Development Zone</p> <p>Modifying the zoning table to update the following Use Class names to correspond with the appropriate definition within the Schedule 1 Part 6 Model Provisions for Local Planning Schemes</p> <p>Modifying the zoning table to update the permissibility of 'Ancillary Accommodation' from 'D' use class to 'P' use to make it consistent with clause 61(1)(d) of the deemed provisions</p> <p>Modifying the zoning table to update the permissibility for 'Development' zone to 'in accordance with Clause 3.2.5' for all use classes, in line with clause 18(7) of the model provisions</p> <p>Modifying the zoning table to update the permissibility for the 'Mining operations' zone from 'A' to 'D' in the 'General Agriculture' zone to trigger Section 120 of the <i>Mining Act 1978</i></p> <p>Deleting the following clauses from the Scheme Text, as they have been superseded by the deemed provisions set out in the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule 2: Parts 5, 7, 8 in their entirety; Clause 2.4, 3.12.3, 4.7, 4.12.1, 4.12.3-4.12.9, 4.13 in its entirety; Schedules 6, 7, 8 and 9 in their entirety</p> <p>Inserting provisions into Schedule A Supplemental Provisions</p> <p>Amending numerous clauses</p> <p>Delete various references</p> <p>Modified 2 paragraphs in Schedule 1</p> <p>Delete and insert various definitions in Schedule 1</p>
13	09/02/2021	02/03/2021	MLD	<p>Under 3.1 Zones insert new zone – RURAL ENTERPRISE.</p> <p>In Table 1 – Zoning Table insert new zone – RURAL ENTERPRISE, with the following land use permissibility:</p> <ul style="list-style-type: none"> 'P' – Industry – Light; Industry – service; Motor vehicle, boat or caravan sales; Bulky goods showroom. 'D' – Ancillary tourist use; Office; Public amusement; Public utility; Single house; Veterinary centre. <p>All other land use classes are not permitted('X') in the 'Rural Enterprise' zone.</p> <p>In Table 1 – Zoning Table delete the land use term 'industry noxious' and renumber uses specified thereafter.</p> <p>Under 3.10 Light Industrial Zone delete clause 3.10.1 Objectives and replace. Insert new clause 3.13 – Rural Enterprise Zone.</p> <p>Insert new Schedule 12 – Rural Enterprise Zones.</p> <p>Review and where necessary renumber any clauses, tables or schedules, including any reference to them, in the Scheme text as required to address the amendment above.</p> <p>Address any editorial matters necessary to correct formatting, numbering and administrative errors.</p> <p>Amend the Scheme Map by rezoning the portion of Lot 115 on DP 89798 east of Kintore Street as 'Light Industry' zone and the remaining portion as 'Rural Enterprise' zone.</p>

SHIRE OF MOORA

LOCAL PLANNING SCHEME NO. 4

The Moora Shire local government, under and by virtue of the powers conferred upon it in that behalf by the *Planning and Development Act 2005*, hereby makes the following local planning scheme for the purposes laid down in the act.

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PART I - PRELIMINARY

1.1 CITATION

This Local Planning Scheme may be cited as the Shire of Moora Local Planning Scheme No. 4 "the Scheme" and shall come into operation on the publication of the Scheme in the *Government Gazette*.

AMD 09 GG 11/03/11

1.2 RESPONSIBLE AUTHORITY

AMD 09 GG 11/03/11

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

1.3 SCHEME AREA

The Scheme applies to the whole of the land within the Municipal District of the Shire of Moora hereinafter called "the Scheme Area".

1.4 REVOCATION

The Shire of Moora Local Planning Scheme No. 3 published in the *Government Gazette* of 4 July 1980 and all amendments thereto are hereby revoked.

1.5 CONTENTS OF SCHEME

The Scheme comprises:

- a) this 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 AMD 12 GG 27/7/17
- d) the Scheme Map (sheets numbers 1 to 8 inclusive).

1.6 ARRANGEMENT OF SCHEME TEXT

The Scheme Text is divided into the following parts: AMD 09 GG 11/03/11; AMD 12 GG 18/8/17

PART I - PRELIMINARY
PART II - RESERVES
PART III - ZONES
PART IV - DEVELOPMENT REQUIREMENTS
PART V - NON-CONFORMING USES

1.7 SCHEME OBJECTIVES

The objectives of the Scheme are:

- a) to zone the Scheme Area for the purposes described in the Scheme;
- b) to secure the amenity health and convenience of the Scheme Area and the residents thereof;
- c) to make provisions as to the nature and location of buildings and the size of lots when used for certain purposes;
- d) the preservation of places of natural beauty, of historic buildings, and objects of historical and scientific interest; and
- e) to make provision for other matters necessary or incidental to town planning and housing.

1.8 DEFINITIONS

AMD 09 GG 11/03/11

1.8.1 Unless the context otherwise requires, words and expressions used in the Scheme have the same meaning as they have:

- (a) in the *Planning & Development Act 2005*; 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.

1.8.2 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.

1.9 RELATIONSHIP WITH LOCAL LAWS

AMD 09 GG 11/03/11

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

PART II - RESERVES

2.1 RESERVES

AMD 6 GG 27/1/09; AMD 09 GG 11/03/11

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

2.2 LOCAL RESERVES

AMD 6 GG 27/1/09; AMD 09 GG 11/03/11

"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

AMD 6 GG 27/1/09; AMD 09 GG 11/03/11

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 developmental approval under Part 7 of the deemed provisions.

2.3.2 In determining an application for developmental 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 reserves for the purposes of a public authority, the local government is to consult with that authority before determining an application for developmental approval.

PART III - ZONES

3.1 ZONES

3.1.1 There are hereby created the several zones set out hereunder:

RESIDENTIAL
DEVELOPMENT
TOWN CENTRE
RURAL TOWNSITE
SPECIAL MIX RESIDENTIAL
LIGHT INDUSTRIAL
INDUSTRIAL
SPECIAL USE
RURAL RESIDENTIAL
RURAL SMALLHOLDING
GENERAL AGRICULTURE
RURAL ENTERPRISE

AMD 7 GG 28/11/08

AMD 13 GG 09/02/2021

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

3.2 ZONING TABLE

3.2.1 The Zoning Table indicates, subject to the provisions of the Scheme, the several uses permitted in the Scheme Area in the various zones, such uses being determined by cross reference between the list of uses on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

3.2.2 The symbols used in the cross reference in the Zoning Table have the following meaning:

"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 approval;

"A" means that the use is not permitted unless the local government has exercised its discretion by granting developmental approval after giving special notice in accordance with clause 64 of the deemed provisions; *AMD 12 GG 18/8/17*

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

3.2.3 Where in the Zoning Table a particular use is mentioned it is deemed to be excluded from any other use which by its more general terms might otherwise include such particular use. *AMD 09 GG 11/03/11*

3.2.4 If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the local government may: *AMD 09 GG 11/03/11*

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

b) determine that the proposed use may be consistent with the objectives and purposes of the zone and thereafter follow the 'A' advertising procedures of clause 64 of the deemed provisions in considering an application for developmental approval; or *AMD 09 GG 11/03/11; AMD 12 GG 18/8/17*

c) determine that the use is not consistent with the objectives and purposes of the

particular zone and is therefore not permitted.

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

- (a) a structure plan;
- (b) an activity centre plan;
- (c) a local development plan

AMD 12 GG 27/7/17

3.3 ADDITIONAL USES

Despite anything contained within the Zoning Table, the land specified in Schedule 2 may, subject to compliance with any condition specified in Schedule 2 with respect to the land, be used for the purpose set against that land. The use so specified is in addition to the other uses permitted in the zone in which the land is situated unless any of those uses are excluded or modified by a condition specified in Schedule 2.

Table 1 – Zoning Table

AMD 07 GG 28/11/08; AMD 09 GG 11/03/11

USES		RESIDENTIAL	DEVELOPMENT	TOWN CENTRE	RURAL TOWNSITE	SPECIAL MIX RESIDENTIAL	LIGHT INDUSTRIAL	INDUSTRIAL	RURAL RESIDENTIAL	RURAL SMALLHOLDING	GENERAL AGRICULTURE	RURAL ENTERPRISE AMD 13 GG 09/02/2021	
1	residential aged care facility AMD 12 GG 18/8/17	D	USES SHOWN ON AN APPROVED STRUCTURE PLAN – SEE CLAUSE 3.2.5	X	X	X	X	X	X	X	X	X	
2	agriculture-extensive	X		X	X	X	X	X	X	D	P	X	
3	agriculture-intensive	X		X	X	X	X	X	X	D	P	X	
4	animal establishment	X		X	X	X	X	X	X	A	A	X	
5	animal husbandry-intensive	X		X	X	X	X	X	X	X	A	X	
6	ancillary accommodation AMD 12 GG 18/8/17	P		X	D	D	X	X	D	D	D	X	
7	ancillary tourist use	X		X	A	A	D	X	X	A	D	D	
8	caretaker's dwelling	X		D	D	X	D	D	X	X	D	X	
9	club premises	X		D	D	X	X	X	X	D	D	X	
10	consulting rooms	A		P	D	X	X	X	X	X	X	X	
11	educational establishment AMD 12 GG 18/8/17	A		X	D	X	X	X	X	X	A	X	
12	fast food outlet	X		A	A	X	X	X	X	X	X	X	
13	fuel depot	X		X	A	X	D	P	X	X	X	X	
14	grouped dwelling	D		D	D	X	X	X	X	X	X	X	
15	home business	A		X	X	X	X	X	X	A	D	X	
16	home occupation	D		X	D	P	X	X	D	D	D	X	
17	hotel	X		D	D	X	X	X	X	X	X	X	
18	industry - cottage	D		X	D	D	X	X	D	D	D	X	
19	industry - extractive	X		X	X	X	X	X	X	A	D	X	
20	Industry AMD 12 GG 18/8/17	X		X	X	X	X	P	X	X	X	X	
21	industry - light	X		X	A	D	P	P	X	X	X	P	
22	mining operations AMD 12 GG 18/8/17	X		X	X	X	X	X	X	X	D	X	
	industry - noxious			<i>DELETED BY AMD 13 GG 09/02/2021</i>									
23	industry - rural	X		X	X	X	X	D	A	A	D	X	
24	industry - service	X		D	D	X	P	P	X	X	X	P	
25	motel	A		D	D	X	X	X	X	X	X	X	
26	motor vehicle, boat or caravan sales	X		D	D	X	P	D	X	X	X	P	
27	motor vehicle repair	X	X	D	X	P	P	X	X	X	X		

	USES	RESIDENTIAL	DEVELOPMENT	TOWN CENTRE	RURAL TOWNSITE	SPECIAL MIX RESIDENTIAL	LIGHT INDUSTRIAL	INDUSTRIAL	RURAL RESIDENTIAL	RURAL SMALLHOLDING	GENERAL AGRICULTURE	RURAL ENTERPRISE AMD 13 GG 09/02/2021
28	office	X		P	D	A	D	X	X	X	X	D
29	public amusement	X		D	D	X	D	X	X	X	X	D
30	public utility	D		D	D	D	D	D	D	D	D	D
31	place of worship	D		P	D	X	X	X	X	X	X	X
32	residential building	D		X	D	X	X	X	X	X	D	X
33	restaurant/café AMD 12 GG 18/8/17	X		P	D	X	X	X	X	X	A	X
34	rural home business	X		X	X	X	X	X	X	A	D	X
35	rural pursuit/hobby farm AMD 12 GG 18/8/17	X		X	X	X	X	X	A	A	P	X
36	service station	X		A	D	X	D	D	X	X	D	X
37	shop	X		P	D	X	X	X	X	X	X	X
38	single house	P		X	D	D	X	X	P	P	P	D
39	bed and breakfast AMD 12 GG 18/8/17	A		D	D	A	X	X	A	X	D	X
40	bulky goods showroom AMD 12 GG 18/8/17	X		D	D	X	P	D	X	X	X	P
41	tavern	X		A	A	X	X	X	X	X	X	X
42	transport depot	X		X	A	X	D	P	X	X	A	X
43	veterinary centre	X		A	A	A	D	P	D	X	D	D

3.4 RESTRICTED USES

AMD 09 GG 11/03/11

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.

3.5 SPECIAL USE ZONES

AMD 09 GG 11/03/11

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

3.5.2 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.

3.6 RESIDENTIAL ZONE

AMD 09 GG 11/03/11

3.6.1 Objectives

- (a) To provide for the predominant form of residential development to be single houses whilst providing for diversity with higher density close to the town centre.
- (b) To provide for diversity of lifestyle choice with a range of residential densities.
- (c) 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.

3.6.2 Site Requirements

In accordance with the Residential Design Codes.

3.6.3 Parking of Commercial Vehicles

In a Residential zone, a person is not to:

- (a) park, or allow to remain stationary for more than 4 hours consecutively:
 - (i) more than 2 commercial vehicles and if there are 2 such vehicles 1 at least must be housed in a domestic garage or domestic outbuilding; or,
 - (ii) any vehicle which due to size or load is not capable of being completely housed within a domestic garage or domestic outbuilding having a maximum floor area of 70 square metres and in which no horizontal dimension is more than 10 metres; or
 - (iii) a vehicle which together with the load thereon exceed 2.75 metres in height;
- (b) repair, service, or clean a commercial vehicle unless such work be carried out whilst the vehicle is housed in a domestic garage or domestic outbuilding provided however that such work does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limited the generality of the foregoing) injury or prejudicial affection due to the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, or waste products.

3.7 **TOWN CENTRE ZONE**

AMD 09 GG 11/03/11

3.7.1 Objectives

- (a) To ensure the town centre remains the principal place for retail, commercial, civic, and administrative functions within the district.
- (b) To encourage development will not adversely affect local amenities, and will enhance the character of the town centre.
- (c) To provide sufficient parking spaces for vehicles without compromising pedestrian movements through the town centre.
- (d) To provide an increased level of public amenities including public toilets, shaded areas, and street furniture.

3.7.2 Site Requirements

At the discretion of the local government.

3.7.3 Development Requirements

- (a) Development shall not exceed 2 storeys in height except where the local government considers that particular circumstances may warrant an exception being made and provided the local government's objectives are not compromised.
- (b) In considering an application for developmental approval for a proposed development (including additions and alterations to existing development) the local government shall have regard to:
 - (i) the colour and texture of external building materials; the local government may require the building facade and side walls to be constructed in masonry;
 - (ii) building size, height, bulk, roof pitch;

- (iii) setback and location of the building on its lot;
 - (iv) architectural style and design details of the building;
 - (v) function of the building;
 - (vi) relationship to surrounding development; and
 - (vii) other characteristics considered by the local government to be relevant.
- (c) Landscaping shall be provided to complement the appearance of the proposed development and the town centre.
- (d) 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.

3.8 RURAL TOWNSITE ZONE

AMD 09 GG 11/03/11

3.8.1 Objectives

To allow for a wide range of land uses such as may be found in a small country town, but subject to preservation of local amenities.

3.8.2 Site Requirements

In accordance with the Residential Design Codes.

3.9 SPECIAL MIX RESIDENTIAL ZONE

AMD 09 GG 11/03/11

3.9.1 Objectives

- (a) To ensure that the area develops primarily for residential purposes but with an opportunity for restricted light industrial development in conjunction with those dwellings;
- (b) to ensure that the character of the area remains predominantly residential;
- (c) to ensure that the combination of uses, the density, the scale, character, size, bulk, appearance, and activities carried out are compatible with:
 - (i) the existing residential development;
 - (ii) the capacity of the existing street system and any modifications proposed thereto in order to accommodate any increase in vehicular traffic; and,
 - (iii) the capacity of existing services and any modifications proposed thereto.

3.9.2 Site Requirements

The minimum building setbacks shall be:

Front: 7.5m
 Rear: 9.0m
 Side: 1.5m

3.9.3 Development Requirements

- (a) Not more than 1 dwelling shall be erected on a lot but the local government may, at its discretion, approve ancillary accommodation.
- (b) Light industry use shall not be permitted on any lot unless a dwelling exists on that lot.
- (c) Not more than 1 light industrial use shall be conducted on each lot.

- (d) A dwelling on a lot shall only be occupied by either the owner of the lot, or the manager, or an employee of the light industry.
- (e) Retail sales shall not be permitted on any lot without the prior written approval of the local government.
- (f) No lot, or property thereon, shall be subdivided, leased, or licensed for separate light industrial purposes to those of the predominant residential use and/or occupancy.
- (g) In considering any application for developmental approval the local government will have regard to and may impose conditions relating to:
 - (i) the objectives of the Scheme and the Zone;
 - (ii) the provisions of the Scheme;
 - (iii) the proposed hours of operation; which shall be 6.00 am - 8.00 pm or at the local government's discretion within maximum stated hours, road vehicles excluded;
 - (iv) the demand upon and adequacy of roads, drainage, waste disposal, and utility services;
 - (v) any detailed development plans, design code or policy adopted by the local government pertaining to the land to which the application applies;
 - (vi) any detrimental circumstances which in particular unduly affect surrounding dwellings that could originate from the proposed use including noise, time of operation, vibration, smell, light, traffic operation, potential safety or health hazards, electrical interference, fumes, smoke, dust, oil, and other waste products;
 - (vii) the character of the proposed development in relation to the surrounding residences in terms of its size, bulk, appearance, building materials, location, provision of outside storage, and reflective glare;
 - (viii) representation made by any public authority, person, or body;
 - (ix) the adequacy of the proposed means of entrance to and egress from the site and the provision for the loading, unloading and parking of vehicles on site; and,
 - (x) advertising signs, which may be permitted at the local government's discretion.

3.9.4 The maximum site coverage shall be 25%, and not less than 40% of a lot shall be landscaped to the satisfaction of the local government.

3.10 LIGHT INDUSTRIAL ZONE

AMD 09 GG 11/03/11

3.10.1 Objectives

AMD 13 GG 09/02/2021

- (a) To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones;
- (b) to provide for the needs of light and service industries, and showroom uses to support the community;
- (c) to achieve and maintain a high standard of presentation to Moora Dongara Road at the northern entry and to the Bindoon-Moora Road at the southern entry to Moora; and
- (d) to ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.

3.10.2 Site Requirements

The minimum building setbacks shall be:

Front: 7.5m
Rear: 7.5m
Side: 5.0m on one side

3.10.3 Development Requirements

- (a) The first 5 metres of the front setback on any lot shall be landscaped to the satisfaction of the local government. Where a lot has frontage to 2 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 shall be landscaped to the satisfaction of the local government.
- (b) The whole of any wall or building facing any street shall be constructed in brick, concrete or masonry, provided however, that an owner may apply to the local government for permission to use materials other than those prescribed and the local government may permit the use of such other materials where it is satisfied that such use will not detract from the amenity of the area.
- (c) Each open yard shall be screened from any street by a closed fence or wall not less than 1.8 metres high unless exempted by the local government of the need to comply with this requirement.

3.11 **INDUSTRIAL ZONE**

AMD 09 GG 11/03/11

3.11.1 Objectives

- (a) To provide for the needs of industry to support the community.
- (b) To provide appropriate buffers between industry and adjacent land uses, so as to avoid land use conflicts.
- (c) To provide landscaped buffers along the branch of the Moore River to the established industrial area.
- (d) To avoid direct discharge of stormwater drainage or the discharge of any deleterious substances into the branch of the Moore River.
- (e) To avoid non-industry related uses establishing in the industrial area.

3.11.2 Site Requirements

The minimum building setbacks shall be:

Front: 7.5m
Rear: 7.5m
Side: 5.0m on one side

3.11.3 Development Requirements

- (a) The first 5 metres of the front setback on any lot shall be landscaped to the satisfaction of the local government. Where a lot has frontage to 2 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 shall be landscaped to the satisfaction of the local government.
- (b) Prior to the issue of developmental approval for an industry in the Industrial zone, the local government will ascertain the appropriate buffer for that industry, and such industry may only be granted developmental approval if the relevant buffer can be accommodated wholly within the zone.
- (c) 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 Conservation, and the granting of developmental approval for such industries shall be subject to wastes being treated and disposed of in accordance with advice/guidelines received.

3.12 DEVELOPMENT ZONE

AMD 09 GG 11/03/11

3.12.1 Objectives

- (a) For land in this zone to be progressively developed for purposes, including, residential development and for other uses normally associated with residential development.
- (b) Prior to any subdivision or development occurring in the zone, ensure that a Structure plan has been adopted.
- (c) Establish zoning and density coding for land in the zone through the adoption of a Structure plan.

3.12.2 Development requirements

- (a) Prior to granting approval for any development or recommending approval for subdivision of land in this zone, a Structure plan shall be required to be adopted in accordance with the Structure plan provisions stipulated in Part 4 of the deemed provisions. *AMD 12 GG 18/8/17*
- (b) Despite the requirements of the Scheme, the local government may permit the land to be used for various purposes shown in the approved Structure plan.

3.13 RURAL ENTERPRISE ZONE

AMD 13 GG 09/02/2021

3.13.1 Objectives

- (a) To provide for light industrial and ancillary residential development on one lot.
- (b) To provide for lot sizes in the range of 1 ha to 4 ha.
- (c) To carefully design rural enterprise estates to provide a reasonable standard of amenity without limiting light industrial land uses.
- (d) To notify prospective purchasers of potential amenity impacts from light industrial land uses.

3.13.2 Site Requirements

The minimum lot size for the Rural Enterprise zone is 1 hectare.

Unless otherwise specified in the Scheme, the minimum building and/or development setbacks for the Rural Enterprise zone shall be specified by a structure plan/local development plan prepared and adopted in accordance with the deemed provisions.

3.13.3 General provisions

- (a) Notwithstanding any other provision of the Scheme, the provisions for controlling subdivision and development in specific Rural Enterprise zones shall be as provided in Schedule 12.
- (b) Unless otherwise specified by Schedule 12, prior to granting approval for any development or recommending approval for subdivision of land in the Rural Enterprise zone, a structure plan shall be required to be adopted in accordance with Part 4 of the deemed provisions and shall demonstrate the ability to:
 - (i) separate light industrial and residential uses via the use of building

- (ii) envelopes and/or dual frontages; and
- (ii) achieve a clear delineation between light industrial and residential vehicles in access arrangements to the lots.

3.13.4 Development requirements

- (a) In the Rural Enterprise zone –
 - (iii) dwellings must be incidental to the predominant use of the site for light industry;
 - (iv) unless otherwise provided in the Scheme, the development of dwellings shall be in accordance with the R2 density code provisions of the R-Codes, with the exception of the minimum lot size area;
 - (v) no more than one dwelling will be permitted on each lot;
 - (vi) the local government shall not grant development approval for a dwelling prior to the predominant use being either approved or constructed;
 - (vii) where a dwelling has been granted development approval, it shall not be occupied until the predominant use has been established and is operational on site;
 - (viii) lots shall be connected to a network electricity supply and reticulated potable water supply provided by a licensed service provider; and
 - (ix) notifications on title may be used to advise prospective purchasers of potential noise, dust, odour or other amenity impacts that may arise from light industrial uses.

3.14 **RURAL RESIDENTIAL ZONES**

AMD 09 GG 11/03/11

3.1341 Objectives

- (a) To select areas wherein closer subdivision will be permitted to provide for such uses as hobby farms, horse breeding, rural-residential retreats.
- (b) To make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.

3.14.2 Site Requirements

The minimum building setbacks shall be:

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

3.14.3 General Provisions

- (a) The local government will require the owner(s) of the land to prepare a submission supporting the creation of the Rural Residential zone and such submission shall include:
 - (i) a statement as to the purpose or intent for which the zone is being created and the reasons for selecting the particular area the subject of the proposed zone.
 - (ii) a plan or plans showing contours at such intervals as to adequately depict the land form of the area and physical features such as existing buildings, rock outcrops, trees or groups of trees, creeks, wells and significant improvements.
 - (iii) information regarding the method whereby it is proposed to provide a potable water supply to each lot.
 - (iv) in the absence of a Local Rural Strategy, it will be the responsibility of each applicant for rezoning to Rural Residential to prepare a land capability and suitability assessment to the satisfaction of the local government and in accordance with the Western Australian Planning

Commission's Policy and guidelines.

- (b) The Scheme provisions for a specific Rural Residential zone shall include a plan of subdivision showing, amongst other things:
 - (i) the proposed subdivision including lot sizes and dimensions.
 - (ii) areas to be set aside for public open space, pedestrian accessways, horse trails, community facilities, etc. as may be considered appropriate.
 - (iii) those physical features it is intended to conserve.
- (c) In addition to the plan of subdivision, the Scheme provisions for a specific Rural Residential zone shall specify:
 - (i) any facilities which the purchasers of the lots will be required to provide (e.g. their own potable water supply, liquid or solid waste disposal, etc.).
 - (ii) proposals for the control of land uses and development which will ensure that the purpose of intent of the zone and the rural environment and amenities are not impaired.
 - (ii) any special provisions appropriate to secure the objectives of the zone.
- (d) The provisions for controlling subdivision and development in specific Rural Residential zones shall be as laid down in Schedule 40 6 and future subdivision will generally accord with the plan of subdivision for the specified area certified by the Chief Executive Officer and approved by the Western Australian Planning Commission and such plan of subdivision shall show the minimum lot size for subdivision.

3.14.4 Development Requirements

Development in a Rural Residential zone shall comply with the requirements of the following:

- (a) Developmental approval is required for all development including a single house and such application shall be made in writing to the local government and be subject to Part 8 of the deemed provisions. *AMD 12 GG 18/8/17*
- (b) Not more than 1 dwelling shall be erected on a lot but the local government may, at its discretion, approve ancillary accommodation.
- (c) When the first application for developmental approval is made for building on a lot under clause 3.14.4 (a) the applicant shall nominate for the local government's approval a building envelope of regular shape and not exceeding 4000 square metres in area and which complies with minimum building setbacks in clause 3.14.2. All buildings(s) including the building(s) subject of the first application shall be contained within the building envelope approved by the local government.
- (d) In order to conserve the rural environment or features of natural beauty all trees shall be retained unless their removal is authorised by the local government.
- (e) 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 developmental approval the planting of such trees and/or groups of trees and species as specified by the local government.
- (f) A 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.

- (g) With the intention of preventing overstocking, erosion and any other practice detrimental to the amenity of a Rural Residential 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.
- (h) The local government may require provision to be made for bush fire control.

3.14.5 Development Standards

So as to achieve a high standard of development within a rural residential zone, and to minimise the visual impacts of development the local government will have regard to the following:

- (a) the colour and texture of external building materials;
- (b) building size, height, bulk, roof pitch;
- (c) setback and location of the building on its lot;
- (d) architectural style and design details of the building;
- (e) relationship to surrounding development; and
- (f) other characteristics considered by the local government to be relevant.

3.15 **RURAL SMALLHOLDING ZONE**

AMD 09 GG 11/03/11

3.15.1 Objectives

- (a) To provide for closer settlement for residential use in association with a rural pursuit and/or home business, and such uses as hobby farms, equestrian activities, and permaculture as well as for conservation lots.
- (b) To make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.

3.15.2 General Provisions

- (a) Before making provision for a Rural Smallholding Zone, the local government will require the owner(s) of the land to prepare a submission supporting the creation of the Rural Smallholding Zone and such submission shall include:
 - (i) a statement as to the purpose or intent for which the zone is being created and the reasons for selecting the particular area the subject of the proposed zone.
 - (ii) a plan or plans showing contours at such intervals as to adequately depict the land-form of the area and physical features such as existing buildings, rock outcrops, trees or groups of trees, creeks, wells and significant improvements.
 - (iii) information regarding the method whereby it is proposed to provide a potable water supply to each lot.
 - (iv) information on the environmental values pertaining to the site.
 - (v) details of surrounding land uses and the potential for land use conflict.
- (b) The Scheme provisions for a Rural Smallholding Zone shall include a structure plan showing, amongst other things:
 - (i) the proposed ultimate subdivision including lot sizes and dimensions.

- (ii) areas to be set aside for conservation, horse trails, community facilities, and the like as may be considered appropriate.
 - (iii) those physical features it is intended to conserve.
 - (iv) the proposed staging of the subdivision where relevant.
- (c) In addition to the structure plan, the Scheme provisions for a specific Rural Smallholding Zone shall specify:
- (i) any facilities which the purchasers of the lots will be required to provide such as their own potable water supply, liquid or solid waste disposal, and the like.
 - (ii) proposals for the control of land uses and development to ensure that the purpose of intent of the zone and the rural environment and amenities are not impaired.
 - (iii) commitments to environmental management and repair to ensure that the natural environment is not adversely impacted by subdivision or development.
 - (iv) any special provisions appropriate to secure the objectives of the zone.
- (d) The provisions for controlling subdivision and development in specific Rural Smallholding Zones shall be as laid down in Schedule 7 and future subdivision will generally accord with the structure plan for the specified area certified by the Chief Executive Officer and approved by the Western Australian Planning Commission and such structure plan shall show the minimum lot size for subdivision.

3.16 GENERAL AGRICULTURE ZONE

AMD 09 GG 11/03/11

3.16.1 Objectives

- (a) To ensure the continuation of broad-hectare farming as the principal land use in the district and encouraging where appropriate the retention and expansion of agricultural activities.
- (b) 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.
- (c) To allow for facilities for tourists and travellers, and for recreation uses.

3.16.2 Site Requirements:

The following minimum building setbacks shall apply:

Front: 20.0m
 Rear: 15.0m
 Side: 15.0m

PART IV - DEVELOPMENT REQUIREMENTS

AMD 09 GG 11/03/11

4.1 RESIDENTIAL DEVELOPMENT: RESIDENTIAL DESIGN CODES

- 4.1.1 For the purpose of the Scheme “Residential Design Codes” means the Residential Design Codes set out in Appendix 2 to the State Planning Policy No. 3.1, together with any amendments thereto (“R-Codes”).
- 4.1.2 A copy of the R-Codes shall be kept and made available for public inspection at the offices of the local government.
- 4.1.3 Unless otherwise provided for in the Scheme the development of land for any of the residential purposes dealt with by the R-Codes shall conform to the provisions of the R-Codes.
- 4.1.4 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.

AMD 09 GG 11/03/11

4.2 SPECIAL APPLICATION OF THE RESIDENTIAL DESIGN CODES

AMD 09 GG 11/03/11; AMD 10 GG 11/05/12

Within areas with split coding the local government may permit development above the lower code (R12.5) to a maximum density of the higher code (R25) specified on the Scheme map, provided that the development is consistent with the Scheme, the Residential Design Codes and it can be connected to reticulated sewerage.

4.3 CAR PARKING REQUIREMENTS

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

4.4 DISCRETION TO MODIFY DEVELOPMENT STANDARDS

- 4.4.1 Clause 4.4.2 shall not apply to:
- a) development in respect of which the Residential Design Codes apply under the Scheme, or
 - b) development on land abutting an unconstructed road, or
 - c) development on a lot which does not have frontage to a constructed road.
- 4.4.2 Subject to clause 4.4.1, if a development the subject of an application for developmental approval does not comply with a standard prescribed by the Scheme with respect to minimum lot sizes, building height, setbacks site coverage, car parking, landscaping and related matters the local government may, despite that non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit. 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 consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;
 - b) the non-compliance will not have any 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.

AMD 09 GG 11/03/11

4.5 HOME OCCUPATION

AMD 09 GG 11/03/11

An approval to conduct a 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 occupation approval is issued the approval is cancelled.

4.6 SUPPLY OF POTABLE WATER

AMD 09 GG 11/03/11

Prior to occupancy a dwelling shall be provided with a supply of potable water either from a reticulated system, or an underground bore, or a rainwater-storage system with a minimum capacity of 92,000 litres to the satisfaction of the local government.

4.7 DEVELOPMENT OF LOTS ABUTTING UNCONSTRUCTED ROADS

AMD 09 GG 11/03/11

Despite anything elsewhere appearing in the Scheme developmental approval is required for all development including a single house on a lot which abuts an unconstructed road or a lot which does not have frontage to a constructed road and which is not within a gazetted townsite. In considering such an application the local government shall either:

- (a) refuse the application until the road has been constructed or access by means of a constructed road is provided as the case may be; or
- (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 construction of 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.

4.8 USE OF SETBACK AREAS

4.8.1 A person shall not 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: *AMD 09 GG 11/03/11*

- (a) a means of access;
- (b) the daily parking of vehicles;
- (c) the loading and unloading of vehicles; or
- (d) landscaping which only in the Town Centre Zone and then only with the specific approval of 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.

4.8.2 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.

4.9 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.

4.10 SPECIAL CONTROL AREAS

AMD 09 GG 11/03/11; AMD 10 GG 11/05/12

4.10.1 Operation of Special Control Areas

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

- Special Control Area 1: Land subject to Flooding

4.10.1.2 In respect of a Special Control Area shown on a 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 general provisions of the Scheme.

4.10.1.3 Where conflict exists between any general provisions of the Scheme and Section 4.11, the provisions of the Special Control Areas will prevail.

4.11.1 Purpose of Special Control Areas

The purpose of Special Control Area 1 is:

- (a) To avoid inappropriate development or subdivision of land subject to flooding during an event of similar magnitude to the March 1999 events.
- (b) To protect the free passage of floodwater in areas subject to flooding by avoiding inappropriate development.
- (c) To ensure proposed development has adequate flood protection.
- (d) To ensure new development will not detrimentally impact, alter or modify the existing flooding regime (as defined in the Moora Floodplain Definition Study).

4.11.2 Application and Referral Requirements

4.11.2.1 Developmental approval is required for all use or development of any land within or partially within Special Control Area No 1 including fill, excavation, a single house and ancillary development.

4.11.2.2 All applications for developmental approval in Special Control Area No 1 are to be referred by the local government to the Department of Water, and the local government is to have due regard to recommendations / advice from the Department of Water when determining applications.

4.11.2.3 The local government, on the recommendation of the Department of Water, may require an applicant proposing development in Special Control Area No 1 to undertake assessments and/or hydraulic modelling to demonstrate that the proposed development is consistent with the floodplain management principles outlined in the Moora Floodplain Definition Study and Clause 4.11.2. Assessments and/or hydraulic modelling need to be to the satisfaction of the Department of Water and local government, and demonstrate that the proposed development does not detrimentally affect the existing flooding regime.

4.11.3 Relevant Considerations

4.11.3.1 Special Control Area 1

- (a) The local government in considering applications for developmental approval is to have due regard to:
 - (i) the recommendations of the Moora Floodplain Definition Study; and

- (ii) the hazard category defined in the Moora Floodplain Definition Study and the appropriateness of the landuse having regard for the nature of the proposed use, extent of public access and building location; and
 - (iii) the size and location of buildings, structures, fill and use of external areas; and
 - (iv) relationship to existing and nearby development; and
 - (v) flood risk and need to maintain the existing flood regime; and
 - (vi) any relevant local planning policy; and
 - (vii) any other matter considered relevant by the local government.
- (b) Any development or landuse including but not limited to construction of a new building, structure, fill, excavation, external storage, trade display, stockpiling of materials or any other development and/or use of the land shall not be permitted in Special Control Area 1 unless:
- (i) The local government considers the proposed development to be a minor extension to an existing building or structure already approved and constructed; or
 - (ii) The building or structure is non habitable and replacing an existing building or structure already approved and constructed, and is of a similar floor area, size and location as the building or structure being replaced; or
 - (iii) The development is a single house within a Residential zone or Rural Residential zone with a finished floor level not less than 300mm above the March 1999 flood level as outlined on the Flood Zone Classifications map (contained in Schedule 8 of the Scheme); or
 - (iv) The applicant demonstrates a building, structure, development and/or landuse is wholly located outside of both the High Flood Hazard area and the Floodplain area as outlined on the Flood Zone Classifications map (contained in Schedule 12 of the Scheme); or
 - (v) The development is of a commercial or industrial nature with a finished floor level not less than 300mm above the March 1999 flood level as outlined on the Flood Zone Classifications map (contained in Schedule 12 of the Scheme) unless local government has exercised discretion in accordance with Clause 4.11.4.1 (e); or
 - (vi) The development will not detrimentally obstruct the free passage of floodwater to the satisfaction of the Department of Water and the local government; and
 - (vii) The applicant demonstrates that the design of any new development and/or nature of the landuse will not detrimentally impact, alter or modify the extent of flood impact and existing flooding regime (as defined in the Moora Floodplain Definition Study) to the satisfaction of the Department of Water and the local government.

- (c) Any development or use of land and building envelopes shall be located to:
 - (i) Maximise use of areas available on a lot that are located outside of the High Flood Hazard Area and/or Floodplain Area as outlined on the Flood Zone Classifications map (contained in Schedule 8 of the Scheme); or
 - (ii) Maximise use of the lowest flood hazard area where a lot has no available area outside of, or is traversed by both, the High Flood Hazard area and Floodplain area as outlined on the Flood Zone Classifications map (contained in Schedule 8 of the Scheme).
- (d) Any building and/or structure on a lot in Special Control Area 1, (inclusive of development located outside of the High Flood Hazard Area and/or Floodplain Area as outlined on the Flood Zone Classifications map), shall have a finished floor level not less than 300mm above the March 1999 flood level as shown on the Flood Zone Classifications map (contained in Schedule 8 of the Scheme) unless local government has exercised discretion in accordance with Clause 4.11.4.1 (e).
- (e) Local government has discretion to consider a minimum finished floor level less than 300mm above the March 1999 flood levels where the local government determines that:
 - (i) The non habitable buildings and structures are infill development in the Town Centre zone (with a minimum FFL of 0.15 metres above the March 1999 flood levels); or
 - (ii) The proposed development is a minor extension to an existing building or structure already approved and constructed; or
 - (iii) The non habitable building or structure is ancillary development to a dwelling on the same lot inclusive of a carport, garage, patio, pergola, gazebo, and outbuilding; and
 - (iv) The local government considers fill is impractical and/or will have a negative impact on an established streetscape.
- (f) The minimum finished floor levels outlined in Clause 4.11.4.1 (d) and Clause 4.11.4.1 (e) are not a standard or requirement for the purpose of Clause 4.4.2.

- 4.11.3.2 Local government may refuse an application for any development or use of land within the High Flood Hazard Area and Floodplain Area as outlined on the Flood Zone Classifications map (contained in Schedule 8 of the Scheme) where, in the opinion of the Department of Water and local government, it has potential to detrimentally impact on the existing flooding regime during an event similar in magnitude to the March 1999 event (as defined in the Moora Floodplain Definition Study).
- 4.11.3.3 All applications will be considered having regard for other relevant planning matters in accordance with Clause 67 of the deemed provisions.
- 4.11.3.4 On-site effluent disposal treatment or disposal will not be permitted on land within the High Flood Hazard area and/or Floodplain area as outlined on the Flood Zone Classifications map (contained in Schedule 8 of the Scheme) unless the development cannot be connected to reticulated sewer and:

- (a) it is a replacement of an approved on site effluent treatment or disposal system; and/or
- (b) it has been approved in liaison with the Department of Health WA;
or
- (c) The flooding, environmental and health risks are not detrimentally increased.

4.11.4 Planning Conditions

4.11.4.1 When determining applications for developmental approval in Special Control Area 1 the local government may impose conditions relating to:

- (a) flood protection measures for new development;
- (b) minimum finished floor levels;
- (c) best practice agricultural and soil conservation methods to mitigate flood risk;
- (d) limitations on fill, external storage, trade display, stockpiling of materials;
- (e) limiting the size and location of buildings and structures;
- (f) locating buildings, structure and/or development in the lowest hazard category designated in the Moora Floodplain Definition Study;
- (g) a Notification to be placed on the Certificate of Title at the proponents cost to alert prospective purchasers of the Flood Hazard Area (High) / or Floodplain and Moora Floodplain Definition Study;
- (h) any other conditions designed to reduce flood risk or recommended by the Department of Water.

4.11.5 Subdivision

4.11.5.1 The local government shall not recommend approval of any subdivision with potential to create additional lots in the High Flood Hazard Area as outlined on the Flood Zone Classifications map (contained in Schedule 8 of the Scheme) unless the new lot(s) are for flood mitigation purposes with no development potential and is proposed to be purchased, or ceded free of cost, for management, care and control by the Shire of Moora, the Crown or other relevant government body. Notifications or restrictive covenants registered on the Certificate of Title may be utilised to ensure no development occurs on lots created for flood mitigation.

4.11.5.2 The local government shall assess any subdivision application within the Floodplain as outlined on the Flood Zone Classifications map (contained in Schedule 12 of the Scheme) having regard to:

- (a) the recommendations of the Moora Floodplain Definition Study; and
- (b) the need to locate building envelopes outside of the Floodplain; and
- (c) the need to consider regional impacts on flooding due to potential development; and
- (d) potential obstructive or detrimental impact on flooding; and
- (e) the need to maintain the existing flood regime; and

- (f) potential isolation and flood emergency response implications such as difficulties of emergency egress and evacuation; and
- (g) potential flood risk and damage; and
- (h) in accordance with the relevant zone and other applicable Scheme requirements; and
- (i) any relevant local planning policy; and
- (j) any other matter considered relevant by the local government.

4.12 CONTROL OF ADVERTISEMENTS

4.12.1 Existing Advertisements:

Advertisements which:

- (a) were lawfully erected, placed or displayed prior to the gazettal date of the Scheme; or *AMD 09 GG 11/03/11*
- (b) may be erected, placed or displayed under a licence or other approval granted by the local government prior to the gazettal date of the Scheme, "existing advertisements", may except as otherwise provided, continue to be displayed or be erected and displayed in accordance with the licence or approval as appropriate. *AMD 09 GG 11/03/11*

4.12.2 Discontinuance:

Despite the scheme objectives and clause 4.11.4 where the local government can demonstrate exceptional circumstances which cause an exempted or existing advertisement to seriously conflict with the objectives of the Scheme, it may by notice in writing (giving clear reasons) require the advertiser to remove, relocate, adapt, or otherwise modify the advertisement within a period of time specified in the notice.

4.12.3 Derelict or Poorly Maintained Signs:

Where in the opinion of the local government, an advertisement has been permitted to deteriorate to a point where it conflicts with the objectives of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, the local government may by notice in writing require the advertiser to:

- (a) repair, repaint or otherwise restore the advertisement to a standard specified by the local government in the notice, or
- (b) remove the advertisement.

4.12.4 Notices:

- (a) "The advertiser" shall be interpreted as anyone or any group comprised of the landowner, occupier, or licensee, or other person having an interest in or drawing benefit from the display of the advertisement concerned.
- (b) Any notice served in exceptional circumstances under clause 4.12.5 or under clause 4.11.6 shall be served upon the advertiser and shall specify:
 - (i) the advertisement(s) the subject of the notice;
 - (ii) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice;
 - (iii) the period, not being less than 60 days, within which the action specified shall be completed by the advertiser.

- (c) A person upon whom a notice is served under this clause may appeal in accordance with Part 14 of the *Planning and Development Act*, and where any such appeal is lodged the effect of the notice shall be suspended until the decision to uphold, quash or vary the notice is known and, shall thereafter have effect according to that decision.

AMD 09 GG 11/03/11

4.12.5 Scheme to Prevail:

Where the provisions of this clause are found to be at variance with the provisions of the local government's Local Laws, the provisions of the Scheme shall prevail.

AMD 09 GG 11/03/11

PART V - NON-CONFORMING USES

5.1 NON-CONFORMING USES

AMD 09 GG 11/03/11

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 or building 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 authorise 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 & Development Act 2005* and includes houses, buildings and other works and structures.

5.2 EXTENSIONS AND CHANGES TO A NON-CONFORMING USE

AMD 09 GG 11/03/11

5.2.1 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 developmental approval under the Scheme.

5.2.2 An application for developmental approval under this clause is to be advertised in accordance with clause 64 of the deemed provisions.

5.2.3 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 developmental 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.

5.3 DISCONTINUANCE OF NON-CONFORMING USE

AMD 09 GG 11/03/11

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

5.4 TERMINATION OF A NON-CONFORMING USE

AMD 09 GG 11/03/11

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 the occupier or to both the owner and the occupier of that land, and may enter into an agreement with the owner for that purpose.

Note: Section 190 and 191 of the *Planning & Development Act 2005* 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.

5.5 DESTRUCTION OF NON-CONFORMING USE BUILDINGS

AMD 09 GG 11/03/11

When 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 developmental approval of the local government.

SCHEDULES

SCHEDULE A - SUPPLEMENTAL PROVISIONS

AMD 12 GG 18/8/17

- 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.
- 61(1)(l) the erection or extension of a single house on a lot if a single house is a permitted (“P”) use in the zone (where the R-Codes do not apply) in which that lot is located, where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
- (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29;
 - (vi) on a lot which abuts an unconstructed road or a lot which does not have frontage to a constructed road, and which is not within a gazetted townsite;
 - (vii) is located on land that is subject to flooding in Special Control Area 1 as designated on the Scheme Map and/or on land that is subject to flooding as outlined on the Floor Zone Classifications Map contained in Schedule 8 of the Scheme;
- 61(1)(m) the erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted (“P”) in the zone (where the R-Codes do not apply) where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
- (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29;
 - (vi) on a lot which abuts an unconstructed road or a lot which does not have frontage to a constructed road, and which is not within a gazetted townsite;
 - (vii) is located on land that is subject to flooding in Special Control Area 1 as designated on the Scheme Map and/or on land that is subject to flooding as outlined on the Floor Zone Classifications Map contained in Schedule 8 of the Scheme.

SCHEDULE 1 - DEFINITIONS

AMD 09 GG 11/03/11

The general definitions in Schedule 1 Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as current including any amendments apply.

The land use definitions in Schedule 1 Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as current including any amendments apply with the following exceptions:

<p>airfield AMD 11 GG 05/06/15</p>	<p>means land and buildings used in connection with the operation of aeroplanes and other aircraft, including airstrips, a public passenger terminal, ancillary offices, car parking, parking, maintenance and servicing of aircraft, but does not include a private airstrip incidental to farming operations;</p>
<p>ancillary tourist use</p>	<p>means premises used for:</p> <ul style="list-style-type: none"> (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, <p>where such use is incidental to and directly related to the predominant use of the land;</p>
<p>Western Australian Planning Commission</p>	<p>means the Western Australian Planning Western Australian Planning Commission constituted under the <i>Planning and Development Act 2005</i>;</p>
<p>constructed road</p>	<p>means for the purposes of clause 4.7 of the Scheme a track which has been graded and stabilised within a dedicated road reserve;</p>
<p>hotel</p>	<p>means premises providing accommodation the subject of a hotel license under the <i>Liquor Licensing Act 1988</i>, and may include a betting agency on those premises, but does not include a tavern or motel;</p>
<p>industry – noxious</p>	<p>means an industry which is an offensive trade within the meaning of Schedule 2 of the <i>Health Act 1911</i>, but where an offensive trade is also included as a category of prescribed premises set out in Schedule 1 of the <i>Environmental Protection Regulations</i>, Schedule 2 of the <i>Health Act 1911</i> prevails and includes a waste facility, but does not include a fish shop, dry cleaning premises, laundromat, piggery, poultry farm, or rabbit farm;</p>
<p>industry – cottage</p>	<p>means a trade or light industry producing arts and crafts which does not fall within the definition of a home occupation 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 – service	<p>means:</p> <ul style="list-style-type: none"> (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 which have a retail shop front and used as depot for receiving goods to be serviced;
mining operations	means premises where mining operations, as that term is defined in the <i>Mining Act 1978</i> is carried out;
motel	means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the <i>Liquor Licensing Act 1988</i> ;
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 care needs of residents; meals and cleaning services; furnishings, furniture and equipment. May also include residential respite (short term) care but does not include a hospital or psychiatric facility;
rural home business	<p>means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:</p> <ul style="list-style-type: none"> (a) does not employ more than 5 people not members of the occupier's household; (b) will not cause injury to or adversely affect the amenity of the neighbourhood; (c) does not occupy an area greater than 200 square metres; (d) does not involve the retail sale, display, or hire of goods of any nature; (e) in relation to vehicles and parking, does not result in traffic difficulties because of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and unless approved by the local government does not involve the presence, use or calling of more than 3 vehicles of more than 3.5 tonnes tare weight; (f) does not involve the use of an essential service of greater capacity than normally required in the zone; and (g) does not have an adverse impact on the rural character of the area;

SCHEDULE 2 – ADDITIONAL USES

AMD 09 GG 11/03/11

NO.	DESCRIPTION OF LAND	ADDITIONAL USE	CONDITIONS
1	Lot 1 and Pt Lot 235 Moora-Dongara Road, Moora	The additional use may be the manufacture of concrete products including but not limited to water tanks, culvert sections, pipes, etc.	Subject to developmental approval being granted by the local government.
2	Lot 55 Lee Steere Light Industry Street, Moora	Light Industry	<ol style="list-style-type: none"> 1 The following matters will be considered in determining an application for the establishment of a light industrial use on the Lot: <ol style="list-style-type: none"> (a) Appropriate landscaping and use of building colours, heights, materials and design to minimise any visual impact of buildings on streetscape and ensure that size and scale of any development is compatible with adjacent residential dwellings; (b) Provision of appropriate services and infrastructure. 2 Noise, vibration, light and emissions to the atmosphere are to be managed in accordance with statutory requirements so that the amenity of nearby sensitive uses, including residential development is not adversely affected.

SCHEDULE 3 – RESTRICTED USES

AMD 09 GG 11/03/11

NO.	DESCRIPTION OF LAND	RESTRICTED USE	CONDITIONS
1	Part of Lot 77 Bindi Bindi - Toodyay Road, Bindi Bindi.	Industry-rural	(a) Provide for transport infrastructure for storage and or processing of bulk grain including connection to the state rail system. (b) Noise, vibration, light, and emissions to the atmosphere, are to be managed in accordance with statutory requirements so that the amenity of nearby sensitive uses, including residential development is not adversely affected.
2	Part of Railway Reserve Kiaka Road, Coomberdale	Industry-rural	(a) Provide for transport infrastructure for storage and or processing of bulk grain including connection to the state rail system. (b) Noise, vibration, light, and emissions to the atmosphere, are to be managed in accordance with statutory requirements so that the amenity of nearby sensitive uses, including residential development is not adversely affected.
3	Lot 3967 Miling West Road, and part of Lots 954 and 4089, and Lot 100 Richardson Street, Miling	Industry-rural	(a) Provide for transport infrastructure for storage and or processing of bulk grain including connection to the state rail system. (b) Noise, vibration, light, and emissions to the atmosphere, are to be managed in accordance with statutory requirements so that the amenity of nearby sensitive uses, including residential development is not adversely affected.
4	Lot 4171 Wheatbin Road and Lot 4300 and part of Lot 101 Findlater Street, Moora	Industry-rural	(a) Provide for transport infrastructure for storage and or processing of bulk grain including connection to the state rail system. (b) Noise, vibration, light, and emissions to the atmosphere, are to be managed in accordance with statutory requirements so that the amenity of nearby sensitive uses, including residential development is not adversely affected.
5	Lot 101 Grain Lane, and Lots 1171, 501, and 502, and Lot 4002 (Reserve 34331), Watheroo	Industry-rural	(a) Provide for transport infrastructure for storage and or processing of bulk grain including connection to the state rail system. (b) Noise, vibration, light, and emissions to the atmosphere, are to be managed in accordance with statutory requirements so that the amenity of nearby sensitive uses, including residential development is not adversely affected.

SCHEDULE 4 – SPECIAL USE ZONES

AMD 3 GG 16/11/01; AMD 09 GG 11/03/11

NO.	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS
1	Lot 1 Dandaragan Road and Lot 2444 Airstrip Road, Moora	Golf course and club	
2	Lots 24-27 Dandaragan Road, Kintore/Clinch/Long Streets, Moora	Private School	
3	Crown Reserve 27836 Moore Street, Moora	Caravan Park	
4	Lot 4 Lee Steere Street, Moora	Motor vehicle repair	
5	Lot 2 Atbara Street, Moora	Local shop	
6	Lot 59 Lee Steere Street, Moora	Builder's storage yard and joinery	
7	Lots 34 to 42 inclusive, Gardiner Street, Moora	Private recreation (tennis club)	
8	Portion of Lot 1216 Airstrip Road and portion of Lot 48 on an unnamed road, Moora <i>AMD 11 GG 05/06/15</i>	Airfield	(a) Provide for airfield facilities, associated amenities and ancillary related uses.

SCHEDULE 5 – EXEMPTED ADVERTISEMENTS

AMD 09 GG 11/03/11

LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER (includes the change of posters or poster signs and applies to non-illuminated signs unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Dwellings	One professional name-plate as appropriate.	0.2m ²
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m ²
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m ²
Cinemas, Theatres and 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
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 compliance with the requirements of the Signs Hoarding and Bill Posting Local Laws.	Not Applicable
Industrial and Warehouse 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 free-standing advertisement signs not exceeding 5 metres in height above ground level.	Total area of such advertisements shall not exceed 15m ² Maximum permissible total area shall not exceed 10m ² and individual advertisement signs shall not exceed 6m ²
Showroom, racecourses, 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.	Not Applicable
Public Places and Reserves	(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of Government, a public authority or local government of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and (b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the local government of a municipality, and (c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or under any statute or regulation or the like made under 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 Not Applicable

LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER (includes the change of posters or poster signs and applies to non-illuminated signs unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon railway station.	No sign shall exceed 2m ² in area.
Advertisements within Building	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 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.	0.2m ²
TEMPORARY SIGNS	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
<p>Building Construction Sites (advertisement signs displayed only for the duration of the construction) as follows:</p> <p>(a) Dwellings</p> <p>(b) Multiple dwellings, shops, commercial and industrial properties</p> <p>(c) Large development or redevelopment projects involving shopping centres, office or other buildings exceeding three (3) storeys in height</p>	<p>One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.</p> <p>One sign as for a) above.</p> <p>One additional sign showing the name of the project builder.</p>	<p>2m²</p> <p>5m²</p> <p>5m²</p>
Sales of goods or livestock	One sign per lot displayed for a period not exceeding three (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.	2m ²
<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) Dwellings</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>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>One sign as for (a) above.</p> <p>One sign as for (a) above</p>	<p>Each sign shall not exceed an area of 2m²</p> <p>Each sign shall not exceed an area of 5m²</p> <p>Each sign shall not 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>
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SCHEDULE 6 – FORM OF APPLICATION FOR DEVELOPMENTAL APPROVAL

AMD 09 GG 11/03/11

The form of application for developmental approval in Schedule 6 of the Model Scheme Text as current including any amendments applies.

SCHEDULE 7 – FORM OF ADDITIONAL INFORMATION FOR ADVERTISEMENTS

AMD 09 GG 11/03/11

The form of additional information for advertisements in Schedule 7 of the Model Scheme Text as current including any amendments applies.

SCHEDULE 8 – NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL

AMD 09 GG 11/03/11

The notice of public advertisement of planning proposal in Schedule 8 of the Model Scheme Text as current including any amendments applies.

SCHEDULE 9 – NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENTAL APPROVAL

AMD 09 GG 11/03/11

The notice of determination on application for developmental approval in Schedule 9 of the Model Scheme Text as current including any amendments applies.

SCHEDULE 10 – RURAL RESIDENTIAL ZONES

AMD 09 GG 11/03/11

NO.	PARTICULARS OF LAND	REQUIREMENTS
1	Lot 114 Long Street, Moora	<p>1 The minimum lot size for subdivision should be 2.0 hectares in accordance with the Structure plan approved by the Western Australian Planning Commission.</p> <p>2 A building on a lot must be erected within the building envelope defined on the Structure plan approved by the Western Australian Planning Commission.</p> <p>3 A person shall not destroy any indigenous vegetation or trees or clear land unless with the prior approval in writing of the local government and where such vegetation is dangerous, dead or diseased, or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, on-site effluent disposal system, and/or driveways.</p> <p>4 On-site effluent disposal systems servicing development on the lots shall be to the specifications and satisfaction of both the local government and the Department of Health.</p> <p>5 Stormwater shall be contained on site to the satisfaction of the local government within any direct drainage outlet to a water course.</p> <p>6 Keeping of animals:</p> <p style="padding-left: 20px;">(i) Stocking rates shall not exceed those recommended by the Department of Agriculture & Food for the applicable pasture types.</p> <p style="padding-left: 20px;">(ii) The keeping of horses, sheep, goats, and other grazing animals shall be restricted to within an area which is set back 100 m from any watercourse. This area shall be fenced to the satisfaction of the local government.</p>
2.	Land bounded by Bindoon-Moora Road, Stack / Long / Cooper / Halligan / Webb Streets, Moora	<p>The minimum lot size for subdivision should be no less than 1.0 hectares where a reticulated water supply is available to the proposed Lots, and subject to:</p> <p>(i) the preparation by the proponent of a land capability assessment to the satisfaction of the local government and the Western Australian Planning Commission; and</p> <p>(ii) a Structure plan prepared by the proponent in accordance with the findings of the land capability assessment; and</p> <p>(iii) building envelopes being identified in the Structure plan having regard to the extent of land liable to flooding; and</p> <p>(iv) a statement of arrangements for drainage and on-site effluent disposal to the satisfaction of the local government.</p>

NO.	PARTICULARS OF LAND	REQUIREMENTS
3.	All other lots in the Moora townsite	<p>The minimum lot size for subdivision should be no less than 1.0 hectares where a reticulated water supply is available to the proposed Lots, and subject to:</p> <ul style="list-style-type: none"> (i) the preparation by the proponent of a land capability assessment to the satisfaction of the local government and the Western Australian Planning Commission; and (ii) a Structure plan prepared by the proponent in accordance with the findings of the land capability assessment; and (iii) building envelopes being identified in the Structure plan having regard to the extent of land liable to flooding; and (iv) a statement of arrangements for drainage and on-site effluent disposal to the satisfaction of the local government.
4.	Lots 2416, 3467 Pryre Street, Coomberdale	The Structure plan shall be the existing cadastral pattern as at the gazettal date, but further subdivision may be supported by the local government to create lots of not less than 2.0 hectares.
5.	Lot 43 Murray Street; Lots 34 and 35 Murray Street; Lots 37-42 and 74-79 south of Murray Street, Watheroo	The Structure plan shall be the existing cadastral pattern as at the Gazettal date, but further subdivision may be supported by the local government to create lots of not less than 2.0 hectares.
6.	Lots 26 and 4008 Atbara Street Moora	<ol style="list-style-type: none"> 1. Subdivision Subdivision of the land is to generally accord with a structure plan approved for the land by the Western Australian Planning Commission; the minimum lot size for subdivision may be 1 hectare subject to a reticulated water supply being provided to the proposed Lots. Lot boundaries should be laid out clear of areas of remnant vegetation. 2. Development Despite the site requirements in clause 3.13.2, all proposed buildings are to be setback a minimum of 50 metres from the perimeter lot boundary of Lot 26. Reduced setbacks may be considered by the local government where in the opinion of the local government sufficient vegetated buffers are proposed along the perimeter boundary of Lot 26. 3. Clearing In addition to the requirement in clause 3.13.4 (d), areas of remnant vegetation are to be retained and fenced if stock is to be grazed on lots containing the remnant vegetation. 4. Flora Corridor In addition to the requirement in clause 3.13.4 (e), a flora corridor is to be provided linking the remnant vegetation on the central ridge to adjoining Lot 4091.

NO.	PARTICULARS OF LAND	REQUIREMENTS
6.	Lots 26 and 4008 Atbara Street Moora (Cont'd)	<p>5. Drainage All surface water drainage is to be contained within the land.</p> <p>6. Effluent Disposal No on-site effluent disposal systems are to be located within the areas of remnant vegetation.</p> <p>7. Keeping of Animals Stocking rates are to accord with Department of Agriculture & Food recommendations.</p>
7	<p>Lot 16 Ferguson Road, Moora</p> <p><i>AMD 10 GG 11/05/12</i></p>	<p>1. Subdivision of the land is to generally accord with a Structure plan certified by the Chief Executive Officer and approved by the Western Australian Planning Western Australian Planning Commission.</p> <p>2. On-site effluent disposal systems servicing the lots shall be to the specifications and satisfaction of both the local government and the Department of Health and shall be limited to high environmental performance systems that have the ability to attenuate nutrients.</p> <p>3. The site is within an area of high susceptibility to phosphorus export. Use of fertilisers on the site should therefore be minimised.</p> <p>4. All lots are to be connected to reticulated water supply.</p> <p>5. Stocking rates shall not exceed those recommended by the Department of Agriculture and Food.</p> <p>6. Landowners of proposed Lots 2-10 as shown on the Structure plan shall be advised that there are established neighbouring agricultural land uses.</p> <p>7. The local government shall recommend that the Western Australian Planning Western Australian Planning Commission place a condition on subdivision that a Notification or Memorial be placed on the Certificate of Title;</p> <p>(i) For proposed Lots 10-12 as shown on the Structure plan advising that they may be affected by activities associated with the Moora Racecourse.</p> <p>(ii) For all lots advising that there is a Fire Management Plan and owners have responsibilities that need to be met in accordance with the approved FMP.</p> <p>(iii) For proposed Lots 10-12 as shown on the Structure plan advising that residential development in the flood fringe as defined on the Flood Zone Classifications Map contained in Schedule 8 of the Scheme is prohibited.</p> <p>8. The subdivider shall prepare a Fire Management Plan that identifies the need for and the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary, to the specifications and satisfaction of the local government and the Fire and Emergency Services Authority. The approved Fire Management Plan shall be implemented prior to subdivision of the land.</p>

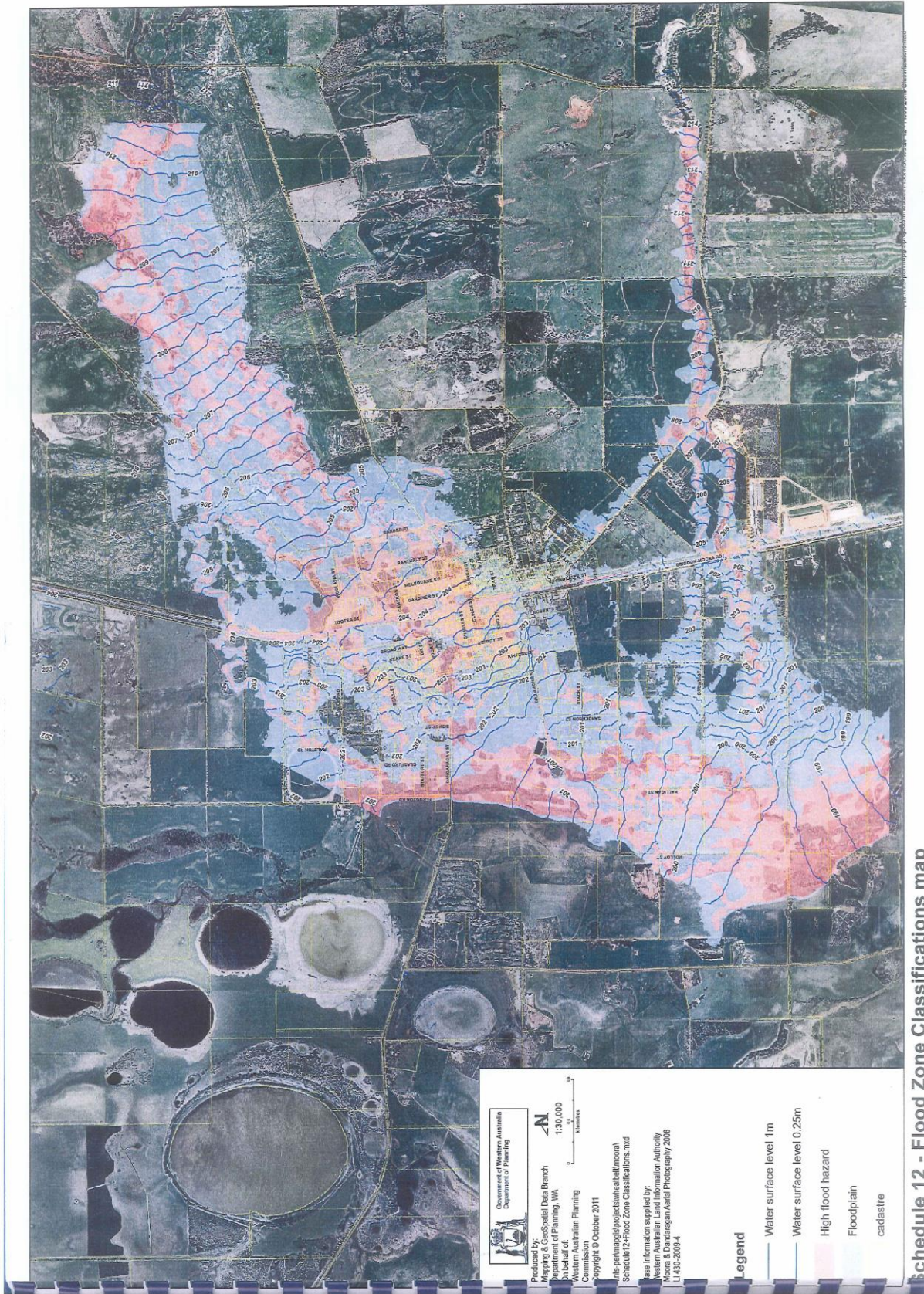
SCHEDULE 11 – RURAL SMALLHOLDING ZONES

AMD 09 GG 11/03/11

NO.	DESCRIPTION OF LAND	REQUIREMENTS
1.	Land bounded by Cooper / Halligan / Webb / Molloy Streets, Moora	<p>The minimum lot size should be no less than 4.0 hectares for subdivision but any subdivision shall be subject to the following first being Satisfied:</p> <ul style="list-style-type: none"> (i) the preparation by the proponent of a land capability assessment to the satisfaction of the local government and the Western Australian Planning Commission; and (ii) the approval of the Western Australian Planning Commission of a Structure plan prepared by the proponent in accordance with the findings of the land capability assessment; and (iii) building envelopes being identified in the Structure plan having regard to the extent of land liable to flooding; and (iv) arrangements to the satisfaction of the local government for drainage and on-site effluent disposal.”

SCHEDULE 12 – FLOOD ZONE CLASSIFICATIONS MAP

AMD 09 GG 11/03/11; AMD 10 GG 11/05/12



SCHEDULE 13 – RURAL ENTERPRISE ZONES

AMD 13 GG 09/02/2021

No.	DESCRIPTION OF LAND	REQUIREMENTS
1. (RE1)	Land bounded by Long / Stack / Cooper Streets and land to the east zoned Light Industrial, Moora (portion Lot 115 on DP 89798)	<p>The purpose of this Rural Enterprise zone is to provide a compatible transitional area between the light industrial operation to the east and rural residential land uses west of Long Street.</p> <p>Local Development Plan</p> <p>A local development plan is to be prepared to address the following matters, with subdivision and development of the site to be generally in accordance with the local development plan:</p> <ul style="list-style-type: none"> (i) building envelopes being identified, with residential land uses located on the western portion of the lot(s) fronting Long Street; (ii) access for light industrial land uses to be provided from the east via an extension of Kintore Street between constructed portions of Stack/Cooper Streets; (iii) arrangements to the satisfaction of the Department of Health and the local government for drainage and effluent disposal to be in accordance relevant Government policy, including the Government Sewerage Policy; (iv) landscaping to screen light industrial land uses from Long Street prior to the use(s) commencing operation, and the vegetation permanently maintained thereafter, to the satisfaction of local government; and (v) any other matters considered relevant in the consideration of the local development plan to the satisfaction of the local government.

ADOPTION

Adopted by Resolution of the local government of the Shire of Moora at the meeting of the local government held on the 20th day of September 1995.

.....
PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

FINAL APPROVAL

1 Adopted by Resolution of the local government of the Shire of Moora at the meeting of the local government held on the 17th day of December 1997 and under that Resolution the Seal of the Municipality was hereunto affixed in the presence of:

.....
PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

This Scheme Text is to be read in conjunction with the approved maps of the Scheme described in clause 1.5 of the Scheme and to which formal approval was given by the Minister for Planning on the date shown below.

2 RECOMMENDED/SUBMITTED FOR FINAL APPROVAL

.....
CHAIRPERSON OF THE WESTERN AUSTRALIAN PLANNING WESTERN AUSTRALIAN
PLANNING COMMISSION

.....
DATE

3 FINAL APPROVAL GRANTED

.....
MINISTER FOR PLANNING

.....
DATE 5/5/1998