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# SHIRE OF MUKINBUDIN

## Town Planning Scheme No.4

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Updated to include AMD 1 GG 15/11/16

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Department of  
Planning

**PREPARED BY THE**  
Department of Planning

Original Town Planning Scheme Gazettal  
29 April 2003

Disclaimer

This is a copy of the Local Planning Scheme produced from an electronic version of the Scheme held and maintained by the Department of Planning. Whilst all care has been taken to accurately portray the current Scheme provisions, no responsibility shall be taken for any omissions or errors in this documentation.

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

Please advise the Department of Planning of any errors or omissions in this document.

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## SHIRE OF MUCKINBUDIN TPS 4 - TEXT AMENDMENTS

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
1	15/11/16	09/07/16	RC	<p>Deleting the following clauses from the Scheme Text, as they have been superseded by the deemed provisions set out in the Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2:</p> <ul style="list-style-type: none"> <li>• Parts 2, 7, 8, 9, 10 and 11 in their entirety</li> <li>• Schedules 6, 7, 8 and 9</li> </ul> <p>Inserting provisions into Schedule A – Supplemental Provisions Delete definitions from Schedule 1, as they have been superseded by the definitions in the deemed provisions set out in the Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2</p> <p>Insert reference to the deemed provisions in the Preamble Update the following clauses and definitions – Clause 1.4, Clause 5.7, Clause 5.17(b), Schedule 1 General Definitions: Gazettal date, Schedule 1 General Definitions: Non-conforming use</p> <p>Amend clauses by removing cross reference to the clause deleted by the amendment and replacing them with cross reference to the deemed provisions set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2</p> <p>Delete reference to terms and replace them with the corresponding term throughout the scheme</p> <p>Remove the definition of 'betting agency' from Schedule 1 and replace with the land use term in the Model provisions.</p> <p>Modify the zoning table to make Ancillary Accommodation a 'P' use in the Residential zone.</p> <p>Modify the zoning table to include 'Transported Building' and include in the zoning table as a 'D' use in all zones.</p> <p>Re-number the remaining scheme provisions and schedules sequentially and update any cross referencing to the new clause numbers and deemed provisions as required</p>

**SHIRE OF MUKINBUDIN**

**TOWN PLANNING SCHEME NO. 4**

**SCHEME TEXT**

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**SHIRE OF MUKINBUDIN**  
**TOWN PLANNING SCHEME NO. 4**

**Preamble**

AMD 1 GG 15/11/16

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

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

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

**SHIRE OF MUKINBUDIN**  
**TOWN PLANNING SCHEME NO. 4**

THE SHIRE OF MUKINBUDIN, UNDER THE POWERS CONFERRED BY THE PLANNING AND DEVELOPMENT ACT 2005, HEREBY MAKES THE FOLLOWING TOWN PLANNING SCHEME.

## SCHEME TEXT

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**ADOPTION ..... Error! Bookmark not defined.**

# **PART 1 - PRELIMINARY**

## **1.1 CITATION**

1.1.1 The Shire of Mukinbudin Town Planning Scheme No. 4 "the Scheme" comes into operation on its gazettal date.

1.1.2 The Shire of Mukinbudin Town Planning Scheme No. 3 published in the Government Gazette of 11 June, 1971 and all amendments thereto is hereby revoked.

## **1.2 RESPONSIBLE AUTHORITY**

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

## **1.3 SCHEME AREA**

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

## **1.4 CONTENTS OF SCHEME**

*AMD 1 GG 15/11/16*

The Scheme comprises:

- (a) the Scheme Text;
- (b) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2;
- (c) the supplemental provisions contained in Schedule A; and
- (d) the Scheme Map (sheets numbers 1 to 5 inclusive);

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

## **1.5 PURPOSES OF SCHEME**

The purposes of the Scheme are to:

- (a) set out the local government's planning aims and intentions for the Scheme Area;
- (b) set aside land as reserves for public purposes;
- (c) zone land within the Scheme Area for the purposes defined in the Scheme;
- (d) control and guide land use and development;
- (e) set out procedures for the assessment and determination of development applications;
- (f) make provision for the administration and enforcement of the Scheme; and
- (g) address other matters contained in the First Schedule to the *Planning and Development Act 2005*.

## **1.6 THE AIMS OF THE SCHEME**

The aims of the Scheme are:

- To assist the effective implementation of regional plans and policies including the State



Planning Strategy.

- To ensure there is a sufficient supply of serviced and suitable land for housing, employment, commercial activities, community facilities, recreation and open space.
- To provide for housing choice and variety in townsites with a community identity and high levels of amenity.
- To assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial, entertainment, and tourist developments, as well as providing opportunities for home-based employment.
- To facilitate a diverse and integrated network of open space catering for both active and passive recreation, consistent with the needs of the community.
- To promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities.
- To protect and enhance the environmental values and natural resources of the Scheme Area and to promote ecologically sustainable land use and development.
- To safeguard and enhance the character and amenity of the built and natural environment of the Scheme Area.

## **1.7 DEFINITIONS**

*AMD 1 GG 15/11/16*

- 1.7.1 Unless the context otherwise requires, words and expressions used in the Scheme have the same meanings as they have:
- (a) in the *Planning and 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.
- 1.7.2 If there is a conflict between the meanings 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 residential development, the definition in the Residential Design Codes prevails; and
  - (b) in any other case the definition in the Dictionary prevails.
- 1.7.3 Notes and instructions printed in italics are not part of the Scheme.

## **1.8 RELATIONSHIP WITH LOCAL LAWS**

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

## **1.9 RELATIONSHIP WITH OTHER SCHEMES**

*There are no other Schemes of the Shire of Mukinbudin, which apply to the Scheme Area.*

## **PART 2 - RESERVES**

### **2.1 RESERVES**

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

### **2.2 REGIONAL RESERVES**

*There are no Regional Reserves in the Scheme Area.*

### **2.3 LOCAL RESERVES**

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

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

*AMD 1 GG 15/11/16*

2.4.1 A person must not:

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

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

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

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

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

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

### **3.1 ZONES**

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

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

### **3.2 OBJECTIVES OF THE ZONES**

The Objectives of the Zones are:

#### **▪ Residential Zone**

- to provide for the predominant form of residential development to be single houses whilst providing for lifestyle choice with dual residential densities, for grouped dwellings.
- to achieve a high standard of residential development.
- 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.

#### **▪ Townsite Zone**

- to allow for a wide range of uses such as may be part of a small rural town.
- to provide for lifestyle choice.
- to protect and maintain local amenities.

#### **▪ Town Centre Zone**

- to ensure the established town centre in Mukinbudin remain the principal place for retail, commercial, civic, and administrative functions in the district.
- to ensure development will not adversely affect local amenities, and will enhance the character of the townsite.
- to provide for the efficient and safe movement of pedestrians and vehicles (including trucks, buses, and caravans).
- to provide sufficient parking spaces for cars, caravans, and buses, without compromising pedestrian movements.
- to provide an increased level of public amenities including public toilets, shaded areas, and street furniture.
- to provide for expansion of commercial activity and community facilities to meet future demands.

#### **▪ Industrial Zone**

- to provide for the needs of industry to support the community.
- to provide appropriate buffers to industrial areas.
- to avoid non-industry related uses establishing in the industrial areas, which may constrain industrial activities.

- **Rural Residential Zone**
  - to select areas wherein closer subdivision will be permitted to provide for such uses as hobby farms, horse breeding, rural-residential retreats.
  - to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.
  - having regard for the size of the district, the fragile nature of the environment in many places, and the difficulties faced by the local government in providing services away from the Mukinbudin townsite, the local government will generally favour Rural-Residential zones be located close to the townsite and then only where the environmental impacts are manageable.
  
- **Rural Zone**
  - to ensure the continuation of broad-hectare agriculture in the district encouraging where appropriate the retention and expansion of agricultural activities.
  - to provide for intensive agricultural use in suitable areas.
  - to consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.
  - to allow for facilities for tourists and travellers, and for recreation uses.
  - to have regard to use of adjoining land at the interface of the Rural zone with other zones to avoid adverse effects on local amenities.

### **3.3 ZONING TABLE**

*AMD 1 GG 15/11/16*

- 3.3.1 The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme Area in the various zones. The permissibility of any uses is determined by cross-reference between the list of uses on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.
- 3.3.2 The symbols used in the cross reference in the Zoning Table have the following meanings:
- |     |  |
|-----|--|
| "P" | means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme.   |
| "D" | means that the use is not permitted unless the local government has exercised its discretion by granting development approval.   |
| "A" | means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with clause 64 of the deemed provisions. |
| "X" | means a use that is not permitted by the Scheme.   |
- 3.3.3 A change in the use of land from one use to another is permitted if:
- (a) the local government has exercised its discretion by granting development approval;
  - (b) the change is to a use which is designated with the symbol 'P' in the cross-reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and requirements of the Scheme;
  - (c) the change is an extension of a use within the boundary of a lot which does not

change the predominant use of the lot; or

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

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

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

*AMD 1 GG 15/11/16*

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

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

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
- (b) determine that the proposed use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 64 of the deemed provisions in considering an application for development approval; or
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

### **3.5 ADDITIONAL USES**

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

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

*There are no Additional Uses which apply to the Scheme.*

### **3.6 RESTRICTED USES**

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

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

*There are no Restricted Uses which apply to the Scheme.*

### **3.7 SPECIAL USE ZONES**

3.7.1 Special Use Zones are set out in Schedule 4 and are in addition to the zones in the

Zoning Table.

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

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

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

AMD 1 GG 15/11/16

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 and Development Act 2005* and includes houses, buildings and other works and structures.

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

AMD 1 GG 15/11/16

3.9.1 A person must not:

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

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

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

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

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

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

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

AMD 1 GG 15/11/16

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: Sections 190 and 191 of the *Planning and Development Act 2005* enables the local government to purchase, or, with the consent of the Governor, compulsorily acquire land for the purpose of a town planning scheme, subject to Part 9 of the *Land Administration Act 1997*, that section and the Scheme.

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

*AMD 1 GG 15/11/16*

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 development approval of the local government.

**TABLE 1 - ZONING TABLE**  
AMD 1 GG 15/11/16

USES		RESIDENTIAL	TOWNSITE	TOWN CENTRE	INDUSTRIAL	RURAL RESIDENTIAL	RURAL
1	aged or dependent persons dwelling	D	D	X	X	X	X
2	agriculture - extensive	X	X	X	X	X	P
3	agriculture - intensive	X	X	X	X	X	D
4	ancillary accommodation	P	D	X	X	D	X
5	ancillary tourist use	X	D	X	X	A	D
6	animal establishment	X	X	X	X	A	D
7	animal husbandry - intensive	X	X	X	X	X	A
8	aquaculture	X	X	X	X	D	P
9	caretaker's dwelling	X	X	A	D	X	A
10	club premises	X	A	D	X	X	D
11	educational establishment	A	A	X	X	X	A
12	fuel depot	X	A	X	P	X	X
13	grouped dwelling	D	D	A	X	A	A
14	home business	D	D	X	X	D	D
15	hotel	X	A	D	X	X	X
16	industry - extractive	X	X	X	X	X	D
17	industry - general	X	X	X	D	X	X
18	industry - light	X	A	A	P	X	X
19	industry - rural	X	X	X	D	X	D
20	motel	X	A	D	X	X	X
21	motor vehicle, boat, or caravan sales	X	A	D	P	X	X
22	motor vehicle repair	X	A	A	P	X	X
23	office	X	D	P	X	X	X
24	place of worship	D	A	P	X	X	A
25	plant nursery	A	A	X	P	D	D
26	residential building	D	A	X	X	X	D
27	restaurant	X	A	D	X	X	A
28	rural pursuit	X	X	X	X	A	P
29	service station	X	A	A	D	X	D
30	shop	X	A	D	X	X	X
31	single house	P	P	D	X	P	P
32	transport depot	X	X	X	P	X	A
33	Transported building	D	D	D	X	D	D



33	veterinary centre	X	A	A	P	D	D
34	workers accommodation	X	X	X	X	X	P

## **PART 4 - GENERAL DEVELOPMENT REQUIREMENTS**

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

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

### **4.2 RESIDENTIAL DESIGN CODES**

*AMD 1 GG 15/11/16*

- 4.2.1 A copy of the Residential Design Codes is to be kept and made available for public inspection at the offices of the local government.
- 4.2.2 Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes.
- 4.2.3 The Residential Design Code density applicable to land within the Scheme Area is to be determined by reference to the Residential Design Code 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 an Residential Design Code density, as being contained within the area defined by the centre line of those borders.

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

*AMD 1 GG 15/11/16*

For land with a dual density code of R12.5/30 the local government may permit a variation to the R12.5 density up to a maximum of R30 subject to:

- (a) any increase in density above R12.5 being conditional upon the development being connected to reticulated sewerage;
- (b) development at a density higher than R12.5 being located close to services and facilities to the satisfaction of the local government; and
- (c) any proposal involving an increase in density above R12.5 being advertised in accordance with clause 64 of the deemed provisions and the local government being satisfied the proposal, if implemented, will not have an adverse impact on local amenities.

### **4.4 RESTRICTIVE COVENANTS**

*AMD 1 GG 15/11/16*

- 4.4.1 Subject to clause 4.4.2, a restrictive covenant affecting any land in the Scheme Area by which, or the effect of which is that, the number of dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Design Codes which apply under the Scheme.
- 4.4.2 Where clause 4.4.1 operates to extinguish or vary a restrictive covenant the local government is not to grant development approval to the development of the land which would but for the operation of clause 4.4.1 have been prohibited unless the application has been dealt with as an 'A' use and has complied with all of the advertising requirements of clause 64 of the deemed provisions.

### **5.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS**

*AMD 1 GG 15/11/16*

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

subject to such conditions as the local government thinks fit.

- 4.5.2 In considering an application for development approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the local government is to:
- (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 64 of the deemed provisions; and
  - (b) have regard to any expressed views prior to making its determination to grant the variation.
- 4.5.3 The power conferred by this clause may only be exercised if the local government is satisfied that:
- (a) approval of the proposed development would be appropriate having regard to the matters set out in clause 67 of the deemed provisions; and
  - (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.

#### **4.6 ENVIRONMENTAL CONDITIONS**

AMD 1 GG 15/11/16

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

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

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

#### **4.7 DEVELOPMENT OF LOTS ABUTTING UNCONSTRUCTED ROADS**

AMD 1 GG 15/11/16

Development approval is required for development of land abutting an unconstructed road or a lot which does not have frontage to a constructed road. In considering such an application the local government is to 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;
- (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 conditions it thinks fit to impose; or
- (c) require such other arrangements are made for permanent access as is to be to the satisfaction of the local government.

#### **4.8 PARKING REQUIREMENTS**

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

#### **4.9 TRANSPORTED BUILDINGS**

*AMD 1 GG 15/11/16*

4.9.1 A person is not to transport a building and place it on land in the Scheme Area and use it as a dwelling unless development approval has been granted by the local government. The local government is not to grant development approval if the land is within a Heritage Area designated in accordance with clause 9 of the deemed provisions.

4.9.2 Development approval may be granted by the local government under clause 4.9.1 only if the transported building:

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

#### **4.10 USE OF SETBACK AREAS**

*AMD 1 GG 15/11/16*

4.10.1 The land between a street alignment and the distance that buildings are required to be setback from such street alignment is not to be used for any purpose other than one or more of the following:

- (a) a means of access;
- (b) the daily parking of vehicles;
- (c) the loading and unloading of vehicles;
- (d) landscaping;
- (e) an awning, pergola, or similar structure for alfresco dining in front of a fast food outlet or restaurant in the Town Centre zone subject to development approval of the local government.

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

#### **4.11 HOME BUSINESS**

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

#### **4.12 CARETAKER'S DWELLINGS**

*AMD 1 GG 15/11/16*

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

- (a) a caretaker's dwelling is not to be developed and/or occupied on a lot unless that lot is used and developed with an industry, business, or office in accordance with the provisions of the Scheme;

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

#### **4.13 RESIDENTIAL ZONE**

##### **4.13.1 Site Requirements**

In accordance with the R Codes.

#### **4.14 TOWNSITE ZONE**

AMD 1 GG 15/11/16

##### **4.14.1 Site Requirements**

- (a) residential development is to comply with the requirements of the Residential Design Codes.
- (b) the setbacks for development for other than residential purposes are to comply with the requirements of the Building Code of Australia.

#### **4.15 TOWN CENTRE ZONE**

AMD 1 GG 15/11/16

##### **4.15.1 Site Requirements**

At the discretion of the local government.

##### **4.15.2 Development Requirements**

- (a) development is not to exceed 2 storeys in height except where the local government is of the opinion that:
  - (i) particular circumstances warrant an exception being made;
  - (ii) the objectives of the zone are not compromised; and
  - (iii) the amenity of the area in which the development is to be located will not be adversely affected.
- (b) in considering an application for development approval for a proposed development (including additions and alterations to existing development) the local government is to have regard to the following:
  - (i) the colour and texture of external building materials; the local government may require the building facade and side walls to a building depth of 3m 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 is to be provided to complement the appearance of the proposed development and its setting;
- (d) the layout of car parking is to have regard for traffic circulation in existing parking areas and is to be integrated with any existing and adjoining parking area.

#### **4.16 INDUSTRIAL ZONE**

AMD 1 GG 15/11/16

##### 4.16.1 Site Requirements

- (a) the minimum lot size should be 2,500 square metres to provide for building envelope, on-site effluent disposal, landscaping, and manoeuvring area for all vehicles to enter and leave the lot in a forward gear;
- (b) the minimum building setbacks are to be:
- |       |   |                   |
|-------|---|-------------------|
| Front | : | 7.5m              |
| Rear  | : | 7.5m              |
| Side  | : | 5.0m on one side. |

##### 4.16.2 Development Requirements

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

#### **4.17 RURAL-RESIDENTIAL ZONE**

AMD 1 GG 15/11/16

##### 4.17.1 Site Requirements: The minimum building setbacks are to be:

Front	:	30.0m
Rear	:	10.0m
Side	:	10.0m

#### 4.17.2 Development Requirements:

- (a) the provisions for controlling subdivision and development in specific Rural-Residential Zones are set out in Schedule 7;
- (b) subdivision is to generally be in accordance with the structure plan for the specified area approved by the Commission and the structure plan is to show the minimum lot size for subdivision;
- (c) development approval is required for all development including a single house and such application is to be made in accordance with the Scheme;
- (d) as a condition of the issue of a development approval each dwelling is to 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 to the satisfaction of the local government;
- (e) not more than one dwelling per lot is to be erected but the local government may, at its discretion, approve ancillary accommodation;
- (f) in order to conserve the rural environment or features of natural beauty all trees are to be retained unless their removal is authorised by the local government;
- (g) in order to enhance the rural amenity of the land in areas the local government considers deficient in tree cover it may require as a condition of any development approval the planting of such trees and/or groups of trees and species as specified by the local government;
- (h) a person who keeps an animal or animals or who uses any land for the exercise or training of an animal or animals is to be responsible for appropriate measures to prevent noise, odour, or dust pollution or soil erosion to the satisfaction of the local government;
- (i) 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 are to be recoverable by the local government from the landowner; and
- (j) provision is to be made for bush fire control.

#### 4.17.3 Development Standards

In dealing with applications for development approval within a Rural-Residential zone the local government will have regard to the following, to minimise the visual impacts of development:

- (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.

## 4.18 RURAL ZONE

AMD 1 GG 15/11/16

4.18.1 Site Requirements: The minimum building setbacks are to be:

Front	:	20.0m
Rear	:	20.0m
Side	:	10.0m

4.18.2 General Development Requirements

In considering an application for development approval the local government will have due regard for the following:

- (a) any sensitive or incompatible uses which may require buffer separation from the proposed use;
- (b) evidence of a sustainable water supply that does not rely on catchment outside the lot, or damming of a stream that will impact on the water availability for another lot or lots;
- (c) existing vegetation, any measures proposed (such as fencing to exclude livestock) to protect it;
- (d) the potential for erosion of soil by wind or water, salinity, or flooding, and measures proposed to address such land degradation
- (e) soil conditions, slope, soil type, rock, potential for water logging, foundation stability, and how the application has addressed these site characteristics; and
- (f) proposals for treatment and disposal of waste products.

4.18.3 Subdivision

When preparing recommendations to the Commission in response to referral of applications for subdivision the local government will have due regard for the following:

- (a) the potential impact on continuation of existing uses on adjoining lots;
- (b) the settlement pattern in the district;
- (c) the relationship of the land to services including (but not limited to) water supply (where appropriate), telecommunications, electricity, and community services and facilities;
- (d) the objectives of the Local Planning Strategy;
- (e) evidence of a sustainable water supply that does not rely on catchment outside the proposed lot or lots, or the damming of a stream that will impact on the water availability for another lot or lots; and
- (f) whether effluent disposal systems can be set back 100 metres (conventional septic system) or 50 metres (alternative system) from any stream. (The buffer distances may be reduced depending on the size and nature of the stream and the soil types).



## **PART 5 – SPECIAL CONTROL AREAS**

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

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

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

### **5.2 WASTEWATER TREATMENT PLANT BUFFER.**

*AMD 1 GG 15/11/16*

#### **5.2.1 Purpose of Special Control Area**

To avoid development of sensitive uses which may be affected by odour and noise within the buffer area of the wastewater treatment plant.

#### **5.2.2 Application and referral requirements**

- (a) development approval is required for the use or development of any land including a single house.
- (b) the local government is to refer applications for development approval to the Water Corporation for comment, and may refuse or approve with or without conditions such application having regard for the comments received.

# SCHEDULE 1 - DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

AMD 1 GG 15/11/16

## 1. General definitions

In the Scheme -

“**building envelope**” means an area of land within a lot marked on a plan approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained;

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

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

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

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

“**Gazettal date**”, in relation to a Scheme, means the date on which the Scheme is published in the *Gazette* under section 54 of the *Planning and Development Act 2005*;

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

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

“**incidental use**” means a use of premises which is ancillary and subordinate to the predominant use;

“**lot**” has the same meaning as in the *Planning and Development Act 2005* but does not include a strata or survey strata lot;

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

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

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

“**non-conforming use**” has the same meaning as it has in section 172 of the *Planning and Development Act 2005*;

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

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

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

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

“**Planning and Development Act**” means the *Planning and Development Act 2005*;

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

## **2. Land use definitions**

AMD 1 GG 15/11/16

In the Scheme —

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

“**agriculture - intensive**” means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following —

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

“**agroforestry**” means land used commercially for tree production and agriculture where trees are planted in blocks of more than one hectare;

“**amusement parlour**” means premises open to the public, where the predominant use is for amusement by means of amusement machines and where there are more than 2 amusement machines operating within the premises;

“**ancillary tourist use**” means premises used for:

- (a) recreation or entertainment,
- (b) consumption of food and / or beverages,
- (c) the sale of produce,
- (d) the sale of arts and crafts, and / or
- (e) conducting excursions for tourists,

where such use is incidental to and directly related to the predominant use of the land;

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

“**animal husbandry - intensive**” means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots;

“**aquaculture**” has the same meaning given to the term in the *Fish Resources Management Act 1994*;

“**bed and breakfast**” means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast;

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

“**caravan park**” has the same meaning as in the *Caravan Parks and Camping Grounds Act 1995*;

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

**“carpark”** means premises used primarily for parking vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any premises in which cars are displayed for sale;

**“child care premises”** has the same meaning as in the *Community Services (Child Care) Regulations 2007*;

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

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

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

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

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

**“convenience store”** means premises —

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

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

**“educational establishment”** means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre;

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

**“family day care”** means premises used to provide family day care within the meaning of the *Community Services (Child Care) Regulations 2007*;

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

**“fuel depot”** means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into a vehicle for final use of such fuel from the premises;

**“funeral parlour”** means premises used to prepare and store bodies for burial or cremation;

**“home business”** means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which —

- (a) does not employ more than 2 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 50 square metres, except that for land in the Rural zone

- (d) under the Scheme the local government may permit an area up to 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 as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight, except that for land in the Rural zone under the Scheme the local government may permit the presence and use of up to 3 vehicles of more than 3.5 tonnes tare weight; and
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone;

**“home occupation”** means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which —

- (a) does not employ any person not a member of the occupier’s household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 20 square metres;
- (d) does not display a sign exceeding 0.2 square metres;
- (e) does not involve the retail sale, display or hire of goods of any nature;
- (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (g) does not involve the use of an essential service of greater capacity than normally required in the zone;

**“home office”** means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not —

- (a) entail clients or customers travelling to and from the dwelling;
- (b) involve any advertising signs on the premises; or
- (c) require any external change to the appearance of the dwelling;

**“home store”** means any shop with a net lettable area not exceeding 100 square metres attached to a dwelling and which is operated by a person resident in the dwelling;

**“hospital”** means premises in which persons are admitted and lodged for medical treatment or care and includes a maternity hospital;

**“hotel”** means premises providing accommodation the subject of a hotel licence under the *Liquor Licensing Act 1988*, and may include a betting agency on those premises, but does not include a tavern or motel;

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

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

incidental to any of those industrial operations;

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

- (a) does not cause injury to or adversely affect the amenity of the neighbourhood;
- (b) where operated in a residential zone, does not employ any person other than a member of the occupier’s household;
- (c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put;

- (d) does not occupy an area in excess of 50 square metres; and
- (e) does not display a sign exceeding 0.2 square metres in area;

“**industry - extractive**” means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry – mining;

“**industry - general**” means an industry other than a cottage, extractive, light, mining, rural or service industry;

“**industry - light**” means an industry —

- (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality;
- (b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services;

“**industry - mining**” means land used commercially to extract minerals from the land;

“**industry - rural**” means —

- (a) an industry handling, treating, processing or packing rural products; or
- (b) a workshop servicing plant or equipment used for rural purposes;

“**industry - service**” means —

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

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

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

“**medical centre**” means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling);

“**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 *Liquor Licensing Act 1988*;

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

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

- (a) electrical and mechanical repairs, or overhauls, to vehicles; or
- (b) repairs to tyres,

but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping;

“**motor vehicle wash**” means premises where the primary use is the washing of motor vehicles;

“**night club**” means premises —

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

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

“**park home park**” has the same meaning as in the *Caravan Parks and Camping Grounds Regulations 1997*;

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

“**plantation**” has the same meaning as in the *Code of Practice for Timber Plantations in Western Australia* (1997) published by the Department of Conservation and Land Management and the Australian Forest Growers;

“**plant nursery**” means premises used for the propagation, rearing and sale of plants and the storage and sale of products associated with horticultural and garden décor.

“**poultry farm**” means premises used for rearing or keeping of poultry for breeding, commercial egg production, or commercial meat production;

“**reception centre**” means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes;

“**recreation - private**” means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge;

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

“**restaurant**” means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the *Liquor Licensing Act 1988*;

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

- (a) publications that are classified as restricted under the *Censorship Act 1996*;
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity;

“**rural pursuit**” means any premises used for —

- (a) the rearing or agistment of animals;
- (b) the stabling, agistment or training of horses;
- (c) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or
- (d) the sale of produce grown solely on the lot,

but does not include agriculture – extensive or agriculture – intensive;

“**service station**” means premises used for —

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental/convenience retail nature; and
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles,

but does not include premises used for a transport depot, panel beating, spray-painting, major repairs or wrecking;

“**shop**” means premises used to sell goods by retail, hire goods, or provide services of a personal nature but does not include a showroom or fast food outlet;

**“showroom”** means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature;

**“storage”** means premises used for the storage of goods, equipment, plant or materials;

**“tavern”** means premises licensed as a tavern under the *Liquor Licensing Act 1988* and used to sell liquor for consumption on the premises;

**“telecommunications infrastructure”** means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network;

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

**“transport depot”** means premises used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one such motor vehicle to another of such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles, and may include overnight accommodation on-site for the transport workers;

**“transported building”** means a building that has been constructed (whether within the district or elsewhere, and whether occupied or not), and which is capable of being transported and reconstructed for use;

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

**“warehouse”** means premises used to store or display goods and may include sale by wholesale;

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

**“workers accommodation”** means premises used for accommodation by a person or persons and the spouse and dependents of that person or persons engaged in agricultural uses on the same land and the term includes both permanent dwellings and temporary accommodation for seasonal workers.



## SCHEDULE 2 - ADDITIONAL USES

NO.	DESCRIPTION OF LAND	ADDITIONAL USE	CONDITIONS

## SCHEDULE 3 - RESTRICTED USES

NO.	DESCRIPTION OF LAND	RESTRICTED USE	CONDITIONS

## SCHEDULE 4 - SPECIAL USE ZONES

NO.	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS
1.	Lot 3 Earl Drive/Salmon Gum Alley, Mukinbudin	Uses are to be a caravan park and such other uses which in the opinion of the local government are ancillary to a caravan park.	Any development that generates wastewater is to provide for effluent disposal to the satisfaction of the Department of Health.
2.	Lots 98 - 102 Crown Reserve 25406 Calder Street, Mukinbudin.	Club premises.	
3.	Lots 70 and 71 Calder Street, Mukinbudin.	Club premises, hall, parking.	

## SCHEDULE 5 - EXEMPTED ADVERTISEMENTS

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN TYPE AND NUMBER (includes the change of posters or poster signs and applies to non-illuminated signs unless otherwise stated)	MAXIMUM AREA
Dwellings	One professional nameplate as appropriate.	0.2m <sup>2</sup>
Home Business or Home Occupation	One advertisement describing the nature of the home business or home occupation.	0.2m <sup>2</sup>
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 <sup>2</sup>
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 <sup>2</sup>
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 freestanding advertisement signs not exceeding 5 metres in height above ground level.	Total area of such advertisements are not to exceed 15m <sup>2</sup>  Maximum permissible total area is not to exceed 10m <sup>2</sup> and individual advertisement signs are not to exceed 6m <sup>2</sup> .
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 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, and	Not Applicable  Not Applicable

## SCHEDULE 5 - EXEMPTED ADVERTISEMENTS (CONT'D)

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN TYPE AND NUMBER (includes the change of posters or poster signs and applies to non-illuminated signs unless otherwise stated)	MAXIMUM AREA
	(c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	Not Applicable
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon railway station.	No sign is to exceed 2m <sup>2</sup> in area.
Advertisements within Buildings	All advertisements placed or displayed within buildings, which cannot ordinarily be seen by a person outside of those buildings.	Not Applicable
All classes of buildings other than single 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 <sup>2</sup>
<b>TEMPORARY SIGNS</b>	<b>EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)</b>	<b>MAXIMUM AREA</b>
Building Construction Sites (advertisement signs displayed only for the duration of the construction) as follows: (a) Dwellings  (b) Multiple dwellings, shops, commercial and industrial properties  (c) Large development or redevelopment projects involving shopping centres, office or other buildings exceeding three (3) storeys in height	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.  One sign as for (a) above.  One sign as for (a) above  One additional sign showing the name of the project builder.	2m <sup>2</sup>  5m <sup>2</sup>  10m <sup>2</sup>  5m <sup>2</sup>
Sales of goods or livestock	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2m <sup>2</sup>

## SCHEDULE 5 - EXEMPTED ADVERTISEMENTS (CONT'D)

TEMPORARY SIGNS	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA
<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. One sign as for (a) above.</p> <p>One sign as for (a) above</p>	<p>Each sign is not to exceed an area of 2m<sup>2</sup></p> <p>Each sign is not to exceed an area of 5m<sup>2</sup></p> <p>Each sign is not to exceed an area of 10m<sup>2</sup></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>2m<sup>2</sup></p> <p>5m<sup>2</sup></p>

## **SCHEDULE 6 - ENVIRONMENTAL CONDITIONS**

*AMD 1 GG 15/11/16*

SCHEME OR AMENDMENT NO.	GAZETTAL DATE	ENVIRONMENTAL CONDITIONS

## SCHEDULE 7 - RURAL-RESIDENTIAL ZONE

AMD 1 GG 15/11/16

No.	PARTICULARS OF LAND	REQUIREMENTS
1.	Lots 34 - 36, 45 Bonnie Rock - Lake Brown Road; Lots 37, 38, 40 - 44 Koorda - Southern Cross Road, Lake Brown	<p>1 The local government will not recommend to the Commission support for further subdivision, but this is not to preclude the local government recommending to the Commission support for a rationalisation of lot boundaries provided no additional lots are created and the resultant lot sizes and shapes are to the satisfaction of the local government. The minimum lot size should be no less than 1.0 hectare.</p> <p>2</p> <ul style="list-style-type: none"> <li>(a) Second hand, relocated or transportable dwellings or buildings will not be permitted unless the local government determines that the design and appearance of the dwelling or building will not adversely affect the amenity of the area.</li> <li>(b) No materials, equipment or outbuildings, which are visually unsightly or could detract from the amenity of the area are to be permitted on the property unless they are screened to the local government's satisfaction.</li> <li>(c) Where the local government determines that a lot is not being maintained in a clean and tidy condition and that the lot has a detrimental effect on the amenity of the area, the local government is to require the owner/occupier to carry out improvements to the local government's specification and satisfaction.</li> </ul> <p>3 Each dwelling is to be provided with a supply of potable water, either from a reticulated system, underground bore(s), or rainwater storage tank with a minimum capacity of 90 kilolitres and connected to a suitable rainfall catchment with a surface area of not less than 700 square metres. Water supply tanks are to be fitted with camlock fittings providing access to 25% of the tank capacity for bush fire fighting purposes. A dwelling is not to be considered fit for human habitation until a potable water supply has been installed and is operating.</p> <p>4 Livestock may be kept on all lots subject to all remnant vegetation being protected by suitable fencing to the satisfaction of the local government. The numbers of livestock on any lot is not to exceed standards of good animal husbandry to the satisfaction of the local government.</p>

## **SCHEDULE A – PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015 DEEMED PROVISIONS FOR LOCAL PLANNING SCHEMES**

AMD 1 GG 15/11/16

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

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

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

- (k) 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; or
  - (vi) located on a lot abutting an unconstructed road or a lot which does not have frontage to a constructed road.
  
- (l) 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”) use 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.
  
- (m) the demolition of any building or structure except where the building or structure is:
  - (i) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*; or
  - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
  - (iii) included on the Heritage List under clause 8 of the deemed provisions; or
  - (iv) located in a heritage area designated under the Scheme.
  
- (n) 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 clause 8 of the deemed provisions; or
- (ii) located in a heritage area designated under this Scheme.



**ADOPTION**

Adopted by Resolution of the local government of the Shire of Mukinbudin at the meeting of the local government held on the 20<sup>th</sup> day of June 2001.

.....  
PRESIDENT

.....  
CHIEF EXECUTIVE OFFICER

**FINAL APPROVAL**

*AMD 1 GG 15/11/16*

Adopted by Resolution of the local government of the Shire of Mukinbudin at the meeting of the local government held on the 19th day of 2003 and pursuant to that Resolution the Seal of the Municipality was hereunto affixed in the presence of:

.....  
PRESIDENT

.....  
CHIEF EXECUTIVE OFFICER

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

**RECOMMENDED/SUBMITTED FOR FINAL APPROVAL**

.....  
DELEGATED UNDER S. 20 OF THE  
PLANNING AND DEVELOPMENT ACT 2005  
.....  
DATE

**FINAL APPROVAL GRANTED**

.....  
MINISTER FOR PLANNING  
.....  
DATE