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SHIRE OF TOODYAY

Local Planning Scheme No. 4

Updated to include AMD 11 GG 10/02/2017



Department of
Planning

PREPARED BY THE
Department of Planning

Original Town Planning Scheme Gazettal
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SHIRE OF TOODYAY LPS 4 - TEXT AMENDMENTS

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
1	14/6/13	24/6/13	NM	Inserted 'Lot 5628 Julimar Road, West Toodyay' into Schedule 11.
3	14/6/13	24/6/13	NM	Inserted Additional use No. 5 into Schedule 2 – Additional Uses.
5	07/01/14	21/01/14	ML	<p>Clause 5.8.5 – delete Par 4.2 and replace with Part 7.2</p> <p>Delete Clause 5.11.1 and replace with amended text.</p> <p>Delete 'Health Department' replace with 'Department of Health'</p> <p>Delete 'development plan' replace with 'structure plan'</p> <p>Clause 5.11.4 delete 'require'</p> <p>Delete Clause 5.11.7 and renumber subsequent Clauses</p> <p>Clause 5.11.8 (b) Delete word 'set backs' with 'setbacks'</p> <p>Clause 5.11.9 (a) (iv) place 's' on the end of 'corridor'</p> <p>Additional 'Clause 5.12 Potable Water and renumber subsequent clauses.</p> <p>Insert to Clause 8.2 (b) (vi)</p> <p>Clause 5.14 delete 'one building' and replace with 'one dwelling'</p> <p>Delete Clause 5.15.4 (a) and replaced with other text</p> <p>Clause 5.20 amended</p> <p>Clause 5.21 heading amended</p> <p>Amend first sentence Clause 5.21.1</p> <p>Amend Clause 5.21.3</p> <p>Amend Clause 5.23</p> <p>Amend Clause 8.2 (b) add point (ii) and renumber</p> <p>Amend Clause 8.2 (b) (ii)</p> <p>Amend Clause 8.2 (b) point (v)</p> <p>Include additional point Clause 8.2 (b) (vi)</p> <p>Include additional point (vii) Clause 8.2 (b)</p> <p>Clause 8.2 add additional points (h), (i) and (j)</p> <p>Clause 11.1.2 removed word 'authorized' and replace with 'authorise'</p> <p>Clauses 11.2.1, 11.2.2, 11.2.3, 11.2.4, and 11.7 removed 'notice' and replaced with 'direction'</p> <p>Clause 11.7 replaced 28 wit 60</p> <p>Clause 11.7.2 replaced 214 with 215</p> <p>Schedule 2 Additional Use Site 2 replaced 'Beejording' with 'Bejoording'</p> <p>Schedule 4 Special Use site No 6 amended description</p> <p>Schedule 4 Special Use Site No 1 amended description</p> <p>Schedule 11 amended description of land details</p> <p>Schedule 4 Special Use – scheme amended site No 14 inserted</p> <p>Inserted new Schedule 12 – Rural Living</p> <p>Schedule 11 – deleted provisions regarding Lot 5628 Julimar Road, West Toodyay.</p>
4	07/01/14	22/01/14	ML	<p>Clause 4.2 (a) (i) inserted "and enhance"</p> <p>Clause 4.2 (c) deleted full stop and replaced with";"</p> <p>Clause 4.2 (g) (ii) added "and" (iii) included additional wording</p> <p>Clause 4.2 (d) (ii) inserted "and"</p> <p>Clause 4.2 (e) (vii) inserted "and enhancement"</p> <p>Clause 4.2 (h) deleted point (i) and replaced text</p> <p>Clause 4.2 (i) (iii) deleted "small rural land holdings"</p> <p>Clause 4.3 Table 1 Zoning Table amended</p> <p>Schedule 1 – General Definitions - Included definition of "commercial vehicle" and "prefabricated building"</p> <p>Schedule 1 – Land Use Definitions – Included definition of "animal husbandry" and added "or", "child care premises", "community purpose", "dam", "holiday accommodation", "industry – noxious", "park home park", "plantation", "Rural Pursuit", "small bar".</p> <p>Deleted definition of "stable-commercial" and "stables-private"</p> <p>Changing title "stock yard" to "stockyard"</p> <p>Included definition of "storage facility"</p> <p>Deleted "storage facility/depot/laydown area"</p> <p>Included definition of "transport depot"</p> <p>Included definition of "waste disposal and treatment"</p> <p>Included definition of "waste transfer station"</p> <p>Replaced words "relocated structure" "with relocated dwelling"</p>
6	13/05/14	13/05/14	MLD	Rezone Lots 3, 4, 5, 13 and 75 Anzac Terrace, 8 Rosedale Street, 9, 10 and 11 Folewood Road, 23 and 24 Fiennes Street, 2, 3, 4, 5, 6 and 325 Clinton Street, 50, 500 and 501 Duke Street

AMD NO	GAZETAL DATE	UPDATED		DETAILS
		WHEN	BY	
				and 176 and 177 Hamersley Street, Toodyay from 'R10' Residential zone coding to 'R30' Residential zone coding. Rezone Lot 200 Fiennes Street, Toodyay from Reserve-Public Purpose to 'R30' Residential zone coding. Insert new clause into Section 5 – 5.24 Lots affected by Road and rail transport. Amend maps accordingly.
2	04/07/14	23/07/14	ML	Rezoning Lot 397 and Lot 280 on P224795 and Lot 396 on P225043 from 'Rural' to 'Rural Residential' Schedule 11 – Rural Residential – Insert Lots 397 and 280 Horseshoe Road and Lot 396 on P225043 West Toodyay.
8	16/06/15	18/06/15	MLD	Insert # 6 into Schedule 2 - Additional Uses of Local Planning Scheme No. 4 - Lot 59 Beaufort Street. West Toodyay
7	28/07/15	30/07/15	NG	Delete the land use definition of "Ancillary Accommodation". Insert a new definition of "Ancillary Dwelling". Amend the use class "Ancillary Accommodation" in Table 1.
10	19/04/16	20/04/16	RO	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: Clauses 2.1 to 2.5 (inclusive); Clause 5.7 (inclusive); Clause 5.11.5; Clause 5.24 (inclusive); and Clauses 7.1 to 11.7 (inclusive); Deleting Schedules 6 to 9 (inclusive) from the Scheme, 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; Removing the following clauses from the Scheme Text and inserting them into Schedule A - Supplemental Provisions: Clause 8.2(b), (v), (vii) and (ix); Clause 8.2(c); Clause 8.2(f) Clause 8.2(g) Clause 8.2(h); and Clause 8.2(i); Inserting provisions into Schedule A - Supplemental Provisions: Delete the following definitions from Schedule 1, as they have been superseded by the definitions in the deemed provisions set out in the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule 2: Advertisement; Amenity; Cultural heritage significance; Local government; Local Planning Strategy; Owner; Place; Premises; Residential Design Codes; Substantially commenced; and Zone; Amend the following clauses by removing the cross reference to the clause deleted by the amendment and replace them with cross reference to deemed provisions set out in the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule 2: Clause 3.4.1 Clause 3.4.2(a) Clause 4.3.2 Clause 4.3.3(note) Clause 4.4.2(b) Clause 4.8(c) Clause 4.9.2 Clause 5.4.2 Clause 5.5.2(a) Clause 5.5.3(a) Clause 5.9.4 Clause 5.13.2 Schedule 2 - Additional Uses, No. 6;

AMD NO	GAZETAL DATE	UPDATED		DETAILS
		WHEN	BY	
				<p>Delete reference to the following terms and replace them with the corresponding term throughout the Scheme:</p> <p>'planning application' / 'consent' to 'development application' / 'approval'; 'Council' to 'local government' 'Town Planning Regulations 1967' to '<i>Planning and Development (Local Planning Scheme) Regulations 2015</i>'; 'Scheme Text' to 'deemed provisions' (where relevant); 'Minister for the Environment' to '<i>Environmental Protection Act 1986</i>'; and '<i>Planning and Development Act</i>' to '<i>Planning and Development Act 2005</i>'; Update clauses 1.4 and 5.11.1. Modify the zoning table to make 'Ancillary Accommodation' a 'P' use in the Residential zone; (<i>this is to bring the permissibility in line with the exemption under 61(1)(d) of the deemed provisions</i>) Modify the zoning table to make a 'Transportable Structure' a 'D' use in all zones; (<i>this is to ensure that a development application is still required for transportable structures and is not exempt development</i>) Update the Clause 5.11.7(a) reference to approval authority from local government to the Western Australian Planning Commission to reflect provisions of new Regulations; Insert Clause 6.1.1(c) 'Wetland/River Channel' under Part 6 - Special Control Areas: Insert Clause 5.4 provisions relating to flood prone land now known as 'Wetlands/River Channel Special Control Area'. Inserting reference to the deemed provisions in the preamble to the Scheme; Renumber the remaining scheme provisions and schedules sequentially and update any cross referencing to the new clause numbers as required.</p>
9	30/08/16	20/09/16	AC	<p>Schedule 1 - dictionary of defined works and expressions – general definitions – included definitions for “cabin”, “chalet” and “short term accommodation”.</p> <p>Schedule 1 - dictionary of defined works and expressions – land use definitions – included definitions for “brewery”, “holiday accommodation”, “holiday house”, “rural home business” and “tourist development”.</p> <p>Replaced definition of “restaurant” with the definition for “restaurant / café”.</p> <p>Table 1 – Zoning table - Inserted the land use ‘Rural home business’, designating it as a ‘D’ use in the Rural, Rural Residential and Rural Living zones, and as an ‘X’ use in all other zones.</p> <p>Inserted the land use ‘Tourist Development’, designating it an ‘A’ use in the Mixed Business, Rural and Rural Living zones and an ‘X’ use in all other zones.</p> <p>Amended the use class ‘Restaurant’ to ‘Restaurant / Café’ and amended the permissibility to ‘A’ in the Rural and Rural Living zones.</p> <p>Clause 3.3.2 - Modified to insert definition for incidental use (I).</p> <p>Schedule 2 – Additional Uses – Inserted Lot 45 (381) Julimar Road, Toodyay, Lot 228 (439) Parkland Drive, Toodyay, Lot 66 (163) Howard Road, Toodyay, and Lots 57 (81) and 97 (65) Beaufort St West, Toodyay.</p> <p>Amended the Scheme maps accordingly.</p>
11	10/02/17	14/03/17	MLD	<p>Rezone Lot 9508 on Plan 77718 from Residential Development to Reserve - Public Open Space.</p> <p>Rezone Lot 9011 on Plan 62847 from Reserve - Recreation and Conservation: Parks and Recreation to Residential Development.</p> <p>Amend the Scheme maps accordingly.</p>

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Preamble

AMD 10 GG 19/04/16

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

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.

Scheme details

The Shire of Toodyay

Local Planning Scheme No. 4
District Zoning Scheme

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

PART 1 — PRELIMINARY

1.1 CITATION

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

1.1.2 The following Schemes are revoked —

Town Planning Scheme No.1	Date of Gazettal 20 May 1983
Town Planning Scheme No.3	Date of Gazettal 8 February 1993

1.2 RESPONSIBLE AUTHORITY

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

1.3 SCHEME AREA

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

1.4. CONTENTS OF SCHEME

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 1 – 4).

The Scheme 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; *AMD 10 GG 19/04/16*
- (f) make provision for the administration and enforcement of the Scheme; and
- (g) address other matters set out in Schedule Seven to the Planning and Development Act 2005. *AMD 10 GG 19/04/16*

1.6 THE AIMS OF THE SCHEME

The aims of the Scheme are —

- a) to provide for the orderly and economic development and optimum use of its land and other resources in the Scheme Area, consistent with the conservation of important natural and man-made features;
- b) to provide comprehensive planning instrument for the Shire that is clear and explicit but provides flexibility in its application;
- c) to provide guidance to:
 - (i) the local government in the execution of its planning responsibilities;
 - (ii) public authorities in establishing the likely future needs of the Shire;
 - (iii) the private sector to indicate future development opportunities and planning requirements; and
 - (iv) the community in respect of the manner in which the effects of growth and change are proposed to be managed;
- d) to provide a rational framework for decisions with regard to land use and that the assessment and classification of land resources on the basis of capability and suitability are an essential facet of the planning process;
- e) to facilitate the provision of public amenities and community support services consistent with the development and growth of the Shire;
- f) to ensure that development occurs in a way which preserves existing environmental qualities and minimizes adverse environmental impacts;
- g) to ensure that existing and future residents enjoy a range of attractive living environments and have access to the widest possible range of services and amenities; and
- h) to protect and enhance areas within the Shire identified as being of significant environmental value.

1.7 DEFINITIONS

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

- (a) in the Planning and Development Act 2005 ; or
AMD 10 GG 19/04/16
- (b) if they are not defined in that Act -
 - (i) in the Dictionary of defined words and expressions in Schedule 1; or
 - (ii) in the Residential Design Codes.

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

(a) in the case of a residential development, the definition in the Residential Design Codes prevails; and

(b) in any other case the definition in the Dictionary prevails.

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

1.8 RELATIONSHIP WITH LOCAL LAWS

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

1.9 RELATIONSHIP WITH OTHER SCHEMES

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

PART 2 — RESERVES

AMD 10 GG 19/04/16

2.1 RESERVES

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

2.2 REGIONAL RESERVES

There are no regional reserves in the Scheme area.

2.3 LOCAL RESERVES

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

2.4 USE AND DEVELOPMENT OF LOCAL RESERVES

2.4.1 A person must not —

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

without first having obtained development approval under Part 7 of the Scheme.
AMD 10 GG 19/04/16

2.4.2 In determining an application for development approval the local government is to have due regard to — *AMD 10 GG 19/04/16*

- (a) the matters set out in clause 67 of the deemed provisions; and
AMD 10 GG 19/04/16
- (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. *AMD 10 GG 19/04/16*

PART 3 — ZONES AND THE USE OF LAND

AMD 10 GG 19/04/16

3.1 ZONES

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

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

3.2 OBJECTIVES OF THE ZONES

The objectives of the zones are —

(a) Residential

The objectives of the residential zone are to:

- (i) maintain and enhance the predominantly single residential character and amenity of established residential areas; *AMD 4 GG 07/01/14*
- (ii) provide the opportunity for medium/high density dwellings in selected locations to ensure a variety of housing is available in the town;
- (iii) allow for closer subdivision in areas where sewer becomes available;
- (iv) provide the opportunity for aged persons housing; and
- (v) provide for the preservation of the historical character of Toodyay

(b) Residential Development

The objectives of the residential development zone are to:

- (i) designate land for future urban development;
- (ii) provide for orderly planning and development of larger areas of land for residential and associated purposes through the preparation of a structure plan; and *AMD 5 GG 7/01/14*
- (iii) ensure the adequate provision of physical and community infrastructure.

(c) Special Residential

The objectives of the Special Residential zone are to:

- (i) to protect the character of the Avon River environs by maintaining larger lot sizes adjacent to the Avon River;
- (ii) to provide for the choice of larger lots in proximity to the Town Centre zone;
- (iii) to ensure the provision of community services and facilities in the vicinity of Special Residential zone;
- (iv) to encourage innovative housing designs that complement the natural and cultural landscape of the Toodyay locality; and *AMD 4 GG 07/01/14*

(d) Mixed Business

The objectives of the Mixed Business zone are to:

- (i) provide for commercial, light and service industrial, wholesaling, showrooms and professional services which, by reason of their scale, character and operational land requirements, are not generally appropriate to, or cannot conveniently or economically be accommodated within the Town Centre zone or Industrial zone;
- (ii) provide for development and land uses which will not result in a detrimental impact on the Town Centre zone; and
- (iii) promote buildings of a high standard of architectural design complemented by landscaped surrounds.

(e) Town Centre

The objectives of the Town Centre zone are to:

- (i) establish a strong town focus;
- (ii) develop the town centre as the principal place for retail shopping, office and commercial development in the district;
- (iii) provide for expansion of commercial activity to meet future demands;
- (iv) provide for a variety of housing types and tourism related accommodation;
- (v) provide for social, recreational and community facilities;
- (vi) provide for the efficient and safe movement of vehicles and pedestrians; and
- (vii) provide for the preservation and enhancement of the historical character of Toodyay.

(f) Light Industry

The objectives of the Light Industry zone are to:

- (i) provide for rural, service, light and general industrial activities;
- (ii) provide appropriate buffers between industrial and adjacent land uses to avoid land use conflicts; and
- (iii) avoid conflicting uses from establishing in the industrial area.

(g) Rural

The objectives of the Rural zone are to:

- (i) protect broad-scale agriculture from un-planned breakdown of rural land:
- (ii) subject to (i) above:
 - (a) provide for tourist related activities, including farm stay, bed and breakfast and holiday accommodation;

- (b) provide for a range of rural related uses such as intensive agriculture, aquaculture, rural pursuits; and
- (iii) ensure the protection of and conservation of native vegetation.
- (h) Rural Residential

The objectives for the rural residential zone are to:

- (i) provide for a range of lifestyle opportunities as permitted under the zoning table and other provisions of the scheme. *AMD 4 GG 07/01/14*
- (ii) maintain and enhance the rural character and amenity of the locality;
- (iii) enhance the district's social and economic structure without detrimentally affecting the landscape, environment and existing agricultural activity;
- (iv) ensure the protection and conservation of native vegetation;
- (v) ensure that lot sizes and shapes are rationally related to the topography and state of land development; and
- (vi) have regard for the visual aspect of the site in considering development applications.
- (i) Rural Living

The objectives of the Rural Living zone are to:

- (i) identify areas with convenient access to the Toodyay townsite to take advantage of services provided in the area;
- (ii) to provide for a range of lot sizes between 5 ha to 40 ha, with an average of 15 ha to 20 ha depending on topography and landscape;
- (iii) allow for range of lifestyle opportunities including rural pursuits; cottage industry and intensive agriculture; *AMD 4 GG 07/01/14*
- (iv) provide for tourism related accommodation; and
- (v) ensure the protection and conservation of native vegetation.

3.3 ZONING TABLE

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

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

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

'I' means that use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme.
AMD 9 GG 30/08/16

- 'D' means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
AMD 10 GG 19/04/16
- '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;
AMD 10 GG 19/04/16
- 'X' means a use that is not permitted by the Scheme.

TABLE 1: ZONING TABLE

AMD 4 GG 07/01/14

	Residential	Residential Development	Special Residential	Town Centre	Mixed Business	Light Industry	Rural	Rural Residential	Rural Living
Abattoir	X	X	X	X	X	X	A	X	X
Accommodation for Temporary Workers	X	X	X	D	D	X	D	X	X
Aged/Dependent Persons Dwelling/s or Establishment	D	D	D	D	A	X	X	X	X
Agriculture - Extensive	X	X	X	X	X	X	P	X	D
Agriculture - Intensive	X	X	X	X	X	X	D	A	D
Agroforestry	X	X	X	X	X	X	D	X	D
Amusement Parlour	X	X	X	A	A	X	X	X	X
Ancillary Dwelling <i>AMD 7 GG 28/07/15</i> <i>AMD 10 GG 19/04/16</i>	P	D	D	A	A	X	D	D	D
Animal Establishment	X	X	X	X	X	A	D	X	A
Animal Husbandry - Intensive	X	X	X	X	X	X	D	X	X
Apiary	X	X	D	X	X	X	P	D	D
Arts and Crafts Centre	X	X	A	P	D	D	D	A	A
Bed & Breakfast	D	D	D	D	X	X	D	D	D
Betting Agency	X	X	X	D	D	X	X	X	X
Caravan Park	X	X	X	A	A	X	X	X	X
Caretaker's Dwelling	X	X	X	X	X	A	X	X	X
Carpark	X	X	X	D	D	D	X	X	X
Child Care Premises	A	A	A	D	D	X	X	X	X
Cinema/Theatre	X	X	X	P	D	X	X	A	A
Civic Use	A	A	A	P	D	A	A	A	A
Club Premises	X	X	X	P	D	A	X	X	X
Community Purpose	X	X	A	P	D	X	A	A	A
Consulting Rooms	X	X	X	P	D	X	X	X	X
Convenience Store	X	X	X	P	P	A	X	X	X
Corrective Institution	X	X	X	X	X	X	A	X	X
Dam	X	X	A	X	X	X	P	A	A
Detention Centre	X	X	X	X	X	X	A	X	X
Display Home Centre	D	D	D	D	D	X	D	D	D
Educational Establishment	A	A	A	D	A	A	A	A	A
Emergency Services	X	X	X	D	D	D	D	X	D
Equestrian Centre	X	X	X	X	X	X	A	X	A
Exhibition Centre	X	X	X	P	P	A	D	D	D
Factory Unit	X	X	X	X	A	P	X	X	X
Family Day Care	A	A	A	D	D	X	D	D	D
Farm Stay/Host Farm	X	X	X	X	X	X	D	X	A
Fast Food Outlet	X	X	X	D	A	X	X	X	X
Fuel Depot	X	X	X	X	D	D	D	X	X
Funeral Parlour	X	X	X	D	D	D	A	X	X
Grouped Dwelling	D	D	X	D	A	X	X	X	X
Holiday Accommodation	X	X	X	D	A	X	A	X	A
Home Business	D	D	D	D	D	X	P	D	D
Home Occupation	P	P	P	D	D	X	P	P	P
Home Office	P	P	P	P	P	X	P	P	P
Home Store	X	X	X	D	D	X	X	X	X
Hospital	X	X	X	A	A	X	X	X	X
Hotel	X	X	X	D	A	X	X	X	X
Industry - Cottage	X	X	D	D	D	D	D	D	D

	Residential	Residential Development	Special Residential	Town Centre	Mixed Business	Light Industry	Rural	Rural Residential	Rural Living
Industry – Extractive	X	X	X	X	X	X	D	X	A
Industry – General	X	X	X	X	X	D	X	X	X
Industry – Light	X	X	X	X	A	P	X	X	X
Industry – Noxious	X	X	X	X	X	X	X	X	X
Industry – Rural	X	X	X	X	D	D	A	X	A
Industry – Service	X	X	X	D	D	P	X	X	X
Lunch Bar	X	X	X	P	D	D	X	X	X
Market	X	X	X	A	A	X	X	X	X
Medical Centre	X	X	X	D	D	X	X	X	X
Motel	X	X	X	A	A	X	X	X	X
Motor Vehicle, Machinery and/or Marine Repair	X	X	X	X	D	D	X	X	X
Motor Vehicle, Machinery and/or Marine Sales & Hire	X	X	X	A	D	D	X	X	X
Motor Vehicle, Machinery and/or Marine Wrecking	X	X	X	X	X	D	X	X	X
Motor Vehicle Wash	X	X	X	D	D	D	X	X	X
Multiple Dwelling	A	A	X	D	X	X	X	X	X
Night Club	X	X	X	D	A	X	X	X	X
Nursing Home	A	A	A	A	A	X	X	X	X
Office	X	X	X	P	D	X	X	X	X
Park Home Park	X	X	X	A	A	X	X	X	X
Place of Worship	A	A	A	P	D	A	A	A	A
Plantation	X	X	X	X	X	X	D	X	D
Reception Centre	X	X	X	D	D	X	D	X	A
Recreation - Private	X	X	X	D	D	A	A	X	X
Recreation - Public	A	A	D	D	D	A	D	A	A
Research Centre	X	X	X	D	D	D	D	X	X
Residential Building	D	D	D	D	D	X	X	X	X
Restaurant / Café <i>AMD 9 GG 30/08/2016</i>	X	X	X	P	D	X	A	X	A
Roadside Stall	X	X	X	X	X	X	D	D	D
Rural Home Business <i>AMD 9 GG 30/08/2016</i>	X	X	X	X	X	X	D	D	D
Rural Pursuits	X	D	D	X	X	X	P	D	D
Service Station	X	X	X	A	D	D	X	X	X
Shop	X	X	X	P	D	X	X	X	X
Showroom	X	X	X	A	P	A	X	X	X
Single House	P	P	P	D	D	X	P	P	P
Small Bar	X	X	X	D	A	X	X	X	X
Stockyard	X	X	X	X	X	X	A	X	X
Storage facility	X	X	X	D	D	D	X	X	x
Tavern	X	X	X	A	A	X	X	X	X
Telecommunication Infrastructure	D	D	D	D	D	D	D	D	D
Tourist Development <i>AMD 9 GG 30/08/2016</i>	X	X	X	X	A	X	A	X	A
Trade Display	X	X	X	D	D	D	A	X	X
Transport Depot	X	X	X	X	A	D	A	X	X
Transportable Structure <i>AMD 10 GG 19/04/16</i>	D	D	D	D	D	D	D	D	D
Veterinary Centre	X	X	X	A	A	D	A	X	A
Warehouse	X	X	X	X	D	P	X	X	X
Waste Disposal and Treatment	X	X	X	X	X	X	X	X	X
Waste Transfer Station	X	X	X	X	X	A	X	X	X

	Residential	Residential Development	Special Residential	Town Centre	Mixed Business	Light Industry	Rural	Rural Residential	Rural Living
Winery	X	X	X	X	X	X	D	X	A

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; *AMD 10 GG 19/04/16*
- (b) the change is to a use which is designated with the symbol 'P' in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and any requirements of the Scheme;
- (c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or
- (d) the change is to an incidental use that does not change the predominant use of the land.

- Note:*
- 1. *The development approval of the local government is required for the development of land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the use and development of land.*
AMD 10 GG 19/04/16
 - 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.* *AMD 10 GG 19/04/16*
 - 4. *The local government must refuse to approve any 'X' use of land. Approval to an 'X' use of land may only proceed by way of an amendment to the Scheme.*

3.4 INTERPRETATION OF THE ZONING TABLE

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

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

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
- (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 64 of the deemed provisions in considering an application for development approval; or
AMD 10 GG 19/04/16
- (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.*

3.6 RESTRICTED USES

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

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

3.7 SPECIAL USE ZONES

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

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

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

3.8 NON-CONFORMING USES

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

- (a) the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date;
- (b) the carrying out of any development on that land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorize the development to be carried out, were duly obtained and are current; or
- (c) subject to clause 80(1) of the deemed provisions, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date. *AMD 10 GG 19/04/16*

Note: "Land" has the same meaning as in the Planning and Development Act 2005 and includes houses, buildings and other works and structures. AMD 10 GG 19/04/16

3.9 EXTENSIONS AND CHANGES TO A NON-CONFORMING USE

3.9.1 A person must not —

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

without first having applied for and obtained development approval under the Scheme. *AMD 10 GG 19/04/16*

3.9.2 An application for development approval under this clause is to be advertised in accordance with clause 64 of the deemed provisions. *AMD 10 GG 19/04/16*

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. *AMD 10 GG 19/04/16*

3.10 DISCONTINUANCE OF NON-CONFORMING USE

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

3.11 TERMINATION OF A NON-CONFORMING USE

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

Note: Sections 190 and 191 of the Planning and Development Act 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. AMD 10 GG 19/04/16

3.12 DESTRUCTION OF NON-CONFORMING USE BUILDINGS

If a building used for a non-conforming use is destroyed to 75% or more of its value, the building is not to be repaired, rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner not permitted by the Scheme, except with the development approval of the local government. *AMD 10 GG 19/04/16*

PART 4 — GENERAL DEVELOPMENT REQUIREMENTS

AMD 10 GG 19/04/16

4.1 COMPLIANCE WITH DEVELOPMENT STANDARDS AND REQUIREMENTS

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

4.2 RESIDENTIAL DESIGN CODES

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

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

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

4.3 SPECIAL APPLICATION OF RESIDENTIAL DESIGN CODES

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

4.4 RESTRICTIVE COVENANTS

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

AMD 10 GG 19/04/16

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.

AMD 10 GG 19/04/16

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

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

AMD 10 GG 19/04/16

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

AMD 10 GG 19/04/16

- (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 64 of the deemed provisions; and
AMD 10 GG 19/04/16
 - (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 criteria set out in clause 67 of the deemed provisions; and
AMD 10 GG 19/04/16
 - (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

4.6 ENVIRONMENTAL CONDITIONS

- 4.6.1 Environmental conditions to which the Scheme is, or amendments to the Scheme are subject are incorporated into the Scheme by Schedule 6 of the Scheme.
AMD 10 GG 19/04/16
- 4.6.2 Where appropriate, the environmental conditions are indicated on the Scheme Map by the symbol EC to indicate that environmental conditions apply to the land.
- 4.6.3 The local government is to —
- (a) maintain a register of all relevant statements published under sections 48F and 48G of the EP Act; and
 - (b) make the statements available for public inspection at the offices of the local government.

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

There are no environmental conditions imposed under the Environmental Protection Act 1986 which apply to the Scheme. *AMD 10 GG 19/04/16*

4.7 DEVELOPMENT IN THE TOWN CENTRE ZONE

- 4.7.1 The local government may prepare a Local Planning Policy and/or Plan for all or part of the Town Centre Zone where development and uses will accord with the Policy and/or Plan provisions in addition to relevant scheme provisions.
AMD 10 GG 19/04/16
- 4.7.2 In the absence of strategic or policy statements or a structure plan for land within the Town Centre zone, the local government, when considering a development application, shall take into account other matters it considers relevant to the proposal including floor space limitations, setbacks from boundaries, height of structures and preservation of areas or buildings of architectural or historical interest and the development of land abutting the same. *AMD 5 GG 7/1/14; AMD 10 GG 19/04/16*
- 4.7.3 The density of residential development in the Town Centre zone shall be R10/R50. The local government will only permit development to occur at the R50 density coding if the land can be connected to reticulated sewer services. *AMD 10 GG 19/04/16*
- 4.7.4 All development within the Town Centre zone must make appropriate provisions for car parking, having regard to the requirements of the local government's car parking policy. *AMD 10 GG 19/04/16*

- 4.7.5 For mixed use development comprising of residential and non-residential uses, the provisions of the Residential Design Codes will apply to the residential components of the development, and the provisions of this Scheme to the non-residential component of the development. *AMD 5 GG 7/1/14; AMD 10 GG 19/04/16*

4.8 DEVELOPMENT IN THE LIGHT INDUSTRY ZONE

- 4.8.1 In considering development applications within the Light Industry zone, the local government shall have regard for the: *AMD 10 GG 19/04/16*

- (a) compatibility of the proposed uses with other surrounding uses;
- (b) potential impact of the proposal on the efficient and effective operations of existing and planned industry, infrastructure or public purposes; and,
- (c) risks, hazards, health and amenity associated with the proposed use being located in proximity to existing and planned industry, infrastructure or public purpose or any other use.

- 4.8.2 When considering applications for development approval in the Light Industry zone the local government shall not permit development to be set back less than five metres from the front boundary or buildings to cover more than sixty per cent of the lot and shall have regard for any other minimum development standard contained in the Scheme. *AMD 10 GG 19/04/16*

- 4.8.3 Notwithstanding any provision of the Building Code of Australia the local government may, if it considers the proposal appropriate, approve buildings which abut one side boundary, provided vehicular access to the rear of the lot is maintained.

- 4.8.4 Where a use in the Light Industry zone is defined as a Prescribed Premises in the Regulations to the Environmental Protection Act 1987 (as amended) or an Offensive Trade under the Health Act 1911 (as amended), the local government shall advertise the proposal as set out in Clause 64 of the deemed provisions and may notify the Environmental Protection Authority and/or the Department of Health for comment or advice before considering the matter in the light of such comment or advice. *AMD 5 GG 7/1/14; AMD 10 GG 19/04/16*

- 4.8.5 In the Light Industry zone:

- (a) provision shall be made for the off-street parking of motor vehicles during normal business hours in all developments in an industrial area or of an industrial nature; and
- (b) parking areas shall be designed to enable all vehicles to return to the street in forward gear.

- 4.8.6 In the Light Industry zone:

- (a) no land or buildings shall be developed unless provision is made for an area clear of the street for the purpose of loading and unloading goods or materials;
- (b) the local government will seek to ensure that the majority of servicing vehicles will be able to leave and enter the street in forward gear; and
- (c) access-ways shall not be less than 4.5 metres wide but in exceptional circumstances the local government may permit an access way of lesser width but not less than 3.0 metres and then only when one way system can be established.

4.9 FACTORY UNIT DEVELOPMENT

Land in the Light Industry and Mixed Business zones may be used for a Factory Unit development, provided that:

- (a) there is no more than one occupancy for each factory unit;
- (b) no industrial unit is used for machinery or automotive wrecking or for the sale of motor vehicles or caravans;
- (c) factory units shall be separated from each other by an internal wall or walls constructed of brick, stone or concrete in accordance with the Building Code of Australia and shall not be altered, moved or removed without the approval of the local government; and
AMD 10 GG 19/04/16
- (d) the factory unit complies with local governments' policy for factory units as amended from time to time.

4.10 DEVELOPMENT IN THE RURAL RESIDENTIAL AND RURAL LIVING ZONES

4.10.1 The local government will only support subdivision for rural residential or rural living in the following circumstances:

- (a) Where the land has been appropriately identified in the Local Planning Strategy and zones in the Local Planning Scheme and has been approved by the local government and the Western Australian Planning Commission.

Where the land has a structure plan for subdivision endorsed by local government and the Western Australian Planning Commission.
AMD 10 GG 19/04/16

- (b) Where the land has not been subdivided for rural residential or rural living purposes under the provisions of this Scheme or any repealed Scheme.
AMD 5 GG 7/1/14; AMD 10 GG 19/04/16

4.10.2 In addition to Scheme provisions affecting rural residential or rural living development, the provisions outlined in Schedule 7 apply to the rural residential and rural living areas so identified.
AMD 10 GG 19/04/16

4.10.3 Restriction on the type and scale of any agriculture land uses or rural pursuits which vary from Scheme will be specified in Schedule 7. *AMD 10 GG 19/04/16*

4.10.4 While local government requires land management controls and environment requirements, where they vary from scheme provisions they will be specified in Schedule 7. *AMD 5 GG 7/1/14; AMD 10 GG 19/04/16*

4.10.5 Sewerage

Where connection to reticulated sewer is not available to a lot in a rural residential and rural living zones, domestic sewerage shall be disposed of by means of alternative effluent disposal system to the satisfaction of the local government and the Department of Health of Western Australia. *AMD 5 GG 7/1/14*

4.10.6 Building Envelopes

- (a) Where building envelope are defined all buildings shall be confined to the area of the building envelope as set out on the structure plan approved by the Western Australian Planning Commission.
AMD 5 GG 7/1/14; AMD 10 GG 19/04/16

- (b) The local government may permit the location of a building to be within the setback area or outside a building envelope when compliance with the prescribed setbacks or building envelope will locate the building on a skyline or necessitate unnecessary and undesirable earthworks or clearance of vegetation. *AMD 5 GG 7/1/14*

4.10.7 Tree preservation/remnant vegetation protection

- (a) The local government may require tree preservation areas to be identified on the plan of subdivision so as to:
 - (i) protect and preserve areas of landscape significance, ridge lines, and stream lines;
 - (ii) protect areas of land management importance including areas of actual or potential erosion or land degradation;
 - (iii) generally provide for visual screening of buildings and development; and
 - (iv) protect recognised vegetation corridors. *AMD 5 GG 7/1/14*
- (b) Within areas designated as a natural vegetation preservation and/or remnant vegetation areas, no indigenous trees or vegetation may be felled or removed except for:
 - (i) trees which are dead, diseased or dangerous;
 - (ii) establishment of a firebreak required under a regulation or bylaw;
 - (iii) access to a building site;
 - (iv) an area up to two metres in width for the purpose of a fence line;
 - (v) vegetation being removed or disturbed as part of a verge/native tree replanting programme carried out with local government's knowledge and approval. *AMD 10 GG 19/04/16*
- (c) Nothing in Clause 4.10.8 (b) (iv) shall be construed to mean that any person can clear a portion of a road reserve. *AMD 10 GG 19/04/16*
- (d) In considering granting development approval for a building, local government may where it considers an area to be deficient in tree cover, or additional tree cover to be desirable in the interests of landscape protection or enhancement, require tree planting located so as to provide adequate visual screening of the building. *AMD 10 GG 19/04/16*

4.10.8 Livestock management

With the intention of preventing overstocking or other practices detrimental to the amenity of the zone and to prevent land degradation and nutrient export, any application for the keeping of livestock will have regard to advice from the relevant State Government departments including in relation to recommended stocking rates and protection of environmental attributes (such as native vegetation, watercourses, wetlands, ground and surface water quality and landform).

4.11 POTABLE WATER

In considering residential development and subdivision in all zones of the scheme, a demonstrated and sustainable water supply for habitable buildings is to be provided to the satisfaction of the local government. *AMD 5 GG 7/1/14; AMD 10 GG 19/04/16*

4.12 HEIGHT AND APPEARANCE OF BUILDINGS

4.12.1 Within the Scheme Area no building shall be constructed in excess of two storeys or 8 metres overall, whichever is the greater, above natural mean ground level.

4.12.2 Notwithstanding the provisions of Clause 4.12.1, after following the procedures set out in Clause 64 of the deemed provisions, the local government may grant approval for the construction of a building higher than the maximum specified. Before granting its approval the local government shall satisfy itself that the proposed building:

- (a) will be in harmony with buildings within the locality;
- (b) will not be detrimental to the amenity or character of the locality or to the town or district in general; and,
- (c) will not affect the development potential of adjoining lots by affecting design, aspect, outlook, views and privacy.

4.13 LANDSCAPING

4.13.1 In all zones except the Rural zone there will be a landscaping requirement for all developments.

4.13.2 The landscaping requirement referred to in sub-clause 4.13.1 means an open area designed, developed and maintained as a landscaped garden and pedestrian area. At the discretion of the local government it may include natural bushland, swimming pools, areas under covered ways or a children's playground. In Rural Residential and Rural Living zones it may include landscaped buffers along lot boundaries and road frontages.

4.13.3 All applications for development approval, except those for residential development involving two dwellings or less shall indicate the landscaping elements of the proposal and in particular a plan showing: *AMD 10 GG 19/04/16*

- (a) the percentage of the site devoted to landscaping;
- (b) the areas subject to landscaping works;
- (c) the percentage and condition of remnant vegetation to be retained;
- (d) location and species of plants, including shade trees planted within and adjacent to carparking areas at the rate of one tree per two car bays;
- (e) other materials imported, arranged and/or constructed on the site;
- (f) areas to be irrigated and the systems to be used; and
- (g) the proposed staging, if any, and timing of the works.

4.13.4 Local government may require modifications or additions to the landscaping work proposed by any development application. *AMD 10 GG 19/04/16*

4.14 ADDITIONAL DWELLINGS

In all zones, only one dwelling house shall be permitted on each lot or location except in the Rural zone, the local government may, at its discretion, approve the erection of more than one dwelling provided that it is satisfied that:

- (a) the additional dwelling(s) are required to provide accommodation for an agricultural or horticultural worker;
- (b) the lot has an area of not less than 40 hectares;
- (c) the total number of dwelling houses on the lot will not exceed two;
- (d) where the second dwelling is to be used for a purpose other than a rural worker's dwelling, the local government must be satisfied that the second dwelling is to be used solely for the purpose of the principal place of residence of an owner or immediate past owner of the land who has been actively engaged for a significant period of time in the day to day management and operation of a substantial rural pursuit on the land and that the balance of the land is to be retained in rural production.

4.15 SETBACK DISTANCES

4.15.1 Setbacks in the Residential, Special Residential and Town Centre zones will be in accordance with the Residential Design Codes.

4.15.2 In the Town Centre zone and the Light Industry zones, no person shall use the setback area between the building line and the street alignment for any purpose other than one or more of the following:

- (a) a means of access;
- (b) the daily parking of vehicles;
- (c) loading and unloading of vehicles;
- (d) trade display only with the approval of the local government; and,
AMD 10 GG 19/04/16
- (e) landscaping.

4.15.3 Setback areas shall not be used for the storing of vehicles which are being repaired or wrecked, the storage of materials, products, by-products or wastes, or the storage of fuel, except in underground tanks.

4.15.4 In the Rural, Rural Residential and Rural-Living zones:

- (a) No building shall be located closer to the boundary than 30 metres, except-
 - (i) in the rural zone, where the setback distance shall be a minimum of 50 metres; or
 - (ii) the building fronts a state/regional or district road, as designated under the scheme, where the building setback to the boundary of the road shall be a minimum of 100 metres; or
 - (iii) where the building is located within a building envelope identified on an approved structure plan. *AMD 5 GG 7/1/14*

- (b) No person shall use the land between the building setback line and the road for any purpose other than a means of access, landscaping or a rural activity permitted in the zone;
- (c) Notwithstanding anything contained in the sub-clauses above, the local government may permit a building to be located within the setback area when:
 - (i) in the opinion of the local government, a physical obstruction precludes compliance with this clause;
 - (ii) the location of the building within the setback area will not adversely effect the amenity of an adjoining owner or the area generally;
 - (iii) for the reason of topography or lot configuration, the prescribed setback cannot be adhered to or would be unnecessarily disadvantageous.
- (d) Where it is necessary to locate a rain water tank within the setback area when seeking the highest point on the property, the local government will require that the side of the tank is made to blend with the environment by painting within six months of erection in an acceptable colour or by the use of a suitable material during construction.

4.15.5 The minimum front setback to any new development on a road proposed to be widened under this Scheme shall be the minimum setback as if the proposed widening had taken place.

4.15.6 Where lots have more than one street frontage the following setbacks shall apply:

- (a) In all zones, other than the Residential zone, where a lot has a frontage to more than one street, the local government may determine which street frontage shall be regarded as the front for the purpose of the setback prescribed in the Scheme.
- (b) With the exception of State/Regional and District roads, the local government may, at its discretion, permit the setback to the secondary street to be reduced to half the specified setback.
- (c) In the Residential zone the provisions of the Residential Design Codes prevail.

4.16 PARKING OF COMMERCIAL VEHICLES IN THE RESIDENTIAL ZONE

4.16.1 Unless prior development approval has been granted by the local government, no person shall, within a Residential zone — *AMD 10 GG 19/04/16*

- a) park or allow to remain stationary for more than four hours consecutively:
 - i) more than one commercial or industrial vehicle on a particular lot;
 - ii) a commercial or industrial vehicle, boat trailer, boat, caravan, or recreational vehicle unless it is parked in a domestic garage or outbuilding, or such vehicle is parked entirely on the lot in a position which is not unduly obtrusive;
 - iii) any vehicle which, due to size or load, is not capable of being completely parked within a domestic garage or outbuilding having a maximum floor area of 45 square metres in which no horizontal dimension is more than 15 metres;

- iv) a vehicle which, together with its load, exceeds three metres in height or longer or wider than permitted on roads without requiring special warning signs, unless the vehicle is being used in connection with building or construction works.
- b) build, repair, paint, service, or renovate any marine vessel, caravan, commercial or industrial vehicle in front of the building line.

4.17 CAR PARKING REQUIREMENTS

4.17.1 Unless otherwise provided in the Scheme, all development must make appropriate provisions for car parking, having regard to the requirements of the local government's Car Parking Policy. *AMD 10 GG 19/04/16*

4.17.2 Where a proposed use is not specifically defined and cannot be associated with a defined use, the local government will establish the requirement for the use dependent on the number of vehicles likely to be attracted to the development and the maintenance of desirable safety standards and the amenity of the area.

4.17.3 Premises with more than one use will have the parking requirements added in proportion to the uses occupying the site unless common usage of the parking occurs when the local government may agree to an adjustment to the total need.

4.17.4 In the Light Industry zone:

- (a) provision shall be made for the off-street parking of motor vehicles during normal business hours in all developments in an industrial area or of an industrial nature;
- (b) parking areas shall be designed to enable all vehicles to return to the street in forward gear;
- (c) parking areas located between the building setback and the street alignment shall be constructed, paved, kerbed, drained, marked out and landscaped and maintained to the satisfaction of the local government;

4.17.5 Where the parking or loading and unloading facility is provided on a lot or lots separate from the lot upon which the development or redevelopment is to occur, the local government will require to be satisfied that the land so allocated will be permanently retained for the purpose by either amalgamation of the lots set aside for parking with the lots being developed or by agreement with local government that the land used for parking or loading or unloading will not be sold separately.

4.17.6 In all zones parking areas located between the building setback and the street alignment shall be constructed, paved, kerbed, drained, marked out, landscaped and maintained to the satisfaction of the local government.

4.17.7 In all zones, the Scheme provisions for parking, loading and unloading, access and landscaped areas, complete with drainage, signs and markings shall be provided at the time of development or at such time as may be agreed in writing between the local government and the developer. All such areas and facilities shall be maintained to the satisfaction of the local government

4.18 SEALED AREAS

Outdoor displays, industrial hire services, storage facilities, depots, laydown areas and any other open area shall be sealed, paved or landscaped to the satisfaction of local government and maintained in good condition.

4.19 TRAFFIC ENTRANCES AND MAJOR ROADS

- 4.19.1 The local government may require separate vehicular entrances and exits to lots or may require such access to be placed in positions nominated by it, if it considers it to be necessary to avoid or reduce traffic hazards.
- 4.19.2 The local government may refuse to permit more than one vehicle entrance or exit to or from any lot.
- 4.19.3 Direct access for vehicles from a Main or Major Road to a lot will not be permitted where access is available from a street at the side or rear of the property or from a right of way.
- 4.19.4 Where vehicular access from a lot adjoining a Main or Major Road is available only from that road, parking, servicing, circulation within that lot and access to and from the Road shall be designed and constructed to allow unhindered movement within the lot to enable vehicles to enter and leave the site in forward gear.
- 4.19.5 The local government will require the forming, sealing and draining of any unpaved right of way or street servicing a development for which development approval is given at the cost of the developer in proportion to the extent of the use of the right way or street by the development in respect to other users as assessed by the local government.

AMD 10 GG 19/04/16

4.20 LOTS WITHOUT FRONTAGE TO A CONSTRUCTED GAZETTED ROAD OR PERMANENT LEGAL ACCESS TO A CONSTRUCTED GAZETTED ROAD

Notwithstanding anything else appearing in the Scheme planning approval is required for the development of land abutting an unconstructed road or a lot which does not have permanent legal vehicular access to a gazetted and constructed road. In considering an application for development approval in these circumstances the local government shall either:

AMD 10 GG 19/04/16

- (a) refuse the application until a road has been gazetted and constructed;
- (b) grant the application subject to a condition requiring the application to contribute to or construct a gazetted road; or
- (c) require that such other arrangements are made for the permanent access to the satisfaction of the local government. *AMD 5 GG 7/1/14*

4.21 TRANSPORTABLE OR PREFABRICATED STRUCTURES

AMD 4 GG 07/01/14

- 4.21.1 The local government may approve the erection or placement of a transportable or prefabricated building on a lot or location providing that the design of the building is to the satisfaction of the local government by reason of such matters as the roof pitch, window size, external cladding materials and other such factors that affect the appearance of the building and that the building will not, in the opinion of the local government, adversely affect the amenity of other properties in the vicinity.
- 4.21.2 The local government may approve a transportable or prefabricated dwelling to be placed on a lot and used as a dwelling provided that, in the opinion of the local government, such building is in a satisfactory condition or can be upgraded to a suitable standard and will not affect the amenity of the area. *AMD 5 GG 7/1/14*
- 4.21.3 Where any material containing asbestos fibres remains on or in the transportable or prefabricated dwelling, whether cement asbestos roofing or cladding or for insulation or for any other purpose, such material shall be removed prior to the building being transported within or into the Shire. *AMD 5 GG 7/1/14*

4.22 MOTOR VEHICLE AND MACHINERY WRECKING AND/OR STORAGE

- 4.22.1 For the purpose of this clause, the term “vehicle” shall include motor vehicle, machinery or anything that can reasonably be included under those terms.
- 4.22.2 No person shall occupy or use or permit to be occupied or used, land in any Light Industry zone or any other zone for the purpose of wrecking and/or storage of vehicles except in accordance with the provisions of this Scheme and the following standards:
- (a) the area of land actually used for the purpose of wrecking and/or storage of vehicles shall not exceed 2000 square metres; and,
 - (b) no more than 40 vehicles may be stored on the land in neat rows and not in any manner greater than two metres in height.
- 4.22.3 Should the local government grant development approval to the use and development of land for the purpose of vehicle wrecking, such approval shall be subject to the following conditions: *AMD 10 GG 19/04/16*
- (a) all vehicle bodies and excess scrap from the wrecking process shall be removed and disposed of in a manner and at intervals satisfactory to the local government;
 - (b) all parts or materials or components shall be stored in buildings and yard areas;
 - (c) all buildings and yard areas shall be kept in a good state of repair and shall be clean and tidy at all times to the satisfaction of the local government;
 - (d) all yard areas where vehicle wrecking occurs shall be enclosed by a fence to the design and satisfaction of the local government and shall be not less than 1.8 metres in height;
 - (e) no vehicle or portion of a vehicle shall be destroyed or otherwise disposed of by fire or any other means of combustion;
 - (f) all practicable means shall be used to minimise any smell from the operation of the business;
 - (g) where appropriate a landscape buffer or other appropriate visual screen be provided.

4.23 LOTS AFFECTED BY ROAD AND RAIL TRANSPORT

If in the opinion of the Western Australian Planning Commission (WAPC) and/or the Council, where residential development is contemplated, at subdivision or development stage a memorial may be placed on the Certificate of Title, advising of potential impacts from road and rail corridors. *AMD 6 GG 13/05/14*

PART 5 — SPECIAL CONTROL AREAS

AMD 10 GG 19/04/16

5.1 OPERATION OF SPECIAL CONTROL AREAS

5.1.1 The following special control areas are shown on the Scheme Maps:

- (a) Avon River Valley
- (b) Toodyay Bypass
- (c) Wetland/River Channel
AMD 10 GG 19/04/16

5.1.2 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.

5.2 AVON RIVER VALLEY SPECIAL CONTROL AREA

The Avon River Valley Special Control Area is delineated on the Scheme Map

5.2.1 Purpose

The purpose of the Avon River Valley Special Control Area is to promote the objectives of the Avon Arc Sub-Regional Strategy (January 2001) by identifying areas within the Avon Arc of high landscape value and by conserving and enhancing the significant values and features that exist within this landscape area.

5.2.2 Application Requirements

Development approval is required to construct or extend a dwelling or any other building within this special control area. *AMD 10 GG 19/04/16*

5.2.3 Relevant Considerations

5.2.3.1 To preserve and enhance the status of this area as a major scenic and recreation resource the local government will:

- (a) encourage the retention and enhancement of the vegetation cover;
- (b) encourage rural uses to continue in a manner consistent with good land management practice and the enhancement of the environment;
- (c) exercise controls over the subdivision and development of land so that the siting and design of buildings or works will enhance the visual character of the area;
- (d) acquire, where appropriate, foreshore land to protect critical areas of landscape or recreational value and to ensure public access; and,
- (e) permit appropriate uses of a recreational or tourist nature subject to adequate controls on the level of activity and siting of such uses.

5.2.3.2 The local government in considering development proposals on land identified on the Scheme Map as being within the special control area will consider the following before making a determination:

AMD 10 GG 19/04/16

- (a) the effects of the proposal on catchment management and the measures to be taken to mitigate such effects;
- (b) whether the proposed development will materially and seriously effect any wetland or native flora, native wildlife refuge or habitat, especially when such is rare, endangered or a priority species;
- (c) whether the proposed development will effect any identified site of known Aboriginal importance;
- (d) the effects of the development to the natural environment including:
 - i) effects of clearing for development, especially for roads and services; and,
 - ii) habitat disturbance;
- (e) the actions to be taken to ameliorate any adverse effects the development may have on the environment which shall include but not be limited to;
 - i) landscaping and tree planting on road verges and boundaries;
 - ii) provision of habitat corridors;
 - iii) fencing of areas of environmental value; and,
 - iv) the removal from the site of all waste materials resulting from land clearing and the levelling and planting of all earth works and spoil heaps; and,
- (f) whether the proposed development is compatible with the existing rural and scenic character of the Shire of Toodyay.

5.2.3.3 Where development within the special control area is likely to substantially detract from the visual amenity of the district, taking into account the cumulative visual effect of that development and other development that may be anticipated in the locality and in the area generally, local government may:

- (a) refuse to grant its approval to the development, or
- (b) grant development approval subject to conditions regarding size, siting or materials to be used. *AMD 10 GG 19/04/16*

5.2.3.4 A person shall not fill, clear, drain, excavate or otherwise alter by earthworks, any land within the special control area or on any such land, construct any dam, building or levee for any purpose or restrict or partially or totally divert the natural flow of water or natural stormwater run-off or cause any storm water or other water or any other liquid from any source to flow into any creek, watercourse, lake or wetland without the written approval of the local government.

5.2.3.5 A person shall not without the approval of local government, ringbark, cut down, lop, top, prune, injure or destroy by any other means a tree on any land to which this clause applies unless:

- the tree is less than one metre high and has a girth of less than 15 millimetres at a height of 400 millimetres from the ground;
- the tree is dying, dead or has become dangerous;
- the tree is not a protected native plant;
- the tree is not located within 20 metres of a watercourse, or
- it is for the purpose of agricultural activities such as the clearing of fence lines and firebreaks and the removal of re-growth under the age of two years.

5.2.3.6 In considering any application for approval to clear land pursuant to sub-clause 5.2.3.5, the local government will take into account the possible effects on the landscape of the area, the possibility of erosion or other ecological consequences and may, at its discretion, refer the application to the Department of Environment and Conservation, the Conservation Commission of Western Australia or any other Government Department or Authority with a request for advice or, where considered appropriate, with a recommendation that the area concerned, or any part thereof, be considered for acquisition as National Park or Public Use Reserve.

AMD 10 GG 19/04/16

5.2.3.7 The local government may require the preparation of a statement of environmental impacts, which shall accompany a development application for any land subject to this clause to enable the local government to fully consider the possible environmental effects of the proposal.

AMD 10 GG 19/04/16

5.2.3.8 Without limiting the power of the local government to grant approval, the local government may grant approval to develop land to which this clause applies where it is satisfied that;

- (a) the characteristics of the land are different from the general characteristics on which the classification of the land was based; and,
- (b) there are no other reasonable or practicable alternatives in the circumstances.

5.2.4 Referral of applications for development approval

AMD 10 GG 19/04/16

The local government may refer any rezoning request or development application to any relevant agency for comment.

5.3 TOODYAY BYPASS SPECIAL CONTROL AREA

5.3.1 Purpose

The purpose of the Toodyay Bypass Special Control Area is to protect future residential development from traffic noise impacts associated with the Bypass.

5.3.2 Relevant considerations

In considering rezoning, development or subdivision applications, the local government will have regard to the potential impact of the Bypass on future residential amenity.

5.3.3 Application requirements

The local government will require an assessment of traffic noise levels from the Toodyay Bypass to be undertaken and suitable noise mitigation measures to be investigated and proposed as part of rezoning, development and subdivision applications.

5.4 WETLANDS/RIVER CHANNEL SPECIAL CONTROL AREA

AMD 10 GG 19/04/16

5.4.1 Purpose

The purpose of the Wetlands/River Channel Special Control Area is to manage development within the flood fringe or floodway of the Avon River as identified on the Scheme Maps as wetlands/river channel.

5.4.2 Application requirements

Development approval is required for all development within this special control area.

5.4.3 Relevant considerations

Any application for subdivision or development on land within a floodway or flood fringe as identified on the Scheme Maps as Wetland/River Channel is to be referred to the Department of Water and the local government shall pay due regard to any advice received on such applications..

SCHEDULES

AMD 10 GG 19/04/16

Schedule 1 General definitions Land use definitions	Dictionary of defined words and expressions
Schedule 2	Additional uses
Schedule 3	Restricted uses
Schedule 4	Special use zones
Schedule 5	Exempted advertisements
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Schedule 7	Rural Residential Development Requirements
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Schedule A	<i>Planning and Development (Local Planning Schemes) Regulations 2015 Deemed Provisions for Local Planning Schemes</i>

SCHEDULE 1 — DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

AMD 10 GG 19/04/16

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;

“**cabin**” means a dwelling forming part of a tourist development of caravan park that is –

- (a) an individual unit other than a chalet; and
- (b) designed to provide short-term accommodation for guests; AMD 9 GG 30/08/2016

“**chalet**” means a dwelling forming part of a tourist development or caravan park that is –

- (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and
- (b) designed to provide short-term accommodation for guests; AMD 9 GG 30/08/2016

“**commercial vehicle**” means a vehicle, whether licensed or not, which is used or designed or intended for use in conjunction with a profession, trade or business which has a tare weight of 4.5 tonnes or greater and without limiting the generality of the foregoing, shall include trucks, trailers, tractors and their attachments, buses and earthmoving machines, whether self-propelled or not.

“**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 87 of the Planning and Development Act 2005;
AMD 10 GG 19/04/16

“**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; *AMD 10 GG 19/04/16*

“Planning and Development Act” means 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;

“prefabricated building” means a building or section of a building which is manufactured in advance, either in whole or in sections, that can be easily transported and assembled. *AMD 4 GG 07/01/14*

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

“short term accommodation” means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period; *AMD 9 GG 30/08/2016*

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

2. Land use definitions

In the Scheme —

“abattoir” means a building or place used for the slaughter of animals, whether or not animal by-products are processed, manufactured or distributed, and includes a knackery;

“accommodation for temporary workers” means dwellings intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractor’s camp and dongas;

“aged or dependent persons dwelling or establishment” means a dwelling designed for the accommodation of aged or dependent persons as defined in the Residential Design Codes;

“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 plant or fruit nurseries;
- (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); or
- (d) aquaculture;

“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 accommodation”—*DELETED BY AMD 7 GG 28/07/15*

“ancillary dwelling” means a self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house;
AMD 7 GG 28/07/15

“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/or other livestock in feedlots; *AMD 4 GG 07/01/14*

“apiary” means land and buildings used for the keeping of the domestic honeybee;

“aquaculture” means the farming of aquatic organisms, including fish, molluscs, crustaceans and aquatic plants. It includes the breeding, hatching, rearing and cultivation for sale of all aquatic organisms;

“arts and crafts centre” means land or buildings used to create, display and/or sell works of art and craft;

“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 *Totalisator Agency Board Betting Act 1960*;

“brewery” means premises the subject of a producer’s licence authorising the production of beer, cider or spirits granted under the *Liquor Control Act 1988*; *AMD 9 GG 30/08/2016*

“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” is a premises used for the daily or occasional care of children in accordance with the regulations for child care under the *Child Care Services Act 2007* but excludes family day care; *AMD 4 GG 07/01/14*

“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 Crown, 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 organisations involved in activities for community benefit; *AMD 4 GG 07/01/14*

“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;

“dam” is a man-made structure built either through creating an obstruction across a watercourse or through alteration of the earth to create an area for the purposes of controlling the movement of water (whether in a watercourse, sheet surface flow or subsurface flows) and to create a water supply. This excludes a contour bank;
AMD 4 GG 07/01/14

“detention centre” means land or buildings used for the confinement or detention in custody of young offenders against the law with a view to their rehabilitation;

“display home centre” means dwelling/s intended to be open for public inspection as an example of the dwelling design;

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

“emergency services” means land or buildings used to store and maintain emergency vehicles and equipment, co-ordinate response to emergency events and may include training facilities and caretaker's dwellings;

“equestrian centre” means any land or buildings used for the showing, competition or training of horses and includes a riding school;

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

“factory unit” means a building or structure, or a group of buildings or structures on one lot, in which are carried on two or more separate industries or storage areas not owned or managed by the same person, or in which provision is made for the carrying on of two or more separate industries or storage areas not owned or managed by the same person;

“family day care” means premises used to provide family day care within the meaning of the *Community Services (Child Care) Regulations 1988*;

“farm stay/host farm” means the use of an existing farm building for the temporary or short stay accommodation for up to 16 persons;

“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;

“grouped dwelling” means a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata lot with common property;

“holiday accommodation” means 2 or more dwellings on one lot used to provide short-term accommodation for persons other than the owner of the lot ; *AMD 9 GG 30/08/2016*

“holiday house” means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast; *AMD 9 GG 30/08/2016*

“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;
- (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; 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; *AMD 4 GG 07/01/14*

“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 – noxious” means an industry in which the processes involved constitute an offensive trade within the meaning of the Health Act, 1911 (as amended), but does not include a fish shop, dry cleaning premises, marine collectors yard, Laundromat, abattoir, piggery or poultry farm; *AMD 4 GG 07/01/14*

“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, machinery and/or marine repair” means land or buildings used for the mechanical or body repair and overhaul of motor vehicles, motor cycles, caravans, marine vessels and machinery, including tyre repair, retreading, panel beating, spray painting, chassis reshaping or hull scouring;

“motor vehicle, machinery and/or marine sales and hire” means land and buildings used for the display, sale and/or hire of motor vehicles, motorcycles, caravans, marine vessels and machinery including storage, cleaning and minor repairs;

“motor vehicle, machinery and/or marine wrecking” means land or buildings used for the storage, breaking up or dismantling of motor vehicles, motor cycles, caravans and marine vessels and includes the sale of second hand motor vehicle and marine accessories and spare parts;

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

“movable dwelling” means a caravan defined under the Caravan Parks and Camping Grounds Act 1995, park home or other dwelling constructed and maintained on its own chassis and wheels and capable of mobility at all times, although it may be stabilised by jacks, provided with skirtings or designed and constructed to permit independent occupancy for dwelling purposes;

“multiple dwelling” means a dwelling in a group of more than one where any part of a dwelling is vertically above part of any other but does not include a Grouped Dwelling;

“night club” means premises —

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

“Nursing Home” means premises in which persons who do not require constant medical attention are received as patients and lodged for the purposes of medical supervision and nursing care;

“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” means a stand of trees of ten hectares, or larger, that has been established by sowing or planting of either native or exotic tree species selected and managed intensively for their commercial and/or environmental value. A plantation includes roads, tracks, firebreaks and small areas of native vegetation surrounded by plantations. Implicit in this definition is the recognition that plantation will be harvested; *AMD 4 GG 07/01/14*

“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;

“recreation - public” means the use of land for parks, gardens, playgrounds, sports arena or for recreation which are normally open to the public without charge but does not include a racecourse, a showground or golf course;

“relocated dwelling” means a residential dwelling which has previously been constructed and occupied (whether in the district or elsewhere) which is capable of being transferred and reconstructed for use as a residential dwelling;

“research centre” means a laboratory or other place where scientific or technological development or research is undertaken;

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

“restaurant / café” means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the *Liquor Control Act 1988*;
AMD 9 GG 30/08/2016

“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;

“roadside stall” means a place or temporary structure used for the retail sale of produce grown or manufactured on the land on which the roadside stall is sited;

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

- (a) does not involve employing more than 2 people who are not members of the occupier’s household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 200 m²; and
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle of more than 30 tonnes gross weight; *AMD 9 GG 30/08/2016*

“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;
AMD 4 GG 07/01/14

“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 (including a hairdresser or beauty therapist) 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;

“single house” means a dwelling standing wholly on its own green title or survey-strata lot together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property;

“small bar” means premises licensed as a small bar under the *Liquor Control Act 1988* and used to sell liquor for consumption on the premises but not including the sale of packaged liquor; and the number of persons who may be on the licensed premises limited to a maximum of 120. *AMD 4 GG 07/01/14*

“stockyard” means any premises primarily used for holding, sale, movement or treatment of stock animals; *AMD 4 GG 07/01/14*

“storage facility” means a premises which is predominantly used or provided for the use of the storage of goods, equipment, plant or materials and can include a contractors yard and salvage yards but not including on farm produce or on farm goods. *AMD 4 GG 07/01/14*

“tourist development” means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide —

- (a) short-term accommodation for guests; and
- (b) onsite facilities for the use of guests; and
- (c) facilities for the management of the development; *AMD 9 GG 30/08/2016*

“transport depot” means premises, or a portion of a premises, use for the parking or garaging of two or more commercial vehicles for financial reward, and

- (i) may include the maintenance and refuelling of those vehicles and the storage of goods brought to the premises by those vehicles, provided that those activities are ancillary to the parking or garaging of the commercial vehicles; and
- (ii) may include the transfer of goods or persons from one motor vehicle to another.- *AMD 4 GG 07/01/14*

“transportable structure” means a building or structure which has been prefabricated at another location and transported either whole or in parts to the intended location;

“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;

“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;

“waste disposal and treatment” means any class of landfill site as defined under the Landfill Waste Classification and Waste Definitions **1996** (as amended) and includes areas for the physical, chemical biological processing of waste for disposal or reuse.
AMD 4 GG 07/01/14

“waste transfer station” means land or buildings used for the collection and transferral or recycled and/or waste materials. *AMD 4 GG 07/01/14*

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

SCHEDULE 2 — ADDITIONAL USES

AMD 10 GG 19/04/16

No.	Description of land	Additional use	Conditions
1	14 Morangup Road,	Garden Centre Plant Nursery Shop	<p>(a) Development shall be in accordance with site plans approved by local government and will require the issue of development approval. <i>AMD 10 GG 19/04/16</i></p> <p>(b) Car Parking requirement will be determined by local government as a condition of development approval, taking into account the number of spaces estimated to be necessary. <i>AMD 10 GG 19/04/16</i></p> <p>(c) The additional use of shop shall not exceed a maximum gross leasable are of 100m².</p>
2	Lot 36 Toodyay Bindi-Bindi Road, Bejoording <i>AMD 5 GG 7/1/14</i>	Dog kennels	
3	Lot 7 Avon Loc 1953 Morangup Road Toodyay	Dumping of tyres	<p>(a) Tyre dumping only permitted in an area approved and defined on a plan adopted by local government.</p> <p>(b) Subject to environmental clearance and monitoring.</p> <p>(c) A memorial shall be placed on the Certificate of Title advising successors in title to the land that part of the land has been used for tyre disposal.</p>
4	Lot 47 Clarkson St West Toodyay	Theme Park (Private Recreation Shop)	<p>(a) Development to be in accordance with plans approved by local government.</p> <p>(b) Use of a shop will be restricted to the sale of craft goods and souvenirs.</p> <p>(c) The size of the shop to be no larger than 100m²; and</p> <p>(d) Landscaping and a vegetation buffer to be established in accordance with plans approved by local government.</p>
5	Lot 18 Racecourse Road, Toodyay <i>AMD 3 GG 14/6/13</i>	Caravan park including Backpacker's Accommodation, Men's shed, shop, office and manager's residence	<p>1. Permanent accommodation within the caravan park shall be limited to a maximum of 9 caravans or park homes.</p> <p>2. Development of the land shall be subject to a development application, and shall generally comply with a Structure Plan for the site that has been approved by the local government. <i>AMD 5 GG 7/1/14</i></p> <p>3. A Structure Plan shall be prepared and implemented for the site and shall include— <i>AMD 5 GG 7/1/14</i></p> <ol style="list-style-type: none"> Bushfire Management Plan; Landscaping plan, including details of any vegetation to be protected in accordance with the requirements of the Department of Environment and Conservation and the provision of landscape screen adjacent to the development in the vicinity of Hatfield Place (excluding firebreaks); Site plan, including any upgraded facilities, site access and staging details;

No.	Description of land	Additional use	Conditions
	Lot 18 Racecourse Road, Toodyay (Cont'd)		<p>d. effluent treatment and water supply details.</p> <p>4. Any access to Hatfield Place and Broadgrounds Place is to be for emergency access only and shall be appropriately restricted to the satisfaction of the local government.</p> <p>5. Vegetation is only to be removed from the site in accordance with the Bushfire Management and Landscaping plans.</p> <p>6. Development shall comply in all respects with the provisions of the <i>Caravan and Camping Act</i> and associated regulations.</p> <p>7. The development is to be serviced by an appropriate water supply and effluent disposal systems, as determined by the Local Government.</p> <p>8. Use of on-site communal facilities shall be restricted to occupiers of the caravan park and their guests.</p> <p>9. The use of reflective roofing and external materials on new buildings is not permitted.</p> <p>10. The additional use shall apply to the entirety of Lot 18 Racecourse Road. Should the lot be subdivided, appropriate consideration should be given to whether it is appropriate to apply additional uses to the proposed lots.</p>
6	Lot 59 Beaufort Street, West Toodyay <i>AMD 8 GG 16/6/15</i>	Restaurant Reception Centre	<p>1. Notwithstanding anything else in the Scheme, development on the site shall be subject to application to the local government for approval to commence development.</p> <p>2. The local government may require development applications to be advertised in accordance with Clause 64 of the deemed provisions. <i>AMD 10 GG 19/04/16</i></p> <p>3. In considering a development application, the local government may require the preparation of a site management plan to ensure the design, character and scale of the development is in keeping with the objectives of the Special Residential Zone.</p>
7	Lot 45 (381) Julimar Road, Toodyay <i>AMD 9 GG 30/08/2016</i>	Motel (D) Reception Centre (I) Restaurant/Café (I)	<p>1. Development approval is required for the additional uses.</p> <p>2. Accommodation is to be short-term accommodation.</p>
8	Lot 228 (439) Parkland Drive, Toodyay <i>AMD 9 GG 30/08/2016</i>	Restaurant/Cafe (I)	<p>1. Development approval is required for the additional uses.</p> <p>2. Restaurant is to be an incidental use to the rural pursuit undertaken on the site.</p> <p>3. When considering an application for development approval the local government may impose conditions in regard to:</p> <ul style="list-style-type: none"> • Hours of operation • Number of seats

No.	Description of land	Additional use	Conditions
9	Lot 66 (163) Howard Road, Toodyay <i>AMD 9 GG 30/08/2016</i>	Private Recreation Restaurant/Café (I)	<ol style="list-style-type: none"> 1. The private recreation shall only consist of gardens. 2. Development approval is required for the additional uses. 2. Restaurant is to be an incidental use to the private recreation undertaken on the site. 3. When considering an application for development approval the local government may impose conditions in regard to: <ul style="list-style-type: none"> • Hours of operation • Number of seats
10	Lots 57 (81) and 97 (65) Beaufort St West, Toodyay <i>AMD 9 GG 30/08/2016</i>	Tourist Development (D) Shop (I)	<ol style="list-style-type: none"> 1. Development approval is required for the additional uses. 2. Shop is to be an incidental use to the rural pursuit undertaken on the site, and only produce grown and produced on the site maybe sold from the shop.

SCHEDULE 3 — RESTRICTED USES
AMD 10 GG 19/04/16

No.	Description of land	Restricted use	Conditions

SCHEDULE 4 — SPECIAL USE ZONES

AMD 10 GG 19/04/16

No.	Description of land	Special use	Conditions
1	Lot 104 Sandplain Road, Toodyay <i>AMD 5 GG 7/1/14</i>	Health care resort, including residential buildings, conference facilities, dwelling and other buildings and uses approved by local government as being consistent with the primary intent of the zone.	Site development subject to local government development approval in accordance with approved site plans and any conditions imposed under development approval, including controls on building design and construction and landscaping. <i>AMD 10 GG 19/04/16</i>
2	Pt. Avon Loc 27620	Private Recreation and Caravan Park	Development for a Caravan Park shall comply in all respects with the provisions of the Caravan and Camping Act.
3	Lot 89 Church Gully Road	Abattoir	
4	Avon Location 27443 Toodyay Road	Trout farm/fish out and associated facilities, restaurant, picnic area and holiday resort.	In accordance with a concept plan approved by local government with all required septic tanks, leach drains or other such installations for on-site disposal of sewerage effluent or wastes not being constructed closer than thirty (30) metres from a watercourse or stream and not within land subject to flooding.
5	Lots 111-115, 117 & 118 Clackline Toodyay Road	1 Emu farm, tannery and workshop showroom. Art & Craft Gallery, eating facility, and accommodation units. 2 Rural Use.	Tannery use subject to approval of the EPA.
6	Lots 340, 641, Avon Loc 1677 Julimar Road Tannahil Tourism and Holiday Complex. <i>AMD 5 GG 7/1/14</i>	Uses permitted subject to local government approval: 1. Rural Pursuit 2. Equestrian Centre 3. Holiday Accommodation 4. Restaurant 5. Private recreation 6. Seminary facilities 7. Wildlife Park	Uses subject to conformity with an approved site structure plan, and prior to determination of development applications for the abovementioned uses, local government shall consider the following issues: <i>AMD 5 GG 7/1/14</i> (a) Provision of a suitable water supply for fire fighting purposes; (b) Provision of a low fuel area in the vicinity of buildings or areas requiring protection from fire; (c) Provision of a strategic firebreak on the subject land; (d) Provision of a Foreshore Management Deed of Agreement covering an area of approximately 15 metres in width from the top of the bank either side of the Phillips Brook;

SCHEDULE 4 — SPECIAL USE ZONES (Cont'd)

No.	Description of land	Special use	Conditions
6	Lots 340, 341, Avon Loc 1677 Tannahill Tourism and Holiday Complex. (Cont'd)		(e) The disposal of domestic sewerage and any related requirements of the Department of Health of WA. <i>AMD 5 GG 7/1/14</i>
7	Pt Avon Loc V, Northam Toodyay Road	Toodyay Baptist Church for Religious Purposes, Church Dwelling and ancillary uses.	In accordance with the Concept Plan approved by local government.
8	Avon Locations 71, 217, 1069 and 399 Wattening Springs Road, Toodyay	Uses permitted subject to local government approval: 1. 24 Hour tourist getaway 2. Caretaker's Dwelling	Uses subject to conformity with an approved site structure plan, and prior to determination of development applications for the abovementioned uses, local government shall consider the following issues: <i>AMD 5 GG 7/1/14</i> (a) The construction of two large pergola structures only; (b) The use of compost toilets in accordance with relevant Health Regulations; (c) Any swimming pool/spa being constructed in accordance with relevant Health Regulations; (d) Shower and washing facilities being constructed in accordance with relevant Health requirements with wastewater being relocated to a suitable disposal area away from water surfaces to address potential environmental impacts; (e) A maximum of forty (40) people being accommodated on site at any one time excluding staff; (f) Accommodation facilities to be relocatable to minimise impact to the environment; (g) Any dwelling to be constructed on site to be located on the higher ground in order to prevent adverse environmental impacts on the existing water courses; (h) A singular vehicle entry only from Wattening Springs Road; (i) No private client vehicles to be allowed on site with the exception of authorised bus transportation of clients; (j) Walkways to be constructed to minimise potential adverse impacts to the environment;

SCHEDULE 4 — SPECIAL USE ZONES (Cont'd)

No.	Description of land	Special use	Conditions
8	Avon Locations 71, 217, 1069 and 399 Wattening Springs Road, Toodyay (Cont'd)	<p>Uses permitted subject to local government approval:</p> <p>24 Hour tourist getaway</p> <p>Caretaker's Dwelling</p>	<p>(k) No motor cycles to be allowed on site with the exception of agricultural or maintenance vehicles;</p> <p>(l) Agricultural stock to be located so as to minimise potential impacts on the environment and existing water courses;</p> <p>(m) Perennial water courses to be fenced off and strategically grazed for fire hazard reduction;</p> <p>(n) On site fire places and barbeque facilities to be constructed to the satisfaction of the local government.</p>
9	Reserve 46058, Lot 298 Folwood Road, Toodyay.	Religious Purposes and Ancillary Purposes (Toodyay Congregation of Jehovah's Witnesses)	Development shall be generally compatible with the objectives of the adjoining zones.
10	Avon Loc 463 Julimar Road	Boutique micro-brewery and chalets	<p>Site development subject to local government's development approval in accordance with approved site plans and any conditions imposed under development approval, including controls on building design and construction, and landscaping.</p> <p><i>AMD 10 GG 19/04/16</i></p>
11	Lot 525 Nerramine Drive, Julimar	Restaurant, winery, chalets, single dwelling and rural use	<p>Uses may be approved at discretion of the local government, following, if deemed necessary by the local government, an advertising period of not less than 21 days.</p> <p><i>AMD 10 GG 19/04/16</i></p> <p>Consideration will be given to the following when determining a development application for the site, to ensure the proposal is in keeping with the rural nature of the area:</p> <p>(a) Building design and location</p> <p>(b) Construction materials</p> <p>(c) Landscaping</p> <p>(d) Floor area, opening hours and capacity of the restaurant</p> <p>(e) Number of chalets</p> <p>(f) Traffic movements</p> <p>(g) Offsite impacts.</p>

SCHEDULE 4 — SPECIAL USE ZONES (Cont'd)

No.	Description of land	Special use	Conditions
12	Lot 1 Salt Valley Road, Hoddy Well	Landfill – Class 1 Waste Only	<p>(i) Operation of landfill on Lot 1 is to be in accordance with the management plans contained in <i>Rehabilitation of Clay Pit Lot 1 Salt Valley Road, Toodyay</i> prepared by Landform Research, July 2004</p> <p>(ii) The landfill is to be confined to that part of Lot 1 that has been used for an extractive industry and such adjacent land as is required for operation of landfill as identified in the management plans referred to in paragraph (i).</p> <p>(iii) Unless otherwise in accordance with the management plan referred to in paragraph (i), existing vegetation is not to be removed from the operation of landfill.</p> <p>(iv) Tyres, asbestos and putrescible waste may not be disposed of at the landfill facility.</p>
13	Lot 5 Dumbarton Road	Chalet Development, shop, restaurant and seminar facilities.	<p>Uses are permitted subject to the following conditions:</p> <p>a) Subject to a structure plan being adopted by the local government prior to consideration of development approval, The design, character and scale of development shall be in keeping with the objectives of the Rural 5 – Resource Conservation zone. In considering an application for development approval, the local government will have particular regard to landscaping, servicing and amenity. <i>AMD 5 GG 7/1/14</i> <i>AMD 10 GG 19/04/16</i></p> <p>b) Each additional use requires development approval of the local government. <i>AMD 10 GG 19/04/16</i></p> <p>c) No more than six (6) chalets being developed on site.</p> <p>d) The additional use of 'shop' shall not exceed a maximum gross leasable area of 100m², and will be restricted to the sale of craft goods, souvenirs and other tourism related products.</p>

SCHEDULE 4 — SPECIAL USE ZONES (Cont'd)

No.	Description of land	Special use	Conditions
	Lot 5 Dumbarton Road (Cont'd)		e) The seminar facility is to be developed for no more than 50 persons. Licensing of this development would ensure this could be regulated.
14	Lot 11 Chitty Road, Toodyay	<ol style="list-style-type: none"> 1. Waste Disposal and treatment 2. Rural Uses 	<ol style="list-style-type: none"> 1. Development of the site is to be in accordance with SAT Decision [2013] WASAT88 in regard to Matter Number DR292 2012. 2. As per the requirements for the "Rural" zone. <p><i>AMD 5 GG 7/1/14</i></p>

SCHEDULE 5 — EXEMPTED

AMD 10 GG 19/04/16

Land use and/or development	Exempted sign	Maximum size
Dwellings	One professional name-plate as appropriate.	0.2m ²
Home Business	One advertisement describing the nature of the home occupation.	0.2m ²
Places of Public Meeting, assembly or Worship.	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m ²
Entertainment Venue	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 commercial development.	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 any local government Local Law or Planning Policy in place from time to time. <i>AMD 10 GG 19/04/16</i>	A maximum of one free-standing advertisement signs not exceeding 5m in height above ground level.
Industrial and Warehouse Premises	A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building.	Total area of any such advertisements, shall not exceed 15m.
Industrial and Warehouse Premises continued..	A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.	Maximum permissible total area shall not exceed 10m ² and individual advertisement signs shall not exceed 6m ² .

SCHEDULE 5 — EXEMPTED (CONT'D)

Land use and/or development	Exempted sign	Maximum size
Public Places and Reserves	<p>(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government a public authority or local government of a local government excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body.</p> <p>(b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the local government of a local government.</p> <p>(c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m ² in area.
Advertisements within buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A

SCHEDULE 5 — EXEMPTED (CONT'D)

Land use and/or development	Exempted sign	Maximum size
All classes of buildings other than single houses.	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
Building Construction Sites (advertisement signs displayed only for the duration of the construction as follows: a) Dwellings. b) Multiple Dwellings, Shops, Commercial and Industrial projects. c) Large Development or redevelopment projects involving commercial centres, office or other buildings exceeding 3 storeys in height.	One sign as for (i) above One Advertisement per street frontage containing details of the project and the contractors undertaking the construction work. One sign as for (i) above One additional sign showing the name of the project builder.	2m ² 5m ² 10m ² 5m ²
Sales of Goods or Livestock	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2m ²
Property Transactions. Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows: a) Dwellings b) Multiple Dwellings, Shops, Commercial and Industrial Properties.	One sign per street frontage for each property relating to the sale, leading or impending auction of the property at or upon which the sign is or the signs are displayed. One sign as for (a) above	Each sign shall not exceed an area of 2m ² . Each sign shall not exceed an area of 5m ² .

SCHEDULE 5 — EXEMPTED (CONT'D)

Land use and/or development	Exempted sign	Maximum size
c) Large properties comprised of commercial centres, buildings in excess of four storeys and rural properties in excess of 5ha.	One sign as for (a) above	Each sign shall not exceed an area of 10m ² .
Display Home Centres: Advertisement signs displayed for the period over which homes are on display for public inspection.	<p>(a) One sign for each dwelling on display</p> <p>(b) In addition to (a) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.</p>	<p>2m².</p> <p>5m²</p>

SCHEDULE 6 — ENVIRONMENTAL CONDITIONS

[cl. 4.6.1]

AMD 10 GG 19/04/16

Scheme or Amendment No.	Gazettal Date	Environmental Conditions

SCHEDULE 7 —

**RURAL RESIDENTIAL DEVELOPMENT
REQUIREMENTS**

AMD 10 GG 19/04/16

Description of Land	Development Requirements
<p>“Rugged Hills” subdivisional area (being Lots 205, 206, 222 and 233 Flexuosa Place; 207-216 and 224-232 Ridley Circle; and 201-204, 220-223, 217-219 Wilkerson Road).</p> <p>AMD 5 GG 7/1/14</p>	<p>(a) Notwithstanding Clause 3.3, rural pursuits and the keeping of livestock are not permitted.</p> <p>AMD 10 GG 19/04/16</p>
<p>“Sanctuary Park” subdivisional area (being Lots 21–28, 39, 47 and 48 Scaevola Road; 37, 38, 9002, 405 and 58–62 White Gum Ridge; 36, 44–46 and 49–57 Darwinia Crescent; and 29–35 and 40–43 Laterite Way).</p> <p>AMD 5 GG 7/1/14</p>	<p>(a) Notwithstanding Clause 3.3, rural pursuits are not permitted.</p> <p>AMD 10 GG 19/04/16</p> <p>(b) Livestock may be held on lots west of White Gum Ridge in areas already cleared of natural vegetation at the time of subdivision and wherein slopes are 10% or less. The holding of livestock is permitted for domestic purposes only. That is, stock may be held for the use and enjoyment of landowners, or for the purposes of keeping of growth of grassland (and therefore fire hazard) in check. Commercial stockholding based activities constitute a rural pursuit and there not permitted.</p>
<p>“Majestic Heights and Majestic Waters” subdivisional areas (being Lots 1, 2, 11, 43, 46, 55, 56, 59–68, 70 200 and 201 Stirlingia Drive; Lots 3 Drummond Drive; Lots 9–22 Adenanthus Road; Lots 26 and 28-38 Hibbertia; Lots 14 and 48–54 Hemiandra Place; Lots 1–10 and 71–73 Sesselis Road; Lots 11–13 Hatfield Road, Lots 14–17 Broadgrounds Place and Lot 18 Racecourse Road).</p> <p>AMD 5 GG 7/1/14</p>	<p>(a) Notwithstanding Clause 3.3, the keeping of any animal stock within the subdivisions of Magestic Heights and Majestic Waters is subject to approval of local government on the merits of the proposal.</p> <p>AMD 10 GG 19/04/16</p> <p>(b) Notwithstanding the provisions of the Scheme, the Western Australia Planning Commission may, after consultation with local government, approve a plan of subdivision within Policy Area No.3, in which the minimum lot size is less than 2 hectares provided that:</p> <p>(i) In any event no less than 0.8 ha in area.</p> <p>(ii) The number of lots permitted does not exceed the number which, in the opinion of the Western Australia Planning Commission and the local government, could otherwise be achieved under the provisions of the Scheme.</p>

Description of Land	Development Requirements
Part Lot 18 Broadgrounds Place "Majestic Heights and Waters" (Cont'd)	(iii) The surplus area is allocated to public ownership as open space or reserves for the protection of some features of natural, historic and scientific value. (iv) The variation in standards is, in the opinion of the Western Australia Planning Commission and the local government, desirable in the interests of enhancing or protecting the natural environment.
Lots 63 & 64 and Pt Avon Loc 0 Balgalling Road	Residential use on a lot is not permitted within the 100 metres stream setback area.
Lot 5628 Julimar Road, West Toodyay <i>AMD 1 GG 14/6/13</i> <i>DELETED AMD 5 GG 7/1/14</i>	
Lots 397 and 280 Horseshoe Road and Lot 396 on P225043 West Toodyay <i>AMD 2 GG 04/07/14</i>	<ol style="list-style-type: none"> 1. Subdivision shall generally be in accordance with the endorsed Structure Plan adopted by the local government and endorsed by the Western Australian Planning Commission and any approved modification thereto. The structure plan shall be based on the Plan dated November 2013 13/041/006A and respond to the fire management plan, local water management strategy and the environmental management plans required to be prepared. 2. Building envelopes are to be shown on the structure plan and be- <ul style="list-style-type: none"> • Located to avoid, as far as practicable, the removal of any native vegetation; • Located in areas of moderate bushfire risk only. No building envelopes are to be located in areas identified as extreme bushfire risk; • Located to allow for on-site effluent disposal and grey water recycling systems, taking into account soil conditions, slope, drainage and vegetation; and • no larger than 2000m². 3. All buildings, including water tanks, on-site effluent disposal and grey water reuse systems, are to be confined to within the identified building envelopes for each lot unless a more appropriate location can be found and development approval is obtained from the local government. <i>AMD 10 GG 19/04/16</i>

Description of Land	Development Requirements
<p>Lots 397 and 280 Horseshoe Road and Lot 396 on P225043 West Toodyay (Cont'd)</p>	<ol style="list-style-type: none"> <li data-bbox="778 297 1355 629">4. The subdivider shall prepare a Fire Management Plan in accordance with Planning for Bushfire Protection Guidelines that identifies the need for any construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary, to the satisfaction of the local government and the Department of Fire and Emergency Services. <li data-bbox="778 663 1355 842">5. Roads and emergency access ways are to be constructed at the first stage of subdivision to provide two access options to the external road system, in accordance with Planning for Bushfire Protection Guidelines. <li data-bbox="778 875 1355 1025">6. Upgrading of the existing fire tank/fire fighting equipment on Horseshoe Road to allow it to service additional lots created through subdivision is to be undertaken at the first stage of subdivision. <li data-bbox="778 1059 1355 1272">7. The lots are bushfire prone and all dwellings must be constructed to Australian Standard 3959-2009 (as updated). A bushfire attack level assessment satisfactorily addressing the level of bushfire hazard applying to the land is required to be submitted. <li data-bbox="778 1305 1355 1518">8. Clearing of vegetation is only to be undertaken in accordance with the approved structure plan. Clearing of areas not identified in the structure plan for this purpose is not permitted without the development approval of the local government. <i>AMD 10 GG 19/04/16</i> <li data-bbox="778 1552 1355 1671">9. The subdivider shall prepare a local water management plan to the satisfaction of the local government and the Department of Water. <li data-bbox="778 1704 1355 1973">10. At development stage, a minimum combined roof area of 405m² is required in order to harvest rainwater for potable use. Each dwelling shall have a water tank with a minimum size of 120,000 litres, with 10,000 litres in the tank to be kept in reserve for fire fighting purposes and fitted with standard fire fighting fitting and valves.

Description of Land	Development Requirements
<p>Lots 397 and 280 Horseshoe Road and Lot 396 on P225043 West Toodyay (Cont'd)</p>	<p>11. Each dwelling is to be fitted with a Department of Health approved greywater recycling system, installed to the satisfaction of the local government. Bore water, dams or additional roof catchment may be used as supplementary non-potable water sources, to the satisfaction of the local government.</p> <p>12. Prior to subdivision, the subdivider shall prepare an Environmental Management Plan, to the satisfaction of the local government, in consultation with the Department of Parks and Wildlife, which shall include;</p> <ul style="list-style-type: none"> • A cockatoo and chuditch management plan; • Identification of key cockatoo habitat locations; • Identify fencing types and locations, to allow for the movement of fauna between vegetated areas; • Areas of native vegetation to be retained and preserved; • The location and means of protection of declared rare flora (if any). <p>13. The approved Fire Management Plan, Environmental Management Plan and Local Water Management Plan shall be implemented prior to the subdivision of the land.</p> <p>14. At subdivision stage, notification pursuant to Section 70A of the <i>Transfer of Land Act</i> to be included on titles to ensure that the purchasers are aware that:</p> <ul style="list-style-type: none"> • No reticulated water supply is available and the landowner will be responsible for the provision of a potable water supply in accordance with the Scheme requirements; • 405m² of roof catchment is to be constructed at development stage; • each dwelling is required to be fitted with a Department of Health approved greywater recycling system, installed to the satisfaction of the local government; • The lot is surrounded by an area of extreme bushfire risk;

Description of Land	Development Requirements
<p>Lots 397 and 280 Horseshoe Road and Lot 396 on P225043 West Toodyay (Cont'd)</p>	<ul style="list-style-type: none"> • A Fire Management Plan has been prepared for the site and the ongoing implementation of the plan will be the responsibility of the landowner; and • An Environmental Management Plan has been prepared for the site and the ongoing implementation of the plan will be the responsibility of the landowner. <p>15. The keeping of livestock is not permitted.</p> <p><i>AMD 2 GG 04/07/14</i></p>

Description of Land	Development Requirements
<p>Lot 5628 Julimar Road, West Toodyay</p>	<ol style="list-style-type: none"> 1. Subdivision shall generally be in accordance with the endorsed Structure Plan a adopted by the Local government and the Western Australian Planning Commission and any approved modifications thereto. 2. All buildings including water tanks and on-site effluent disposal systems, are to be confined to within the identified building envelopes for each lot unless detailed site specific investigations identify a more appropriate location within the respective lot and outside any tree preservation areas, and development approval is obtained from the local government. All building envelopes shall be- <i>AMD 10 GG19/04/16</i> <ul style="list-style-type: none"> • Shown on the Structure Plan; • Located to avoid, as far as practicable, the removal of any native vegetation or any area recognised for tree or landscape preservation on the Structure Plan; • Located to exclude areas identified as low capability for residential purposes; • A maximum of 2,000m² in size unless otherwise approved by local government. 3. Each dwelling shall have a minimum water supply of 120,000 litres of which 10,000 litres is to be kept in reserve for fire fighting purposes and fitted with standard fire fighting fittings and values. 4. The subdivider shall prepare and implement a Fire Management Plan prepared in accordance with Planning for Bushfire Protection Guidelines that identifies the need for any construction requirements relative to strategy firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary, to the specifications and satisfaction of the government and the Department of Fire and Emergency Service. 5. The keeping of livestock on any lot is to be restricted to outside of fenced tree preservation areas, or inside of fenced building envelopes. <i>AMD 5 GG 7/1/14</i>

SCHEDULE A — PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015 DEEMED PROVISIONS FOR LOCAL PLANNING SCHEMES

AMD 10 GG 19/04/16

Supplemental provisions to the deemed provisions

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

Clause 61(1)

- (k)** the erection or installation of a sign or advertisement of a class specified in Schedule 5 of this Scheme that applies in respect of the sign unless the sign is to be erected or installed -
- (i) on a place included on a heritage list prepared in accordance with this Scheme; or
 - (ii) on land located within an area designated under this Scheme as a heritage area.
- (l)** the erection or extension of a single house on a lot 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) in the Rural Residential and Rural Living Zone, where the proposed development is not in accordance with the designated building envelope contained in an endorsed structure plan; or
 - (vii) in the Rural Residential zone where a reticulated water supply is not available (for habitable buildings only); or
 - (viii) on a lot which does not have permanent legal vehicular access to a constructed and gazetted road.
- (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 the *Heritage of Western Australia Act 1990* Part 6; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29; or
 - (vi) in the Rural Residential and Rural Living Zone, where the proposed development is not in accordance with the designated building envelope contained in an endorsed structure plan; or

- (vii) in the Rural Residential zone where a reticulated water supply is not available (for habitable buildings only); or
 - (viii) on a lot which does not have permanent legal vehicular access to a constructed and gazetted road.
- (n)** the painting or application of render on external surfaces on any building or structure, except where the building or structure is -
- (i) located in a place that has been entered in the Register of Heritage Places under the *Heritage Act of Western Australia 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 prepared in accordance with this Scheme; or
 - (iv) located within an area designated under the Scheme as a heritage area.
- (o)** 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 Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ix) the subject of an order under Part 6 the *Heritage of Western Australia Act 1990*; or
 - (ii) included on the heritage list prepared in accordance with this Scheme; or
 - (iii) located within an area designated under the Scheme as a heritage area.
- (p)** the carrying out of any works on, in, over or under any street or road by a Public Authority acting pursuant to any Act.

Clause 61(2)

- (g)** the carrying out of a Rural Pursuit in the Rural Residential and Rural Living zones that:
- (i) is not used for trade or commercial purposes; and
 - (ii) complies with the recommended stocking rates and environmental protection requirements of the relevant State Government departments.

ADOPTION

Adopted by resolution of the Council of the Shire of Toodyay at the Ordinary Meeting of Council held on 26th day of June 2003.

PRESIDENT

CHIEF EXECUTIVE OFFICER

Adopted for final approval by resolution of the Shire of Toodyay at the Ordinary Meeting of Council held on the 22nd day of July 2004, and the seal of the municipality was pursuant to that resolution hereunto affixed in the presence of:

PRESIDENT

CHIEF EXECUTIVE OFFICER

Recommended/Submitted for Final Approval

**DELEGATED UNDER S.16 OF THE
PLANNING AND DEVELOPMENT ACT 2005**

DATE

**MINISTER FOR PLANNING AND
INFRASTRUCTURE**

DATE: 17/2/07